

Towards meaningful disability workforce and pay gap reporting

The challenges and unintended consequences

Business Disability Forum
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Glossary

Disability employment gap (DEG): the gap between the number and percentage of working age disabled people and working age non-disabled people who are in employment. The DEG is measured by statistics collected by the UK Government. Working age is defined as 16-64 years old.

Disability workforce reporting (DWR): Employers collect and publish the number of disabled people they employ in their workforce. Has also been called disability data monitoring or prevalence data.

Mandatory reporting: When employers are **required** to publicly report the workforce and or pay gap data they collect.

Pay gap reporting: Measuring and reporting the difference in pay between employees with protected characteristics and employers who do not have that protected characteristic. For example, the **disability pay gap** is the difference in pay between disabled and non-disabled employees.

Public reporting or public transparency: Employers make their data available to the public by, for example, publishing on their website or in a publicly available annual report. Organisations subject to or using the Public Sector Equality Duty fall within this.

Sector or industry regulation reporting: Employers are **required** to report their workforce or pay gap data to a sector regulator. There is no central, UK level legal framework which mandates this as such, but a sector or industry has required it.

Voluntary reporting: Employers **choose** to share the data they collect, even when they are not obligated to do so by regulatory or legal requirements.

Voluntary Reporting Framework (VRF): The framework in the UK Government's Disability Confident scheme which employers can use to help them collect and report workforce data about disability and mental health in their organisations.

Workforce reporting: Employers collecting and publishing data about the prevalence of a specific protected characteristic or 'diversity group' in their workforce. This data could be shared internally or externally. 'Workforce reporting' can refer to any workforce-related data which is broken down and analysed by protected characteristic or diversity group and can include performance, grievances, absence and leave, uptake of flexible working, for example.

Disability workforce reporting in this paper refers to employers measuring and publicly reporting the number of disabled people they employ in their organisation.

Foreword

Telling someone about a disability can be nerve-wracking, relieving, frightening, or liberating. With most disabilities not being immediately visible, employers who want to – or must – report on the number of disabled employees in their workforce, or their disability pay gap, are reliant on their workforce being willing to do so.

This research paper presents the result of a three year plus project looking at the challenges, benefits and possible unintended consequences of disability workforce reporting and, later, disability pay gap reporting. It began with gathering views to inform Business Disability Forum's (BDF) consultation response on the former Government's proposals to introduce mandatory disability workforce reporting and since developed to include a focus on pay gap reporting. At the time of writing, it is likely that the current Government will announce proposals to progress mandatory pay gap reporting for large employers.

Our aim with this paper and in presenting our findings is to make sure that any new proposals and legislation are as effective as possible in achieving their desired aims. For BDF, making policy 'well' means ensuring we have asked the uncomfortable questions, understanding why a policy could fail and equally understanding why it could just be the intervention that every disabled person needs. Probing for the flaws as well as the positives is about trying to 'iron them out' before we cement them in policy and legislation and making sure that any workforce reporting requirements are as effective as possible in driving meaningful change – and inclusion.

Through our project, we wanted to find out if workforce reporting actually increases disability inclusion – and if not, what (else) is needed to achieve this. We also wanted to look beyond the 'moral argument' – where reporting is clearly 'the right thing to do' – to look at the nuances in its implementation; the practical challenges, issues and consequences as well as the benefits.

Employers told us that many discussions about mandating disability workforce and pay gap reporting have been based on this moral argument, without the detail being explained. This was evident when, at the start of your project, we asked employers if they agreed that mandatory workforce reporting should be implemented:

- 75 per cent of the employer working group that we formed¹ felt mandatory disability workforce reporting should be introduced, but subject to working out the detail, and 55 per cent felt mandatory workforce reporting would improve disabled employees' experiences of work.

¹ N=64.

- After another two sessions and in-depth discussions, those figures fell to 70 per cent and 50 per cent respectively.
- By the end of the data collection period, when we asked the question again, each employer in the group said that they felt these proposals needed more thought and therefore felt they could not say either way if they felt mandatory workforce reporting would be effective. The overwhelming feeling was that the proposal needed more thought.

This was indicative of how the more the challenges, benefits, consequences of workforce reporting and, later, disability pay gap reporting were unpacked and discussed, the more informed employers felt they were to understand (a) whether they thought it was an effective measure to bring in, and (b) what they could be doing internally to mitigate and navigate some of the unintended consequences and challenges that we had collectively uncovered and discussed as a working group.

“I had no idea about any of these consequences of data monitoring until we started this group. It makes me realise that, although we [the group] have done so much together, we have so much more to do”.

The working group then became focused on the practicalities of the unintended consequences and how to make mandatory reporting work as best as it could, on the assumption that this policy was more likely than not to be brought in by the Government. This shift was helpful, because it moved our debates about disability workforce reporting on from being a predominantly moral (‘it is the right thing to do’) and emotional (‘we should do this’) to “if we are going to need to do this, how can we do it most effectively?”

In producing this report, our intention is to explore the efficacy of reporting in benefiting disabled people’s employment opportunities and helping employers collect the right type of data which is going to help them keep disabled people employed in their organisations – and importantly, having a good, inclusive experience of those organisations which makes them feel as though they belong there. We also aim to highlight and discuss the unintended consequences of mandatory workforce and pay gap reporting policy proposals so that those consequences can be avoided.

Conducting this project has been shocking, lively, frustrating, worrying, fun, and surprising. It is here that we are back to the feedback our working groups gave on what they felt about the project and, again, how many disabled employees feel about the conflicting, messy, uneasy, but real experiences of being disabled and talking about (or not talking about) it at work. This paper, in all of its messiness, imperfections and disagreements, has been the journey of employers and employees working on this together – including

employers and regulators working on data reporting requirements in their sectors, and disabled employees who talk about their disability at work as well as though who don't.

Executive Summary

Introduction

Disability workforce and pay gap reporting initiatives in workplaces and mandatory proposals from Government and regulators are carried out with the best of intentions and with a worthy primary objective in mind: greater inclusion for disabled people in workplaces and in the wider labour market. On initial consideration, it seems simple - the right thing to do. But when the government introduced their disability workplace reporting consultation in 2021, we were taken with the wording used in one of the chapters: ‘unintended consequences’. It struck us that there were not many insights on the unintended consequences of what is now decades of diversity workforce reporting. We therefore sought to focus on this by designing a project that gathered insights from employers and disabled employees to explore the nuances of this complex and sometimes emotive topic, to identify what these unintended consequences of upcoming mandatory disability workforce and pay gap reporting requirements could be and to make recommendations on how to address or mitigate them.

The findings surprised us. Our research showed that where workforce and pay gap reporting focusses solely on reportable numbers, it can inadvertently ‘incentivise’ employers into non-inclusive behaviours which have a negative impact on disabled employees – the very opposite to what reporting seeks to achieve. In addition, as disabled employees themselves corroborated in our research, focussing on the number of disabled employees in a workforce alone is not the same as making a workplace inclusive for disabled employees. The situation is, then, that employers focus their attention on changing the figures while disabled employees - who make up those numbers - remain unsupported and often waiting for the adjustments they need. Workforce and pay gap reporting then helps measure disability (but with limitations), but alone it does not help employers advance inclusion. Instead, the most important and sustainable measure of workplace and wider labour market inclusion is how disabled employees **feel** they are treated and whether the employer continually makes adjustments as and when disabled employees need them. It is the **experience** of work that constitutes inclusion for disabled people that is important – not just whether and in what number disabled people are present.

Our aim with this research and in presenting our findings is to make sure that any new proposals and legislation on mandatory disability workforce and pay gap reporting are as effective as possible in achieving their desired aims. For Business Disability Forum (BDF), making policy ‘well’ means ensuring we have asked uncomfortable questions, understanding how and why a policy could fail, and equally understanding why it could just be the intervention that every disabled person needs. Probing for the flaws as well as the positives is about trying to ‘iron them out’ before we cement them in policy and legislation

and making sure that any workforce reporting requirements are as effective as possible in driving meaningful change – and inclusion.

Key findings

- Mandatory disability workforce and pay gap reporting can have many unintended consequences for disabled employees. Employers are sometimes declining reasonable adjustments such as a reduction in hours, job carving, or reducing the seniority of someone’s role when it is the request of the employee purely so that it does not widen their organisation’s disability pay gap.
- Mandatory reporting has been carried out for decades in many industries and remains mandatory in many sectors. Newly proposed reporting requirements would mean some employers would need to fulfil 4 (sometimes more) mandatory reporting responsibilities – each with different requirements.
- Disabled employees were more against mandatory reporting than employers – employers were not ‘against’ having to do it; they just didn’t think it was effective and the right type of data to focus on if they wanted to make meaningful changes for employees in the workplace.
- Organisations that had opened up their support and workplace adjustments support to any employee who wanted to work in a different way found that the number of employees saying they have a disability fell. Employers said this was because when they have good processes, they “rarely” need to know if an employee has a disability, just what they are finding difficult. Disabled employees who worked in organisations where they felt included and had all the adjustments they needed also said they “haven’t needed to” say they have a disability.
- Meaningful disability pay gap reporting is not about how much disabled employees earn; it’s about **why** they earn what they earn. Some want to do more, but others want to do less to help them manage their disability and keep working, even if ‘keeping working means fewer hours.

Recommendations

Based on the proposals and draft legislation we have seen, we have developed the following recommendations for Government:

- **Any disability pay gap requirements that come in should be reported by hourly pay as well as by hours worked.** This would allow for (a) the overall pay gap to be captured, and (b) for employers to follow up with disabled employees to check if they are happy with their current hours or if they have unsuccessfully tried to gain more work in the organisation. In this case, employers should look into the reasons for this.
- **Recognise that mandatory workforce reporting puts the onus on disabled employees to share as much as it puts a duty on employers to report.** Reportable figures are not about how many disabled people there are in a workforce; they are about how many disabled people have **chosen** to tell their employer that they are disabled – and no employer should be pressurising disabled people to share this information at work if they do not want to.
- **Resolve the “mixed message” of encouraging employers to do more to offer options such as job carving and flexible working alongside the message of ‘narrow your disability pay gap’.**
- **Ensure nothing in the proposal discourages employers from taking up and expanding disability employment programmes and job carving initiatives,** for example by clearly categorising employers who engage in such schemes. Where employers undertake formal, sizeable disability employment schemes and programmes, the pay gap reporting system should allow them to identify this in some way, so that these employers have their data flagged or noted.
- **Explain how the Government will identify and what it will do to act when employers are demonstrating practices that are resulting in poor experiences for disabled people** (such as denying employees’ adjustments requests) in order to improve figures or narrow their disability pay gap.
- **Enable employers to submit a narrative with their workforce and/or pay gap figures which allows them to show the story behind the figures and share any evidence they have to help explain their figures.** It is in the interest of businesses to share this narrative in their reporting as it allows them to show the good practices that they are doing, and to say what they plan to do to improve their figures and where they are going to focus. This also enables employers to share other measures like engagement scores, satisfaction with workplace adjustments and other indicators that help give an indicator of how it “feels” to work here.

The above recommendations are based on the “direction of travel” in which we believe reporting requirements are going. If reporting requirements become mandatory, our recommendations would be for employers to be required to report on the **experience**

disabled employees have; whether they have all the adjustments they need; how long it took to get those adjustments; and how inclusive for disabled people they feel their organisation is.

Background

Diversity, inclusion, equity, organisational culture, neurodiversity, mental health, well-being – all of these terms and topics have never before been more “on the agenda” in workplaces than they are today. Yet none are exceptionally new concepts, even if the language has shifted. In 2025, disability equality legislation that implemented disabled people’s right to reasonable adjustments at work will be 30 years old (Disability Discrimination Act 1995), and the Equality Act 2010, which expanded the remit of what defines a ‘disability’ will be 15 years old. And yet, disabled people’s experiences of work are lagging: they find it difficult to get the adjustments they need;² they are bullied, harassed or feel patronised by others at work because of their disability;³ and are generally dissatisfied with their work situation⁴, and / or are considering leaving their job because they do not feel they are being treated well.⁵

Many organisations have been required to collect and publicly report their disability workforce figure and / or their disability pay gap for years; some for decades. Yet, we see that disabled people’s experiences when at work have been slow to improve. In this research paper, we share the findings from our research project to consider the purpose of disability workforce and pay gap reporting and how it can be made meaningful.

About the research

Our project began with the UK government’s consultation on workforce (rather than pay gap) reporting back in 2021. It has continued and evolved to include a focus on pay gap reporting which is likely to be brought in (or at least consulted on) imminently by the current government. In December 2021, the government published a consultation on

² Just 10 per cent of disabled employees said it was easy to get the adjustments they needed from their employer, and 1 in 8 disabled employees wait over a year to get the adjustments they need (Business Disability Forum, 2023, *The Great Big Workplace Adjustments Survey* (n=1,480).

³ 38 per cent of disabled employees said they had been bullied or harassed at work because of their disability, and 40 per cent said they feel patronised or “put down” by other people at work because of their disability (Business Disability Forum, 2023, *The Great Big Workplace Adjustments Survey* (n=1,480).

⁴ 1 in 4 disabled employees are dissatisfied or very dissatisfied with their work situation (Business Disability Forum, 2023, *The Great Big Workplace Adjustments Survey* (n=1,480).

⁵ 28 per cent of disabled employees said they are considering leaving their current employer because they don’t feel they have been treated well (Business Disability Forum, 2023, *The Great Big Workplace Adjustments Survey* (n=1,480).

disability workforce reporting which asked if employers with over 250 employees should be required to report the number of disabled people they employ. To inform our response, we worked with employers and disabled employees on each section of the consultation paper to gather their views and any alternatives they suggest. Some employers' views included the following:

“This is not going to be a ‘silver bullet’. It is a prompt for doing things, but good employers would do those things anyway.”

“It is tempting to say ‘why not’ to mandatory reporting, but we do need to ask ‘why’. What does this data actually allow us to do?”

While no one in our working groups were avidly ‘against’ mandatory reporting, neither was anyone entirely ‘for’ it. Our research did not seek to create a ‘for or against’ debate; we instead wanted to understand what the unintended consequences, implications, and benefits of mandating disability workforce reporting and, later, disability pay gap reporting would be.

‘Disability workforce reporting does not, and cannot, measure the experience of having a disability; it can only capture the number of people who say that they have a disability in response to a specifically worded question at one specific ‘snapshot’ moment in time.’ (Business Disability Forum)

As above, we were particularly taken with the term used in the government’s 2021 consultation on disability workforce reporting, ‘unintended consequences’. We felt this term was exactly apt: disability workforce and pay gap reporting proposals have good intentions and are well-meaning. However, as our project has discovered, such policies can encourage poor behaviors and non-inclusive decisions from employers when they focus on reportable numbers **only**, instead of focusing on identifying barriers and making adjustments for disabled individuals and groups in their workplaces.

It is these ‘unintended consequences’ that have not been part of the public debate on workforce and pay gap reporting that we wanted to uncover. We wanted to share views and concerns from employers who will be subject to the proposed requirements, and from disabled employees on which all of this depends, whether they choose to give their data or not.

We designed research that would follow the development of the government's considerations on implementing these proposals alongside understanding employers' and disabled employees' concerns and the practical challenges that were likely to arise. Through our project, we wanted to find out if workforce reporting actually increases disability inclusion – and if not, what (else) is needed to achieve this. We also wanted to look beyond the “moral argument” – where reporting is clearly “the right thing to do” – to look at the nuances in its implementation, the practical challenges, issues and consequences as well as the benefits.

Our findings are from 64 employers and 64 disabled employees who work in large organisations. Involvement from employers and disabled employees was self-selecting, which means the 64 disabled employees involved are not necessarily working in the same organisations represented by the 64 employers. More detail on our research methodology is available in Appendix 1.

The unintended, non-inclusive consequences of disability workforce and pay gap reporting

Overall, we identified that the government's proposals are indicating to employers that the organisation with the highest percentage of disabled employees or the employer with the narrowest pay gap is the most disability inclusive employer. This was promoting some poor, non-inclusive decisions and behaviours from employers in favour of improving their reportable figures. These unintended consequences included:

- Employers doing regular internal communications and campaigns to encourage employees to tell their employer they have a disability. This tipped into what both employers and disabled employees called “being bullied” for their data or being “forced to disclose”.
- In industries where mental health conditions and work-related stress are most common, the prevalence of disability is higher in reported figures. Mental health and long-term stress could potentially be protected as a disability under the Equality Act 2010 which, in turn, could perversely ‘reward’ pressurised, unhealthy, psychologically unsafe and stressful workplaces.
- Where employers had improved the ease and accessibility of accessing support and workplace adjustments to as many employees as possible, the number of disabled employees saying they have a disability fell. The reason for this was generally because these employers had removed employees' need to say or prove they have a disability before they get what they need to do their job. The need to tell their employer they have a disability is, in effect, removed. In one disabled employee's words, “I haven't needed to” [say that they have a disability].
- Employers who promote job carving and invest in disability employment programmes questioned whether they would stop doing these (because these programmes widen

their organisation disability pay gap), or acknowledged that they would be ‘willing to ignore’ the disability pay gap to keep doing them because they could see the benefits to disabled workers, their organisations more widely, and the wider impact in their local communities in which those programmes operated. Whether the employer was willing to “ignore” the disability pay gap figure they had for the sake of continuing to pursue these programmes, it does nevertheless illustrate the conflict between employing a large number of disabled people at entry level roles to give them their first job opportunity (where this is the only realistic job opportunity for them) and the drive to narrow an organisation’s disability pay gap.

- Some employers decline requested adjustments such as job carving, reducing an employees’ hours, or moving them to a less senior role (or to reduce the seniority of their responsibilities), because they know the impact this would have on the organisation’s disability pay gap.

Our research also looked at how UK reporting requirements impact organisations with workers across the globe and separately, the impact of the type of data that Boards and directors ask for – that is, figures and percentages, not how disabled employees are feeling - which are encouraging or can lead to poor behaviours. Some inclusion managers even said it is only when they report poor figures about disability that their senior leaders sign off more budget for disability. This caused a perceived disconnect between Boards/directors, the managers collecting and reporting data, and disabled employees themselves. It also emphasised the idea of doing work ‘about’ disabled employees but not ‘with’ them or with their input. In one senior manager’s words: “We are doing lots about disability with not a single person with a disability involved”.

Using the right language and asking the right questions

If mandatory reporting is introduced, the issue for individual employers of how to word “the disability question” is largely, or entirely, removed. But many employers had worked hard and co-productively with disabled employees and disability staff networks to agree a language and internal narrative about disability, sometimes even collaborating to produce style guides or language guides about how to talk about disability and disabled people. Disabled employees we spoke to as part of the research and some employers said they had moved away from the legal definition of disability, and it would be disappointing to regress to this. Disabled employees also said they did not want the government to impose a standardised language for reporting onto their employer.

Employers also struggle to categorise disability and collect data in a way that accurately captures ‘yes’ responses from everyone who has a disability. Our research includes a case study of the difficulties and socio-medical and cultural nuances of disabled employees identifying (a) whether they are disabled or have a disability as per how the

employer is wording it, and (b) which sub-category of disability they should place themselves in from the “drop down” list provided by the employer.

Instead, employees and disabled employees said the real measure of disability inclusion in the workplace is how disabled people feel they are treated and whether they get the adjustments they need when they need them. They also said a disability inclusive employer is one who proactively identifies and removes barriers in the workplace. To this end, some of our discussion groups looked at different ways of categorising the **experience** of disability in the workplace by collecting data on the barrier someone experiences. For example, instead of asking employees what type of disability they have, ask them what they find difficult in the workplace. Examples in the discussion groups included difficulty with indoor lighting, adjustment to the built environment and needs to use assistive technology. This approach would help employers understand where the most significant barriers for disabled people are in their organisations and help them to prioritise removing them. It also focuses employees into thinking about what they find difficult and what type of solution may help remove them (such as which adjustments would help).

‘Getting the language pristine while adjustments are being left unmade and barriers are not removed does not make an employer disability inclusive.’ (Business Disability Forum)

Conclusions

This leads us to conclude that upcoming disability workforce and pay gap reporting encourages employers to measure diversity, but not to improve inclusion.

Ultimately, we all want to focus effort and energy on the areas which help achieve the goal of much better experience for disabled people, both whilst seeking a job and once in the workforce. We see consistently the most urgent policy (and legal) issue that needs addressing is the experience of disabled employees and whether or not they get the adjustments they need when seeking work and when they get into work. It is not that we are against mandatory reporting per se, and neither are employers or disabled employees who took part in this project. Rather, our view is instead that it is not a priority above supporting employers to ensure they are, in turn, supporting disabled employees, making adjustments, and operating inclusive and accessible recruitment methods. We saw in our most recent adjustments research, The Great Big Workplace Adjustments Survey, how much of an issue these areas are:

- Just **10 per cent** of disabled employees said it was easy to get the adjustments they needed from their employer.⁶
- **1 in 8** disabled employees wait **over a year** to get the adjustments they need.⁷
- **64 per cent** of graduates found it very difficult or difficult to apply for a job.⁸

Overall, there was evidence that organisations generally see better, inclusive conversations about disability taking place when they improve their processes and get the workplace culture right. However, where there was a really good culture for disabled people to say they have what they need and their employer generally treats every employee well and provides the support needed, then employees do not need to say they have a disability at all.

The theory that inclusion practitioners have generally upheld is that you get the numbers if a great culture drives the data; but employers and disabled employees are now saying that if you have a really great inclusive culture, there's no need for the sharing of data. Inclusion, therefore, is when your employees have everything they need, regardless of whether they share their data. In 2 employers' words:

“It's rare that we need people to disclose their disability. If instead we ask everyone what they need, that's actually all we need. By requiring disclosure, we exclude people who aren't diagnosed.”

“If we have good processes, we actually don't need employees to disclose”.

Disabled employees agreed with this. Those who felt they had a supportive, inclusive employer where they had all the adjustments they needed said they “haven't needed to” (a disabled employee's words) tell their employer about their disability.

‘Employees and employers we spoke to said focusing on the number of disabled employees in a workforce is of limited value. They argued that the emphasis should be on

⁶ Business Disability Forum (2023), The Great Big Workplace Adjustments Survey (n=1,480).

⁷ Ibid.

⁸ Business Disability Forum (2023), The Great Big Workplace Adjustments Survey, “Graduating University and entering work” (n=99).

adjustments and what businesses are doing (or are planning to do) to remove barriers for employees.’ (Business Disability Forum)

It is important that we understand the limitations of mandatory workforce and pay gap reporting as just one part of the solution. Much more is needed to be truly disability inclusive, which can be summed up by the following words from an employer:

“Collecting statistics gives you a small picture, a window to a point in time. That’s all. Putting real effort into real diversity and inclusion work demands much more time and innovation. The protected characteristics are out of date, disabled people don’t want to be treated differently. They want to be part of a whole.”

It is vital that we – and employers and Government – also focus on the wider issues that are pivotal to ensuring a better experience for disabled people in the workplace, including the provision of adjustments.

This research is part of an ongoing ‘conversation’ for Business Disability Forum as we work to constructively shape and influence Government proposals and implementation, and as we continue to work with disabled employees and employers to make any mandatory reporting as meaningful as it can be, and their additional voluntary, experience-based data practices better and more effective.

We would like to say an immense thank you to everyone who has constructively challenged and debated with us, who have shared their own insights and evidence, and who pointed us in the direction of others who had both supporting and contrary views to our findings during this project.

“Getting the number reported is not going to create impact but, rather, impact will be created by what employers do with whatever data they collect – or, in one employer’s words, ‘the impact of the figure is more important than the figure on its own.’ (Business Disability Forum)

Introduction

The problem

Diversity, inclusion, equity, organisational culture, neurodiversity, mental health, well-being – all of these terms and topics have never before been more ‘on the agenda’ in workplaces than they are today. None are exceptionally new concepts to workplaces, even if the language has shifted. In 2025, disability equality legislation that implemented disabled people’s right to reasonable adjustments at work will be thirty years old (Disability Discrimination Act 1995), and the Equality Act 2010 which expanded the remit of what defines a ‘disability’ will be 15 years old. And yet, disabled people’s experiences of work are lagging: they find it difficult to get the adjustments they need;⁹ they are bullied, harassed or feel patronised by others at work because of their disability;¹⁰ and are generally dissatisfied with their work situation¹¹, or are considering leaving their job because they do not feel they are being treated well.¹²

The wider economic policy issue is that, at the time of writing, **53 per cent** of working age (16-64 years old) disabled people are in work (compared to **81.6 per cent** of working age non-disabled people).¹³ This is referred to as the “Disability Employment Gap”.

Current requirements and employers who are already reporting

Data monitoring is not new. Most employers we worked with on this project collect disability-related information in some way for their own purposes, even if they are not reporting it for public availability. In fact, data monitoring in workplaces has remained the second most common topic that BDF’s advice teams are asked about (the first is

⁹ Just 10 per cent of disabled employees said it was easy to get the adjustments they needed from their employer, and 1 in 8 disabled employees wait over a year to get the adjustments they need (Business Disability Forum, 2023, *The Great Big Workplace Adjustments Survey* (n=1,480).

¹⁰ 38 per cent of disabled employees said they had been bullied or harassed at work because of their disability, and 40 per cent said they feel patronised or ‘put down’ by other people at work because of their disability (Business Disability Forum, 2023, *The Great Big Workplace Adjustments Survey* (n=1,480).

¹¹ 1 in 4 disabled employees are dissatisfied or very dissatisfied with their work situation (Business Disability Forum, 2023, *The Great Big Workplace Adjustments Survey* (n=1,480).

¹² 28 per cent of disabled employees said they are considering leaving their current employer because they don’t feel they have been treated well (Business Disability Forum, 2023, *The Great Big Workplace Adjustments Survey* (n=1,480).

¹³ Office for National Statistics, *Labour market status of disabled people*, published on 12 November 2024. This data is taken from the Labour Force Survey from the period April-June 2024.

workplace adjustments). This trend, this problem, for employers has not changed in more than a decade of Advice Service queries at BDF.

Public sector organisations generally publish their data publicly (usually on their website or via a regulatory body as required). Public sector organisations or organisations delivering public functions have been collecting and reporting disability workforce data since the single equality frameworks in the early 2000s. Many improved and reformed their practices with the implementation of the Public Sector Equality Duty (Specific Duties) in 2011, and some of our Members were among the first to voluntarily report their ethnicity and disability pay gaps some seven or so years ago. In addition, an increasing number of sectors are already subject to mandatory reporting frameworks, and others are looking at developing this. The retail, education, law, and accountancy professions already require organisations in their sector to report the prevalence of disability in their workforce.

We, therefore, saw in our research that some organisations already report disability workforce and pay gap data to fulfil up to three different requirements, meaning that the Government mandating these in law would become the fourth mandatory reporting requirement on some of our Members. We generally saw three existing requirements:

- **Executive or Board** – where the senior executive had committed to publishing this information as part of its people inclusion strategy.¹⁴
- **Sector** – where duties such as the above-mentioned Public Sector Equality Duty is engaged, or where a sector has defined its own additional reporting requirements (such as the Civil Service or local authority).
- **Industry regulation** – where a specific industry within a sector has stipulated that reporting must take place. Examples include law and higher education.

Interestingly, the organisations who are subject to one of more reporting requirements most often felt that the data was not ‘good’ data and that they spent more time reporting data to fulfil multiple different requirements than working on improving things for employees based on what the data might be telling them. These experiences were most common among employers in the Civil Service, larger NHS organisations, and education. Beyond this, workforce pay gap reporting has become widespread across many employers, and this in itself is sometimes a reason for others to start doing it themselves. We then see, as employers also told us during this research, that their Board or other senior leaders in their organisations then implement reporting requirements predominantly because they are not currently doing it and others are. This is further evidenced by the

¹⁴ Some inclusion leaders we spoke to said the senior executive in their organisations had not consulted with them on this, or on how to do it and when. Some told us that they were given the task and deadline and sometimes saw their organisation’s commitment published in sector trade media before it had been discussed with them.

response from many employers when we ask why they feel they need to start collecting and reporting workforce and pay gap data. One or more of the following three answers are common:

- They have been asked to, prompted by others in the industry doing so.
- They want to increase representation of disabled people in their organisation.
- Their other workforce surveys show lower engagement or poorer workplace experiences for disabled employees, and they want to improve on that.

We wanted to look at whether the latter two ambitions are fulfilled by workforce and pay gap reporting, that is, whether reporting is changing anything. Employers consistently told us that they are doing the same thing again and again and getting little movement in terms of (disabled) employees' experiences and engagement at work improving. One 'rut' employers had got into was driven by the need to report and compare data year on year. They know that the questions they are asking and the categories they use are no longer effective or 'up to date' in terms of disability related language. In such situations, there was resistance to alter anything due to the amount of data harmonisation and migration that it would take to change. Employers therefore keep on doing something that is not working for them and that is not helping them improve anything for their disabled workers.

We therefore wanted to unpick some of the practices and assumptions behind disability workforce and pay gap reporting in light of the Government's increased focus on the topic, including considering whether to mandate that all UK employers with more than 250 employees should be legally required to report their disability workforce figure (the number of disabled people they employ) and, under the current Government, whether to mandate disability pay gap reporting as well.

The research project

Our project began with the UK Government's consultation on workforce (rather than pay gap) reporting back in 2021. It has continued since then and evolved to include a focus on pay gap reporting which, at the time of writing, is likely to be brought in (or at least consulted on) imminently by the current Government.

We were particularly taken with the term used in the Government's 2021 consultation on disability workforce reporting, "unintended consequences". We felt this term was exactly apt – disability workforce and pay gap reporting proposals have good intentions and are well-meaning, but – as our project has discovered – such policies can encourage poor behaviours and non-inclusive decisions from employers when they focus on reportable numbers **only** instead of focusing on identifying barriers and making adjustments for disabled individuals and groups in their workplaces. It is these 'unintended consequences' that we felt have not been part of the public debate on workforce and pay gap reporting

that we wanted to uncover, and to share views and concerns from employers who will be subject to the proposal requirements, and from disabled employees on which all of this depends (whether they chose to give their data or not).

We therefore designed a project that would follow the development of the Government considerations on implementing these proposals alongside understanding employers and disabled employees concerns and the practical challenges that were likely to come along with these policies.

Our findings are from 64 employers and 64 disabled employees who work in large organisations. Involvement from employers and disabled employees was self-selecting, which means the 64 disabled employees involved are not necessarily working in the same organisations represented by the 64 employers. Together, and over the course of two years, we discussed, and debated policy changes, opinion pieces, campaigning material, and diversity monitoring policies and data collection frameworks to help us consider the following:

- Does disability workforce reporting and pay gap reporting increase disability inclusion in workplaces?
- What are the benefits and limitations of disability workforce and pay gap reporting (i.e., what will it change)?
- What do employers need from the Government to do this well?
- What are the implications for and views of disabled employees on these proposals?
- How do these reporting proposals change behaviours and decisions of employers (such as managers, HR and senior leaders) in the workplace?

The following pages share what employers and disabled employees discussed as we followed the development of disability workforce and pay gap reporting proposals between 2022 and 2024.

Full details of our research methodology can be found in Appendix 1.

Part 1: Disability workforce reporting – policy background and the problems it creates

Background: Disability workforce reporting

In December 2021, the Government at the time published a consultation on disability workforce reporting (DWR) which asked if employers with more than 250 employees should be required to report the number of disabled people they employ. The consultation covered the following topics:

- Current practices – who currently collects what and reports it where.
- The benefits and barriers to disability workforce reporting – including the benefits of a voluntary versus mandatory approach, and the risks of implementing a mandatory approach.
- Considerations if mandatory disability workforce reporting was implemented – including who the data should be reported to (the consultation gave possible examples including ‘Government’, a ‘disabled person led organisation’, ‘a regulatory body’); who should publish the information; what questions and disability related language and categories should be used; who should publish the information; and what employers would need to make it work.
- Alternative approaches – if we don’t do this, what should be done instead?

We know there is a significant gap between the number of disabled people in work and the number of non-disabled people in work (the disability employment gap); however, obtaining and monitoring an accurate figure and sub-data for this is an entirely separate issue to disability workforce reporting. Therefore, we have four separate issues within disability representation in the UK labour market:

- An accurate methodology and therefore capturing effective data for the number of disabled people moving in and out of work compared to non-disabled people (the disability employment gap).
- Employers understanding the disability-related diversity within their workforce (disability workforce data).
- Employers publicly reporting that data (disability workforce reporting).
- Whether to legally mandate large employers to report this data (by mandatory disability workforce reporting).

During our research, we looked at the latter three issues, and whether this data in itself was meaningful enough for employers to lead them to make changes in their organisations

to improve the experience of disabled employees. It naturally led us to an additional question: is capturing the **number** of disabled employees (a) helpful, or (b) enough?

The key theme throughout all of our findings is that employers and disabled employees would not be against reporting the number of disabled employees in an organisation, but they just didn't think it was helpful in and of itself. Further still, there was no ambition from government or regulators who are mandating or considering mandating disability workforce reporting to encourage employers to understand the **experience** of disabled employees or to understand if disabled employees have all the adjustments they need – the pivotal cornerstones of disability inclusion in organisations and have been almost entirely ignored in regulatory and legal workforce reporting requirements to date. This was the predominant reason that even disabled employees we spoke to for this research were not keen on mandatory disability reporting being implemented.

Being unclear what mandating disability workforce reporting would achieve

Employers felt there was a lot of detail missing in the consultation which they needed in order to be able to decide if they agreed with it, but also to give them a 'steer' on how they might need to prepare internally. These details were:

- The questions that employers will need to ask.
- How reporting will happen (given that there was a suggestion on the consultation that it could be reported to a charity or other organisation).
- What the Government will do with the information (how 'publicly' available would it be).
- What the Government plans to do about or what the narrative is around the lowest percentage and widest pay gaps.

Employers and disabled employees were therefore unclear why a mandatory approach to disability workforce reporting to close the disability employment gap was being considered – even though employers were generally not opposed to a mandatory requirement if there was evidence to suggest it would be effective for what we want it to achieve. The latter was unclear. In three different employers' words:

“This is not going to be a ‘silver bullet’. It is a ‘prompt’ for doing things, but good employers would do those things anyway.”

“It is tempting to say ‘why not’ to mandatory reporting, but we do need to ask ‘why’. What does this data actually allow us to do?”

“We are not against doing it, but we need to know why we are doing it, and that is not clear.”

“Having the information is one thing; what to do with it is another. What does having the information change?”

“The impact of the figure is more important than the figure on its own.”

Part of the concern driving the above questions, was how employers were going to be judged by their data, and by whom. The consultation did not state whether the Government would make reported figures publicly available (at the time of writing this has still not been defined, even in discussions about disability pay gap reporting). Employers and disabled employees were concerned that the Government was inadvertently implying by this proposal that it thinks the employer with the highest reported figure (of disabled people it employs) is the most disability inclusive. Further still, our employer working groups discussed and generally agreed that it takes around 3-5 years for the culture of an organisation to shift in a meaningful way; therefore, if mandatory reporting for disability was an annual requirement, how would single reportable figures account for the nuance and time it takes to improve the culture of an organisation in a way that is felt by its employees as well?

Another employer highlighted the risk of Government implementing something that would impact disabled employees and every large UK employer if its implementation did not then significantly improve anything. While some employers had said that “we need to do something” – that is, that the disability workforce reporting proposals are not perfect but “doing something is better than doing nothing” – others disagreed and said the risk of getting this wrong was too costly to the trust that had already been built up, or that was starting to build up, between employers and disabled employees in workplaces.

Employers also questioned how the data would be ‘judged’, and who would decide what constitutes ‘good’ in terms of the number or percentage of disabled employees in a workforce. Some employers were concerned that having a higher prevalence of some types of disabilities or conditions in a workforce is not always a good thing, namely work-related stress or mental health which is being exacerbated by working environments. In one employer’s important words:

“It is not clear necessarily what we’re taking the data to mean, or what we might be expecting to see, or how the data would be interpreted. I think the natural assumption would be that higher disabled staff figures are a good thing because it suggests a workplace is inclusive. But what if it’s the workplace that’s making people ill – how would you get a sense of that from the data? I

say this because [my sector] is suffering from a mental health crisis, in part due to heavy workloads... So, I wouldn't want [my sector] to quote high proportions of staff with mental health problems and it be seen as an indication of inclusiveness, when it might actually be the opposite."

This point is crucial to unpick, particularly when figures can evidence part of the concern. Long-term absences, work-related stress, work-related illness, injuries and disability related to work are all increasing. For example:

- Around **33.7 million working days** were lost to work-related injury or illness in 2023-2024.¹⁵
- **1.7 million workers** in the UK are experiencing work-related ill-health.¹⁶
- **91 per cent** of working adults experience high levels of work-related stress.¹⁷

Yet, as the employer describes above, there is a somewhat 'dark' or 'perverse' incentive for employers in relation to their upcoming legal requirement to report their disability workforce figure – more people struggling with any condition or ill-health long term potentially, or very likely, pushes up their figures for the number of people with a disability (which may include a condition that has lasted and will last twelve months, as per the UK Equality Act's criteria for defining a disability), which Government policy by way of mandatory disability performance reporting could inadvertently reward the employer for. In this way, there is no incentive to prevent disabling conditions at work, unless organisations deprioritise the mandatory reporting figure in favour of ensuring better working experiences for their employees.

In focus groups and depth interviews, employers consistently recalled a "vicious cycle" of "data bargaining" with disabled employees. This was a common experience across sizes and sectors and it therefore enabled us to map it in what the project groups called a "no one is happy and nothing is changing data cycle" (see Figure 1). Employers described the following scenario:

- Employers say they cannot measure the disability pay gap because they don't have accurate disability workforce data.
- Disabled employees feel disability is always "left behind" and has less attention in inclusion strategies than race, gender, and sexual orientation.
- Employers say "we can't do anything if you don't give us your data".

¹⁵ Health and Safety Executive, 20 November 2024.

¹⁶ Health and Safety Executive, 20 November 2024.

¹⁷ Mental Health UK, *The Burnout Report*, January 2024.

- Disabled employees don't give data because they don't see anything changing as a result.



Figure 1: The "no one is happy and nothing is changing" data cycle

The diagram shows the cyclical 'unending' frustration of employers who feel under increasing pressure to report their disability pay gap – or indeed, 'just' their disability workforce figure – and not being able to "persuade" employees to share their data in order for them to achieve this.

Disabled employees, however, often say they do not see any point or reasons why they should share their data if nothing changes, and to many disabled employees, it was not clear what reporting this figure achieves in terms of improving their experience. This was to become the most common view among disabled employees about whether mandatory disability reporting should be implemented – that is, the figure itself will not improve their experience of inclusion or adjustments. If that is the view among disabled employees at the time when employers ask them for their data, they are likely to feel it is not worth the risk of sharing – which means that employers will not have accurate data to report in the first place. Ultimately, a frustration running throughout this project among employers was that the legal requirement is (or will be) on employers, but it is entirely dependent on disabled employees responding and choosing to share their data. As our research will show, it is not just an issue of employers creating a workplace culture safe enough for employees to say they have a disability. There are more complex issues at play here.

Employers want to know how the Government will support them to meet the reporting requirements

Many employers we spoke to had already experienced their industry or sector regulator implementing a requirement to report their disability workforce figure, but without providing any support or resources to help with that. Employers explained how they used membership organisations, resources available on the internet, or diversity consultants to help them understand how to fulfil their mandatory requirements. It felt to employers as if regulators were implementing diversity workforce reporting for “something to do on diversity” rather than having an industry or sector-wide approach to supporting and improving practice in this area. It very much felt like regulators and industry bodies saying to employers in their sector “here you are and off you go” – or, in one employer’s words, they were “left with” working out how to (a) fulfil the requirements, and (b) make it meaningful.

Increasing voluntary reporting and inclusive cultures

From our research for this consultation, we identified some considerations for increasing the uptake of voluntary reporting.

There needs to be something in it for employers as well as the Government and disabled people – that is, what is reported and the methodologies used to get that data need to be useful to employers for improving organisational practices. Getting employers away from an over-reliance on “diversity by numbers” and toward “inclusion by experience” encourages useful methodologies and therefore toward gathering useful data that provides insights that can map and track experiences over time and throughout an organisation. As an example, one of our working group members said reporting numbers for their gender

pay gap reporting was “ticking a box” for Government and did not provide any value for them as an organisation. However, when they added a qualitative method to their next gender pay gap reporting period, they asked questions about experiences, barriers at work, attitudes, ambitions, and different types of engagements across genders, **this** was the data that was useful to them that they revisited again and again; this was the type of data that has enabled them to improve gender inclusion in their organisation.

A voluntary approach was also **favoured by disabled employees** who said if there was a platform where you could view which employers were reporting what type of information, that would be helpful to them when choosing which employers to apply for jobs with:

“I would be looking at this data to see disabled employee’s lived experience to find who is a disability confident employer”.

There are three key aims the Government’s 2021 consultation paper said it was trying to achieve with mandatory disability workforce reporting: help decrease the disability employment gap, increase transparency, and increase inclusive practices in organisations. Although, as we have discussed above, targeting only large employers will not give anywhere near an accurate measure of the level of disabled people’s employment, a voluntary approach can achieve the latter two aims:

- Transparency is not just about “publishing a number”. Transparency **that increases inclusion** is mobilised when employers are transparent about their organisation’s practices, such as how decisions are made, involving disabled employees in policy and practice development, and communicating well during organisational changes and daily employee procedures (such as how adjustments are decided and how performance is managed).
- Enhancing inclusive practices: Voluntary reporting has a lot of potential, to take employers through identifying and implementing inclusive practices that will transform experiences for disabled employees.

Taking a voluntary approach would address the concerns of employers and disabled employees who said that the Government needs to equip employers to be more inclusive before it considers mandating data publication.

What disabled employees said about a mandatory approach to disability workforce reporting

Again, it is important to note that employers were not against mandatory reporting in principle. The detail and unintended consequences though were, in one employer’s words, “the sticking point”.

There were concerns that a mandatory approach based on the “number of” disabled employees alone encourage “crude” measures, such as organisations recruiting more disabled people without reviewing their culture, training, and policies and procedures to ensure that they enable inclusive experiences when in those roles. This could drive poor employers to recruit more disabled people who then have a terrible experience at work, and this is the very opposite of what we want.

Both employers and disabled employees felt a mandatory approach would ‘strike the wrong tone’ in other areas, too. In one employer’s words:

“We don’t want a working environment where people do things because they have to. We survey our employees... Employees want their employers to do the right thing because they want to, not because they are being told to”.

This chimed with the employee above who said they would use publicly reported data to understand if an employer is “disability confident” – those who report with good, useful insights and data about how their disabled employees’ experiences and how they are supported, as well as what the employer is doing to improve this further. This helps people to differentiate the proactive employers from the employers who are not doing anything to further disability inclusion in their organisation. That is, if employers volunteered their information, prospective employees will assume that these are the employers who are working on making things better. By contrast, those who do not report their data are probably not doing much (and, by assumption, are therefore less likely to be disability inclusive employers). In this way, disabled employees felt that, although they could see why some wanted to make reporting mandatory, it ‘spoke more loudly’ to them if employers volunteered their data instead.

A related concern from employers was that a prevalence-based figure may pressurise employers to “force disclosures” from employees. This is the opposite ethos to that described by an employee with a disability:

“It’s always much better if you can own when and how you share [your disability with your employer] yourself”.

Disabled employees also did not generally favour “must do” and “mandatory” narratives around disability-related requirements. As in the employer’s words above, some said they wanted to work for employers who wanted to measure impact and their experiences and further inclusive practices because they “wanted to”, not because the Government tells them to. Some disabled employees felt mandatory requirements about disability implied that disability is “hard work”, “hassle”, “resource heavy” and they feel this narrative is currently facilitated within some areas of Government policy. Many also said they feel this

narrative about disability requirements is projected onto disabled people in society and in workforces too – then “**disabled people** are hassle, cause more resource, and are hard work”, too.

Disabled employees also questioned how a mandatory approach benefits them. In one employee’s words, “Why would you ‘tick the box’ if you are not going to see any benefit?” – particularly if standardised wording would undo the input they have had into defining and furthering their own organisations’ disability inclusive language, tone, imagery, and wider narrative.

“Either in addition to or instead of this “prevalence” figure, employers who want to advance inclusive practices in their workforces should be measuring and reporting the experience of disabled employees in their organisations. However, just because employers “should” be collecting experience-based data, it still does not necessarily mean it should be made mandatory in law.”

Unintended consequences of encouraging employers to focus on disability workforce figures

Some employers in the discussion group confirmed what BDF has seen over the last decade in a range of different organisations: where employers have improved the support available to employees and made their processes more inclusive, the number of employees in the organisation saying they have a disability decreased.

Employers described how they had made it as easy as possible and removed as many forms and process “steps” as possible for employees – any employee, disabled or not – to request adjustments and equipment to work in whatever way suits them. Another common improvement some employers had made was to proactively promote that employees could request flexible working at a much lower ‘threshold’ than the statutory UK right to request, and they had encouraged employees to consider working at home a day or two per week. Adjustments, flexible working hours, and home working are among the top three reasonable adjustments disabled employees request or have agreed to help them at work and stay in work. In those organisations where any employee could ask for adjustments, the questions or need to ‘confirm’ that an individual has a disability is removed.

There is no “bargaining” between data and adjustments when processes and support is inclusive and keeps improving. In turn, this meant that relevant employers in the group could see a correlation (but could not prove the causation) between improving access to support and adjustments, and their falling number of disabled employees who officially tell them that they are disabled.

Employers then discussed that a focus on numbers of disabled people almost “undermines” making workplaces more inclusive – that is, it is often when people experience barriers that they talk to someone, tell someone, formally request something or raise to someone that they have a disability and this is why they are finding something difficult. In the words of three employers:

“We don’t need to know if an employee has a disability. We want to make every employee’s job easier.”

“If we have good processes, we actually don’t need employees to disclose.”

“Our ambition is to make our employees’ lives better.”

“If you are an inclusive organisation, you won’t have any employees who are disabled.”¹⁸

This was corroborated by some employers in depth interviews and in one-to-one conversations. In two sectors where the reported number of disabled employees in those workforces were highest, they also knew from their own sector regulator (or equivalent) that disability related bullying and harassment, disability discrimination employment tribunals, complaints from employees and managers about adjustment requests not being fulfilled, and levels of disabled employee disengagement were increasing.¹⁹

This was not merely an employer’s view. Some disabled employees explained the difference between adjustments and inclusion instead of data and numbers and said they

¹⁸ Although some people disagreed with this statement (because some people will always experience difficulties due to their condition even if all barriers at work and in society are removed), people – particularly employers – agreed with the principle that it should be the role of employers to remove barriers to the extent that there as few ‘disabling’ barriers in the workplace as possible.

¹⁹ We have decided not to report which sectors these are. In any case, we have not been able to evidence this. It is merely what employers from the two relevant sectors reported to us on separate occasions without having knowledge of one another (therefore making collaboration between them highly unlikely).

“haven’t needed to” talk about their disability at work when they have everything they need (or know how to get it if they did) in their workplace.

“Bullying” employees for data

Employers did, however, recognise that there has been an increasing prioritisation and focus on numbers and reporting in diversity and inclusion during recent years particularly. This has created tension between improving processes and support in the workplace so that employees did not have to explain their situation in order to get support and trying to improve a reportable disability prevalence figure. It caused employers to “keep asking” employees for their data:

“We bully employees to disclose because that makes our figures look better.”

“We are pushing employees to declare.”

“We are bullying employees for declarations.”

“It’s making me really uncomfortable that we are forcing people to disclose.”

Disabled employees also felt this and caused one employee to ask: “Isn’t this disability-related harassment?”

This was the key unintended consequence that led one employer to say that mandatory disability workforce reporting is a “madness decision” if the number is rewarded with no regard for the behaviours of employers when getting the data or removing barriers and ensuring inclusion for disabled employees.

Improving inclusive cultures can lead to better data and experiences in work

This lends to the dominating theme of most of our discussions with employers and disabled employees during our research: increased numbers of employees telling their employer about their disability does not lead to more inclusive workplace cultures; rather, more inclusive workplace cultures lead to increased numbers of employees telling their employer about their disability. One employer could not understand how the proposal had become the “wrong way around” by focusing on numbers rather than focusing on inclusion and adjustments. It caused another to question whether this proposal is made because it is the easiest solution rather than the right, effective solution.

This was an interesting interpretation of the subtext that mandatory workforce and pay gap reporting provides. That is, it puts the resources and onus entirely on the employer rather

than looking at the whole life and biopsychosocial reasons that disabled people are out of work, fall out of work, or have poor experiences of work. This latter “whole life” approach would mean Government looking at policy areas that each Government has to date struggled with: sustainably supporting the NHS to support life-long disabilities and conditions enough for disabled people to be well while keeping a job and fit-for-purpose social care and transport systems. In this way, workforce reporting signals that the disability employment gap and disabled people’s labour market participation is almost exclusively down to what employers are or are not doing. It effectively conflates an accusation toward employers about policy failings that have let disabled people down over a number of decades and a number of Governments.

However, employer discussions were not the only place where the concern about “doing the easiest thing” was evident. In one of the disabled employee discussion groups, there was a poignant emotional concern that mandatory reporting misses the point of inclusion and, once again, the term “easy” came up:

“We can fall into the trap of doing the easy bits of disability. Then, when it comes to the pain, the trauma, of having a disability, people are taken aback”.

These were not isolated comments on this issue in the disabled employee groups. It was often the case that each time the conversation was guided towards what a good disability question or measure of disability prevalence in an organisation was, disabled employees returned to pushing back on implementing ‘yes or no’ questions, stating that such ‘blunt’ questions undermine and belittle the experience of having a disability and being disabled. The issue of being mandated to report figures but there being no enforcement on, say, ensuring managers have training on supporting disabled employees or ensuring everyone has the adjustments they need was seen as ignoring the more ‘difficult’ parts of what the reality of having a disability and working with that disability can be. In another disabled employee’s words:

“People find human fragility a difficult topic. Because it [disability] could hit any one of us at any time – and that’s terrifying.”

Another agreed:

“I understand why nothing gets done. I am a living reminder to my manager that we [human beings] are fragile, that disability happens to anyone, and that our bodies get weaker. No one wants to be reminded of that”.

This is indicative of how reporting numbers does not shift employers’, the Government’s, and even the public’s (including potential recruiters) perceptions, attitudes, understanding

or actions on disability. And yet these are the very things that are keeping many disabled people out of work and causing them to leave work. Both employers and disabled employees were concerned that mandatory reporting on prevalence alone does not cause anyone to concern themselves with the fundamental thing that needs to be understood and addressed: the experience of being disabled and being disabled at work.

Employers had noticed that the number of employees telling them about their disability tended to be lower when not much practical support for managers and employees had been resourced or invested in – that is, where staff had not been equipped to practice inclusion. Businesses need to have the right policies, processes and culture in place before they ask questions about disability if they want employees to feel comfortable answering them.

For this reason, employees and employers we spoke to said focusing on the number of disabled employees in a workforce is of limited value. They argued that **the emphasis should be on adjustments and what businesses are doing (or are planning to do) to remove barriers for employees.**

In addition, there was a different suggestion made during a consultation group session which we held with the Cabinet Office's Disability Unit: bypass the employer entirely and ask disability employees to report to Government directly. A voluntary reporting method or framework whereby employers can keep their own language and narrative about disability would achieve the above objectives.

There was another interesting finding confirmed in our research on the point of the relationship between inclusive practices and data. Many employees who already have adjustments in place may not need to tell their employer about a disability if they feel they are already able to do their job effectively. Further still though, **some employees recalled that they “have not needed to” talk about their disability much in their organisation, because adjustments and flexibility is embedded within their employer's inclusion strategy and practices.** In these cases, there was no incentive or reason to tell their employer that they are 'disabled' or have a disability. This was reflected in two employer's identical words, collected on separate occasions with no knowledge of each other:

“If we have got good processes in place, we rarely need employees to disclose their disability.”

“We actually don't need our employees to disclose their disability that often at all.”

Some of these organisations saw the percentage of disabled employees **fall**, because employees did not need to say they have a disability before they were allowed to choose how they work or to request adjustments or flexibility. This is another reason why defining how disability-inclusive an employer is should not be based on how many disabled people have told them that they have a disability. Therefore, while in some organisations inclusive cultures meant more people were comfortable to tell their employer about their disability, in other organisations where adjustments and flexibility were embedded for all staff, the number of employees saying they have a disability was low and was not needed in order to request a different way of working or getting the adjustments they need.

Problems for global organisations

There were six key problems experienced by employers who would be subject to UK reporting requirements but were also managing diversity and inclusion across the global workforce:

- Culture
- Engagement
- Legislation
- Method
- Cost
- Approach

Culture

Global diversity and inclusion leaders, as well as senior people leaders in other countries (referred to as “in-country leaders”) could both identify that the UK, and perhaps also other Western countries (but to a slightly lesser extent), generally have more emotion and sensitivity to “data” and “personal information”. Some felt this was tied in with EU data regulations (such as GDPR²⁰), but others could track this focus on data and reporting further back. Overall employers and disabled employees observed that the UK (of the West’s) reliance on collecting and reporting diversity data was not pan-cultural – that is, global diversity and inclusion leaders based in Western countries said they struggled to get other in-country leaders to understand why data collection for the sake of reporting appeared to be the goal more than, in one global employer’s words, “getting things done”.

Engagement

²⁰ The abbreviation “GDPR” refers to the Regulation (EU) 2016/679 (General Data Protection Regulation). It superseded, yet retains the core principles of, the UK Data Protection Act 1998 in May 2018.

Global diversity and inclusion leaders who were involved in workforce data collection in the UK and across the globe said much time during diversity workforce data collection is spent on trying to nurture and build good relationships with in-country leaders before or as part of engaging them in helping generate workforce data collection locally – both in terms of launching the question or data collection task, as well as encouraging workers to take part in it. There was a sense that workforce data collection is an “anxiety” in the West which gets “passed on” around countries, giving the sense that “The West [is] telling everyone else what do to”. Many global diversity and inclusion leaders said they often get “no response” from in-country leaders on workforce data collection, and how to appropriately engage them was a main challenge in global workforce data collection.

Method

The key reason engagement with other countries needed to be improved was because many global organisations were trying to limit the number of different data collection and surveys they use across the globe. This meant broad language was used wherever possible, and many surveys did not always use the term “disability” or “disabled”. One key reason for this was resourcing: global diversity and inclusion teams in the research were not big and having to ask specific questions or not use specific terms in some countries compared to others meant an additional data collection exercise and therefore created more work that global teams were not necessarily resourced to do.

Legislation

Legislation on asking about disability and health varies widely across global regions. In some countries, data reporting must be carried out in a specific way, and, in other countries, the topic is not permitted at all. The obvious challenge for global diversity and inclusion leaders is keeping up with these differences, but it also caused a challenge for disabled employees. In one employee’s words, “I am disabled in some countries and not others”.

It was also a common frustration that UK disability workforce data projects neglected to understand this, meaning that many employers reductively surmise that if disabled employees do not say they have a disability at work, it is because of a poor workplace culture which makes them afraid to do so. This is not always the case. Some disabled employees from different countries (and religious beliefs) were not permitted to talk about their disability at work. It was surprising to note how inclusion initiatives in the UK too often appear to forget this. It also has an impact on mandatory disability reporting figures: some employers noticed that the more ethnically, culturally, and religiously diverse a workplace is, the more disabled employees they are likely to have who cannot tell their employer they have a disability or talk about it at work. In this way, encouraging each disabled employee to ‘tick the disability box’ could potentially be non-inclusive for reasons related to another protected characteristic. When discussing this in the disabled employee group, it was not a surprise. Instead, employees in that group said disability is rarely seen as “intersectional”;

disabled people are instead often seen as ‘disabled only’ and less often as ‘whole people’ with and from many different socio-cultural backgrounds, religious or belief systems, or with values, experiences and opinions from non-Western cultures and subcultures.

Cost

Employers told us that global data collection often comes from one budget. Where mandatory reporting requirements change across the globe, the budget needs to expand to account for systems change, a revised (sometimes radically) methodology to account for the new requirements, sometimes new procurement procedures and, often, new staff or consultants to help the organisations understand what the new requirements are, what they need to do to be compliant, and then to reconfigure those new requirements back into as streamlined and as reduced a ‘global’ data strategy or exercise as possible. This is why many employers – not just global employers – said they would need around three years to prepare for mandatory reporting requirements from the time at which it is confirmed by the relevant Government what the employer needs to do. This timeframe accounts for recruitment and sourcing the right people for what are effectively system changes, to then purchase and implement those systems, then briefing or training the people coordinating those systems and meet the first reporting deadline.

Approach

Global leaders who needed to work with in-country leaders on data collection exercises said it often failed if they (a) only get in touch ‘when they need something’ such as data collection, and (b) if they opened that engagement with ‘OK, it’s time to get that data again’. Instead, global leaders said – given that a huge part of their global workforce data collection efforts are about working with and engaging in-country leaders across a variety of language, vocabularies, cultures and beliefs, it was often most effective to find a neutral but common ‘ground’ which would resonate across as many working cultures as possible. Global leaders told us that the tone and narrative that generally chimed in the most places where they had to collect workforce data was to start form a ‘shared vision’ to “make life better for employees in the organisation around the world”. Data was then secondary – that is, data collection because part of how making employees’ lives better was achieved, rather than the objective and ‘end goal’ in itself.

The impact of Boards and directors requiring diversity workforce data

There was a lot of discussion about the role, attitudes and motivation of an organisation’s Boards and directors. One employer explained that disability workforce reporting had not helped them increase inclusion and said that, instead, their Board was “pushing meaningless targets”, and another employer elaborated on this:

“A target is a destination. It sharpens the attention of leadership. You can’t get away from the fact that leaders look at profit and numbers and spreadsheets. Could that drive poor behaviour? Yes.”

Ultimately, a common experience from the employer working groups was that the senior diversity and inclusion managers and analysts involved in diversity workforce reporting were insightful about its limitations and unhelpful unintended consequences and could see that their energies and resources would be better used elsewhere (examples given were improving inclusion during recruitment or making the workplace adjustments process simpler). By contrast, Boards and directors had much less knowledge of what the data actually did (what it was useful for in changing things for the better) – the other side of seeing a figure in a quarterly or annual Board report. Furthermore, there was rarely any communication between those who can see and are overwhelmed by the limitations and failings of diversity workforce reporting and those who continue to demand that it happens. In one employer’s words:

“There is a constant flux and a cultural disconnect between what leaders say and what we [diversity managers] do.”

One employer said Board and director level focus on reportable targets is “window dressing” and another said that inclusion is about “doing the right thing even when the lights go out” – indicating that Boards should be improving because that is what they want for the people in their organisations, rather than focusing exclusively on what is visible in a single, by necessity reductive, figure. This caused the general conclusion among the group that disability workforce reporting and a sole focus on reporting numbers was not increasing inclusion or improving disabled employees’ voices in the organisation. The consequence, in one employer’s words:

“We are doing lots about disability with not a single person with a disability involved.”

Inclusion managers believed Boards and Directors needed to consider what they were requiring, why they were requesting it, and to understand whether what they were asking their executive to collect is achieving its intended aim. Overall, many employers said they did not feel their Board or Directors understood the operational complexities and resourcing issues of diversity data collection, and neither were they party to the logistics of asking employees about their disability status or of disability data collection itself. Most employers in the group said their Board had told them to collect data but not told them why or what they would do with it. Overall, employers said they and the organisations collect data, but they did not know how to use the type of data they collected, so nothing happened after that. Further still, employers commonly reported that their Board did not follow up on the figures they had received until it was time for annual reporting to happen

again. The focus then became collecting and reporting exclusively and not collecting and reporting for the purpose of feeding into improving areas of the organisation or people's experience of working in that organisation. In one employer's words, it became "collecting data for the sake of collecting".

This, in turn, led to inclusion managers identifying that if they wanted to get the attention of their Board or Directors, numbers and figures are what is going to, in one employer's word, "focus their attention". One employer said that they felt their Board was only engaging with diversity and inclusion as a "numbers issue" rather than a "people issue". Other employers agreed but said, for that reason, collecting the numbers (of disabled employees in their organisation) works:

"If the figures aren't good, we'll get a bigger budget."

"If the disability figures aren't good, disability will get put back on the agenda."

Employers discussed that, in this way, there was an incentive to show Boards figures that were 'not good' because it would lead to an increased diversity budget and resources. Conversely, if disability workforce figures had improved, the Board would say "Great, we've done that – what next?" Disability would be deprioritised until the figures look 'bad' again. This chimed with disabled employees' views that it is hard to keep workplace adjustments and disability inclusion on the agenda for employers and others agreed that "disability is on everyone's radar much less than other protected diversity groups".

This led diversity and inclusion managers to become frustrated. They could see the data they were being told to collect was not the type of data that they could meaningfully use to create greater workplace inclusion, yet they could see that their Board and Directors were assigning budget and resource based on those figures. This created the feeling that there are "benefits" to reporting this data – data that was not significantly improving – but what diversity and inclusion leaders described indicated some apathy towards these benefits – they were 'told' to do this, and whilst they could see a different approach was needed, they did not have a choice or any communication with those who were requiring data to be collected in the same way year after year (for some sectors, decade after decade). Words of diversity and inclusion managers therefore included "We're just doing our job" and "We don't have a choice".

Put everything in this chapter from employers and employees together, and the overall picture is employers are generally saying: "We have to do this because we're told to", and disabled employees are saying "Why are you asking us this when we can't get our adjustments?". Both agree that asking disabled employees to record that they have a

disability is “not making a difference”. It puts workplaces back to where we started: “no one is happy and nothing is changing”.

Part 2: The problem of the ‘right’ language, asking the ‘right’ question, and asking employees to share their data

At the centre of most discussions about collecting accurate data was the wording of the question to ask employees (whether they have a disability), and which (if any) subcategories of disability to be captured. Employers and sector regulators appeared to, in one employer’s words, “go round in circles” trying to decide which language and question would get the most positive “yes” responses to whether employees have a disability. As it was pointed out in one of the employer discussion groups, such conversations “get us away from why we are doing this in the first place” – that is, reporting requirements have consistently encouraged employers to focus on the number that data collection produces, rather than the experiences employees have of being asked, or the consequences that coercing employees into sharing their disability status have on the employee-employer relationship.

In one way, if a mandatory requirement comes in, the nightmare for employers about how to ask the questions is, in effect removed: the 2021 consultation suggests that the Government will set the question and language that employers will need to use. However, wording given by the Government to capture a singular figure across a large and very diverse cohort of people rarely chimes with the language that inclusive organisations have sought to embed (or cease use of) in their workplaces as their inclusion agenda and practices have matured.

Employers’ experiences of categorising disability

Measuring diversity in the workplace has relied almost exclusively on setting categories that suit the organisation, the systems it uses and the processes it already has. In our discussion with employers, a common example was the restrictions of their HR reporting systems only being able to hold a question with a limited number of characters or a limited amount of disability-related sub-categories. Some systems did not have the technical functionality for a free text space at all. This means organisations are restricted by their own systems’ capabilities, and it is these restrictions that define the question they ask. Here is the immediate problem: diversity monitoring is therefore measured by the wording that suits the organisation’s systems capacity, and not in the words that employees use to talk about their disability or condition in their own lives.

In one way, this makes sense, particularly from a researcher’s perspective of collecting a large amount of data: organisations need to be able to resource and manage the data that they collect. One employer commented that the best data would be an entirely ‘free text’ data input for employees to tell them about their situation in their words.

For many organisations, however, this is unrealistic in terms of having the capacity to analyse the data, let alone in time for annual reporting.²¹ Therefore, organisations instead have to group different circumstances into a reduced number of categories – such as, entry fields on an HR system. Organisations, in effect, have to decrease the diversity of groups in order to collect manageable data about them. It makes sense from a research management perspective, but it does not make sense from a policy or workplace perspective. This is because diversity data collection exercises in a language that makes sense to the organisation and not to the employee. In one employee’s words, they have to “work hard” to figure out if (a) their situation is what is being asked in the disability-related question the organisation is asking, and (b) which subcategory of disabilities their condition does or potentially could fall into. The discussion with disabled employees at this point became a little jovial for a moment where they commented in the group that answering disability related diversity questions is like “figuring out a puzzle” or a ‘brain training’ exercise.

Ultimately, then, organisations had to manage the balance between trying to capture people’s experiences in a way that lets them use their own language (or in a way that reflects their own language as closely as possible while not creating a data set which the organisation does not have capacity to manage, analyse, and report on annually. Therefore, the most common situation within the employer and disabled employees that we spoke to for this research is that the organisation sets the language, definition and categories (with or without collaboration and consultation with disabled staff), and then it’s ‘over to employees’ to ‘do the work’ to make themselves fit into the definition of disability and categories that they have been given.

The key ‘puzzle’ employees recalled was the task of ‘ticking the right box’, particularly in relation to the ‘type’ of disability or condition they have. This is because different terms and language are often used in different settings: for example, employees commonly reported that they have separate definitions and terms when speaking to their medical team about their condition, to what is ‘allowed’ in the workplace. Differences still occurred between when employees were with people who have the same condition or symptoms as them, to when they speak with their own families or closer social communities. This meant that employees commonly had a few different vocabularies for their condition: a **medical** language used by and with the medical professionals who support their condition; a **social** language that they used with family or friends (the latter could be more ‘casual’, whereas

²¹ Some employees did entirely free text surveys on focus on a specific area or topic to be addressed and said this entirely ‘free text’ filed approach and the amount of work it took was ‘worth it. In their words: “We recently did a survey of people with dyslexia. We received 300 plus answers with a free text option. It took ages to summarise, but it did give specific areas for us to work on improving.” While this is a valuable insight, we appreciate that many organisations are collecting tens or hundreds or thousands of employees’ data, and a free text option would possibly be unmanageable with the amount for potential responses that such a workforce size could potentially return.

some reported the culture of their family can sometimes be more 'formal'); and a **workplace** language for their disability – often defined, as above, by the limitations of the organisation's systems and within the remit of workplace inclusion policies and internal language style guides. This gave employees a lot to work out when deciding which categories to select for themselves. For example:

- Someone with Down's Syndrome may select "genetic condition" or "learning disability".
- Someone who has had a stroke may select "neurological" or "cardiovascular".
- Someone with Multiple Sclerosis (MS) may select "neurological" or "mobility related".
- Someone with autism may select "neurodiverse" or "developmental".

Employers commonly reported that to produce as 'clean' data as possible, they only allowed employees to select one sub-category. This, of course, also provided difficulties for employees who have more than one condition.

Case study: Measuring neurodiversity

Employees with neurodiverse conditions often cited the difficulty they have with answering diversity workforce reporting questions for two key reasons: firstly, as above, the language and categories that are often used, and secondly, because the very task of choosing 'one' option and, in one employee's words, "decoding" what the employer wants to know from questions and subcategories was, in itself, a stressful and complicated task.

The category of neurodiversity often causes complications for employers. BDF is contacted often by employers who want to undertake neurodiversity recruitment programmes or other neurodiversity specific initiatives. The problem, then, is immediate: "neurodiversity" needs to be defined specifically, because the employer needs to assess who is eligible and who is not. This means employers are in the perhaps **non-inclusive** position of needing to decide which conditions constitute "neurodiversity" and those which do not. This research project, as well as The Great Big Workplace Adjustments Survey 2023²², showed us the complications with trying to define what neurodiversity 'is'.

The most common conditions that we see covered in employers' neurodiversity training and guidance are:

- Autistic Spectrum Disorder (Autism)
- ADHD
- Dyslexia
- Dyspraxia

²² Business Disability Forum (2023), The Great Big Workplace Adjustments Survey.

- Dyscalculia

In addition, the following were found to be included by some employers:

- Tourette's Syndrome
- Sensory Processing Disorder
- Irlen's Syndrome

The above were employers' common remits of neurodiversity. However, in this research and in The Great Big Workplace Adjustments Survey 2023, employees with the following conditions also sometimes identified as having a neurodiverse condition:

- Mental health conditions
- Stroke
- Brain injury
- Stammer and stutter
- Neurological conditions such as migraine, epilepsy, and aphasia
- Energy limiting conditions, such as ME and Chronic Fatigue Syndrome, and Fibromyalgia
- Long Covid
- Menopause

Further still, in The Great Big Workplace Adjustments Survey, we asked employees if they considered themselves to have a neurodiverse condition. We also gave the option for employees to word their type of condition in their own words. A significant number of employees with autism and ADHD did not select that they had a neurodiverse condition; they instead chose to write the specific name of their condition. This was corroborated in one of the employee discussion groups where some with neurodiverse conditions said they were not always sure what constituted a neurodiverse condition from their employer's perspective, but they also were not sure if their neurodiverse condition was or could be a disability, particularly where the Equality Act 2010 definition of disability was specifically cited in the question that employers ask. As one employer said in relation to what all diversity workforce reporting rests upon: "It's the definition that is the 'sticking point'".

Diversity within disability evolves

This also illustrates that the diversity of disability evolves, and faster than employers think. As an example, the list of disability categories that we used in The Great Big Workplace Adjustments Survey 2019 necessarily had to be different to how we worded the survey in

2023. Even then, it was not perfect. The most common conditions that 1,480 employees told us they had were as follows:

- Mental health
- Musculoskeletal
- Developmental, neurodiversity or neuro-processing
- Chronic pain
- Long term condition (such as diabetes, HIV, heart condition)
- Any condition that affects your mobility or how you move
- Energy limiting conditions
- Neurology
- Deaf or hearing related
- Blind or vision related
- Learning disability
- Cancer

This list chimed well with respondents – to an extent. We allowed respondents to choose multiple categories and we allowed them to use a free text space as well. From the amount of common conditions within the free text spaces, we could identify additional sub-categories commonly reported enough for us to consider adding them within the multiple choice list next time we carry out The Great Big Workplace Adjustment Survey. They are:

- Autoimmune conditions.
- Bowel and digestion related conditions.
- Respiratory conditions (predominantly asthma).
- Sleeping disorders.
- Long Covid.

Fluctuating and progressive conditions

Employees commonly reported that disability data monitoring rarely captured the experience of fluctuating and multiple conditions. In addition, employees also said the nature of progressive conditions made it difficult to answer data monitoring questions. This is because employees said they were diagnosed with a progressive condition before it was ‘disabling’ them. This means that if asked if they have a disability or are experiencing barriers at work, they may say no, even though their condition may automatically be covered as a disability in the Equality Act 2010 from the point of diagnosis (MS and HIV were both examples), and they are likely to be ‘disabled’ by their condition in the future. This emphasised the closest satisfactory conclusion that both groups, employers and

disabled employees could agree on in terms of the role and limitations of disability workforce reporting: that **it does not, and cannot, measure the experience of having a disability; it can only capture the number of people who say that they have a disability in response to a specifically worded question at one specific ‘snapshot’ moment in time.**

A different way of measuring workplace diversity

Both the employer and employee groups agreed that the categorising of disability and the experience of being disabled is ‘untidy’, and it is only by allowing and ‘not tidying up’ how people talk about, describe and recollect their experiences that keeps the narrative authentic and as close to real lived experience as possible. The problem for employers remained: they were simplifying language about a complex, ‘untidy’ experience (having a disability or being disabled) to collect data that then did not help them change anything meaningful in terms of improving the actual experience of having a disability or conditions in the workplace.

We therefore asked the employer and disabled employee groups what the alternative could be. From those conversations, we identified that employers and employees wanted to move away from focusing on whether employers had a disability or what that disability was, and instead identify what employees were finding difficult in the workplace. From what employers and employees told us, we tested the approach of collecting data by **barrier** (the difficulty being experienced) instead of disability status and type.

We also use this approach in The Great Big Workplace Adjustments Survey where we measure how many people experience specific types of barriers and the adjustments they use as well as asking if they have a disability or long-term condition. In this survey, we find that people respond differently to the questions on whether they have a disability or whether they use adjustment. In the qualitative responses, the most common reason for employees not indicating they have a disability but citing the adjustments they use and barriers they experience, was that they experience difficulties. A decline in health or pre-existing condition, or a new health or disability situation some time before they received a formal confirmation or diagnosis of what was going on. That is, they experience the difficulties before they have the language and supporting personal narrative to make them feel as though they can say ‘yes’ to the question asking if they have a disability.

We identified that employers were keen to steer their efforts toward collecting data that was going to help them identify what was wrong and that would help them change things, and disabled employees were keen to take part in data collections that were based on

‘visible and experienced’²³ improvements in the workplace for disabled people. This was based on the three-fold principle that:

- People with different types of disabilities and conditions can experience the same barrier; and
- It is the barrier, not the condition, that drives an employer’s duty to make adjustment as soon as that barrier is identified; and
- Employers understand the barriers employees experience and to some extent gain a picture of the most common barriers to help prioritise removing them (assuming the barrier experienced the most would be the one to target first).

We created an example to use in a focus group:

| May find indoor lighting difficult | May need adjustments to the built environment | May use assistive technology |
|---|--|---|
| Autism Irlen’s Syndrome Migraine Epilepsy Sensory Processing Disorder Vision condition ADHD | Stroke Irlen’s Syndrome Fibromyalgia Multiple Sclerosis Cerebral Palsy Dwarfism Chronic Pain | Dyslexia Stroke Parkinson’s Disease Autism Cerebral Palsy Vision condition Chronic pain |

The above barrier-related categories and conditions are by no means exhaustive. They are instead the three examples we worked with in the discussion groups. We also tested this with employers outside of our working group and we sought opportunities to speak about this in front of groups of employers (at diversity meetings or events, for example). To date, the presentation slide which contained the above content was the most requested or followed up on element of our presentation. Employers who followed up on it said they wanted to consider how they can implement this approach in their own organisations.

Employers could identify numerous **benefits** to collecting data by barrier in this way:

²³ Employees discussed the difference between ‘seeing’ changes happen (such as an employer changing a policy or guidance) and experiencing the impact of that change (they are treated better as a result of that change).

- It ‘de-medicalises’ disability because of the reduced reliance on diagnosis and medical terminology.
- It ‘de-politicises’ disability by not needing to define which conditions were or were not covered by umbrella terms where there may be disagreements (such as with the example of ‘neurodiversity’ above).
- It lends better to the experience of employees who have multiple conditions or who have conditions that do not yet affect them.
- It helps employees to think about what they find difficult for the purpose of speaking to their manager (or equivalent) about what could help remove those barriers (which adjustments they may need).
- It removes a significant element of personal sensitive and medical data, because it does not pretend to be capturing the ‘how many’ or which disabilities employees have.
- Only data that informs an employer where they need to remove the barriers in their organisation is collected.
- It reiterates a disabled employee’s views that having a disability is not the same as the employer understanding the disability-related barriers in the organisation and making adjustments.

The **difficulties** with this approach are perhaps already obvious:

- This is not the direction the mandatory workforce reporting is going, by industry regulator or by the Government – and that is unlikely to shift. Therefore, while we (BDF, employers, disabled employees) think it is effective and meaningful data to collect, it is unrealistic in terms of this becoming mainstream practice – and is almost certainly not a consideration where mandatory reporting is being considered.
- When we took the above questions to the employer group, they found them helpful and almost all exclusively agreed that these questions would help them in monitoring their employees’ experience of being disabled in their organisations as well as giving them direction for where to delve further into where systemic disability-related barriers might be in their organisation. However, some employers in the group were quick to reflect that the real incentive to change the method, and what is measured, is at Board or regulatory level. As one employer said: “Our Board want a figure and a percentage. That’s what they ask for. They never ask how disabled employees are feeling”.

Part 3: Disabled employees' experiences of being asked to share their data

Disability as an identity or an experience is not static

Many disabled people and campaigners are keen for people to understand that disability is not a 'binary' identity – that is, the separation between 'disabled' and 'not disabled' is at a real, lived experience level, not the reality of living with, acquiring, or, for others, recovering from a disability, long-term conditions, or impairments. Even during BDF's existence, we have seen that as communities and workplaces stop seeing disability in this binary 'disabled or not disabled' either/or way, there becomes much less of a feel and culture of 'them and us', which in turn, allows for more inclusive behaviours to 'take root' among people and colleagues.

The Government's own longitudinal statistics on disability and disabled people show disability changes greatly within months, and employers often tell us that the disability status of an individual has changed between application and onboarding and then again, during probation and later in their career. This becomes even more prominent for employees who have had a condition that they know to be automatically covered by the Equality Act 2010 (such as cancer) but who no longer experience any symptoms, and it is also common for people with fluctuating conditions who may not experience being 'disabled' for most of any one year when presented with a disability prevalence survey or question, only to then feel severely disabled at another time in the year when they have not been asked the question. This resonates with one employee outside of this research, who said that when their employer asked them if they have a disability, they said "Do they mean *'today'*?" Another employee recalled that although they have a long-term diagnosed condition, how they would 'tick the box' (answer 'yes' or 'no' to if they have a disability), they said it would depend on whether their condition had been "disabling recently". The idea of disability being a current experience for someone is therefore subjective, fluid, and interpreted in a variety of ways that the employer rarely, if ever, defines in the question they ask.

Standardising language and suggesting an alternative

The need for standardising disability related language into a question which would be used for all large UK employers to report on was not welcomed by disabled employees. Overall, disabled employees did not see telling their employer about their disability as the same as discussing adjustments with their employer. The law supports this. The UK Equality Act says that the employer's duty to make adjustments engages when they know or could reasonably be expected to know that an employee has a disability. An employer being 'reasonably expected to know' may include an employee asking for adjustments because they are finding something difficult at work. The key concern from disabled employees was

that they had worked hard with their HR or diversity and inclusion teams to improve the language and narrative about disability and being disabled at work and being given a ‘one size fits all’ definition by Government would potentially undo that.

Standardising language and the definition of disability was of particular concern to disabled employees. Employee networks had worked hard with comms, HR, and inclusion teams to ensure language about disability, wording of corporate policies, and how disability and disabled people are spoken about in and by the organisation generally are co-produced with direct and ongoing input by disabled employees. The idea that the Government would introduce a single, standardised definition which all large UK employers should use was not welcomed by any disabled employee we spoke to. Employers were also concerned that their brand identity about disability and inclusion – which some had worked on with local and national disability charities – would be undone.

Encouraging better practices from employers and allowing them to co-produce their individual brand vocabulary and narrative about disability and their workforce alongside any mandatory reporting requirements would further inclusive practices (and help measure the impact of those practices) by ensuring the experiences of disabled people are at the centre of workplace inclusion. It’s also an approach that disabled employees said they would find much more useful in identifying which employers are likely to support them and provide the adjustments they need in an organisation before applying for a job. A single reportable figure that employers are mandated to produce does not allow for this.

Employers and disabled employees generally agreed that it is hard to reduce the experience of having a disability or long-term condition into one sentence or question in a way that will make everyone it applied to respond to in the same way – that is, that everyone who has disability will respond ‘yes’ to. Employers generally described a situation where they go ahead and ask one carefully designed question, then get results that they know are lower than the reality, and nothing really changes for them or for disabled employees.

This is partly because the wrong questions are focused on and asked. Employers understood that the data they are being asked to collect – disability prevalence and pay gap data – is not helping them improve inclusion in their organisation, and as per the ‘no one is happy and nothing is changing cycle’ in Part 1, is not improving things for disabled employees either.

We therefore asked disabled employees, if their employer had to ask disability-related questions, what questions would they (employees) be happy with answering. Disabled employees discussed and generally agreed the following:

- What barriers do you experience because of your disability at work?
- Do you have all of the adjustments you need?
- How long did it take to get those adjustments?

- Have you experienced bullying, harassment, or ‘banter’ because of your disability from any colleagues at work during the last 12 months?
- Do you think that the general experience of having a disability or long-term condition in this organisation has improved within the last 12 months?

Disabled employees said that, within answering the last question above, they would be thinking of everything that makes up a good, safe experience of a workplace – such as whether disabled people are considered in new decisions or major changes; if they continue to hear, see or experience disability-related bullying, harassment, or ‘banter’; and how far they see and experience managers and senior leaders challenging poor disability-related attitudes, perceptions, and assumptions. Disabled employees responded positively to collecting data by barriers and to asking questions about their experience rather than if they consider themselves to have a disability and what that disability is. Some thoughts on this from disabled employees included the following:

“Inclusion appears to be ‘double edged’. To be included, do we have to say we have a disability? Employers should just be kind to everybody.”

“[Inclusion should be about] ‘Get what you need here – no questions asked.’”

The above questions and experiences were very similar to what an employer told us in a depth interview. This employer explained that increasing inclusion in their organisation has been about working to improve processes (such as the workplace adjustment process) by addressing the attitudes of managing, referring into, or working on those processes. This employer said this work had helped them understand that they need to focus on and understand the following:

“Does anything disadvantage you? Are your colleagues treating you well? How did you get to work? Do you have everything you need and do you need anything else to do your job?”

Another employer in a separate depth conversation had a similar view and used similar words:

“Sometimes we are bullying people [for their data] and we don’t know it. We might improve diversity, but the inclusion bit does not necessarily follow: Do people get workplace adjustments? Are people feeling better?”

The similarity between what disabled employees had collectively said they think inclusion data collection questions should be with what these two employers said separately – weeks apart and in a separate conversation – is striking.

The questions asked in diversity workforce reporting enabled or disabled the feeling of inclusion. In this way the questions and language asked by employers in diversity related surveys was very much seen and felt as an official communication from the employer about how it perceives and understands disability and the experience of being disabled. This is crucial for employers to understand, because employers are currently too often undermining the impact of the language, wording, and definitions used in these diversity monitoring activities. To the employer, they are merely working hard to fulfil a diversity workforce reporting requirement using wording they are given by a regulator or have decided internally, alongside the remit of the capacity of their reporting systems. To the disabled employee, though, the employer is communicating what they think and understand about disability and what it is like to have a disability or condition in the workplace. In this way, employers' diversity reporting language and definitions are so often greatly downplaying, justifying, or even undoing the inclusive culture and narrative in the workplace that their inclusion initiatives more widely have worked hard (and costed a lot) to achieve.

Fear is not a major reason for not telling an employer about their disability

There was of course the issue of employees not feeling they could say they have a disability. In one disabled employee's words, "The culture and organisation climate has to be so that employees feel comfortable to share" – and that certainly is an issue. However, this was much less prevalent an issue than many employers we speak to assume, and the reasons were nuanced.

We instead found that many people regularly described not being afraid or fearful to tell their employers – it was just that the response they got when they did was not good.²⁴ This was often through no malice or ill-intentions; managers, or the person employees would commonly tell they have a disability, were just uninformed and had not been told how to respond. For example:

²⁴ Note that every employee in this group knows they have a disability or long-term conditions, they lead a disability network in their workplace and they have for some time been 'used to' the experience of being disabled or having a condition or impairment. This finding might potentially be different if there was a greater variety of how long employees in the group had their disability or condition and how used to or confident they are to talk about it at work.

“I declared that I had dyslexia, and I was told that I can look words up on Google.”

And, in another disabled employee’s words:

“If you say you have a disability, the outcome will be negative.”

It was not fear of telling their employer; it was the **expectation** that the outcome was not going to be good. In fact, some disabled employees we spoke to were confident enough that, when that response was not good, to either follow up on it (via informal or formal complaints procedures) or they would go away and call on their support networks to make their own arrangements and adjustments as much as they can. There was sometimes the ‘unacceptable acceptance’ that it would save them time not to ask and ‘deal with it themselves’.²⁵ This reflects the views of many disabled employees that said the Government’s proposals and employers’ practices of disability workforce reporting were almost unavoidably entwined with talking about adjustments. That is, when employees are asked if they have a disability in a survey or for reporting purposes, they often referred to how the most important thing is not whether they have a disability, but whether the employer is accommodating and making adjustments to remove disability related barriers. Many employees have a poor experience of getting adjustments in their workplaces, and it is this that puts them off talking about their disability.

One employee said it’s not about fear per se, it just gives the impression to employees who are not familiar with diversity data processes (such as ‘newly’ disabled people, people new to the organisation, or younger employees with less career experience) that data collection could feel that disabled workers are being ‘checked up on’:

“If you are dyslexic and you are happy, you don’t want people to be checking up on you.”

Overall, then, encouraging employees to say they have a disability was something employers and disabled employees felt needed to be moved on from, so that the focus could instead be on improving disabled employees’ experience in the workplace and instead focus on process improvement. In one employer’s words:

²⁵ The caveat here is that the respondents are leaders or co-leaders of the disability network in their organisation and are therefore typically (but not exclusively) confident in their experience of disability and are used to following up with the employer on things, either for themselves or on behalf of others. One network leader referred this as having the confidence to “Be who you are and say who you are”. We know that there are many more disabled people who do not have this level of confidence or personality type to know how to – or want to – follow up when they do not get a good response or do not receive support from their employer.

“I am concerned about the amount of resource to reporting and fill in forms, rather than doing things to make things better.”

Employers who agreed with this discussed that when they focus on inclusion rather than measuring diversity, they do not really need to know or ask employees if they have a disability. One employer who is also disabled themselves said:

“I think it's really rare that we actually need people to disclose their disability. If instead we ask everyone what they need or ask if they feel they could meaningfully contribute to something about disability, that's actually all we need. By requiring disclosure, we exclude people who aren't diagnosed which is a huge number of people and loads of non-disabled people who can meaningfully contribute to disability-related work [in the organisation].”

This was echoed by a disabled employee who felt there is an element of ‘harassment’ that goes on when employers are required to report – and disabled employees and disability employee networks can often feel that. One employee said while their disability network encouraged people to “be who you are and say who you are”, the context is disabled employees doing this for themselves in situations where they are happy and want people to know – which is not everywhere. Further still, some then said that diversity and inclusion teams often see “being yourself” – the somehow moral, emotional ‘pull’ of being “open and honest” [about your disability] – is somehow conflated with workforce monitoring and reporting. The subtext then becomes that disabled employees talking about their disability at work is somehow predominantly about, or contributory to, their workforce and pay gap reporting requirements. In this way, not only does a mandatory requirement put the onus to employers, but the ultimate pressure is also on employees. For this reason, one disabled employee said:

“The Government are doing this the wrong way around. It [the Government] needs to make sure employers have education and accessibility.”

(Not) needing to prove a disability

A key experience felt among many disabled employees we spoke to was that there appeared to be a double standard regarding whether employees needed to provide evidence or prove their disability. The general experience was that when employees with a disability or long-term condition needed adjustments, they were often asked for proof of what they needed and why; but when employers needed employees to tick ‘yes’ on diversity monitoring, proof was not mentioned. The general narrative disabled employees ‘felt’ from their employer was ‘prove’ your disability when you need adjustments from us, but not when we want your data’ – or, in another employee’s words:

“I’m always asked for proof that I have a disability – until the information is for something *they* need, then it’s suddenly not important that I might not be telling the truth.”

This was reiterated on numerous occasions throughout the project. It identified a ‘power struggle’ between employers and disabled employees that both employers and disabled employees were generally aware of but that they could not get out of – that is, employers really need disabled employees to tick the ‘yes’ box’, and disabled employees often know this all too well to the extent that they withhold the data until their adjustments are in place. In disabled employees’ words:

“I will tick your box when I get my adjustments that were recommended six months ago.”

"That's cool. Ask me to tick that box. But I won't until you give me my adjustments."

“The minute I become a problem [by requesting adjustments or raising concerns] to the organisation, I won’t give my data.”

Challenging ‘diversity management speak’

Both the employer and disabled employee groups spoke about “soundbites” and “business management speak” in relation to data strategies and collecting data to understand the workforce. There were some phrases that were commonly used around requests for employees to share their data or during communication campaigns to encourage employees to do so. In the disabled employee groups, we asked what language they felt was helpful, and which terms they felt did not help how disability and disabled employees are perceived in workplaces. Here we share insights from the groups about some of those terms.

What gets measured gets managed

The groups separately debated concerns behind the phrase that “What gets measured gets managed”. There were some views that this phrase represented a somewhat lazy response to leadership. In one employer’s words:

“If something isn’t being managed because it’s not being measured, then do something about it. Start collecting the data and start understanding what is going on.”

An alternative interpretation of this phrase though came from disabled employees – that what gets measured gets managed is **exactly** right and, since there are few attempts or requirements to measure disabled employees’ experiences of inclusion and getting adjustments at work, this is why their experience remains so poorly managed.

Ultimately, as one employer said, “If you look to improve something, we have to measure it”, which is why it is so important that any requirements to measure are in fact measuring the right thing. Requirements of an employer to merely report a number overlooked the almost exclusively agreed-on view that the number reported is not going to create impact but, rather, impact will be created by what employers do with whatever data they collect – or, in one employer’s words, “the impact of the figure is more important than the figure on its own”.

Enablement

This term has increased in organisations during recent years yet was the most unpopular term we discussed in the employee group. The view was that workplaces refer to “enabling” people by removing barriers when the organisation put those barriers there themselves – and those teams were often involved or nearby when employees were asked if they have a disability. This made some disabled employees feel as though they were not going to tick ‘yes’ alongside a narrative based on someone else enabling them, particularly if the organisation itself was creating many of the barriers they were experiencing. The term was seen as “patronising” as though disabled people cannot do anything unless they are ‘enabled’ by (predominantly) non-disabled employers. A further layer of frustration was that there were “Enablement Managers” or “Enablement teams” in organisations where disabled employee network leaders recalled multiple cases of employees not getting the adjustments they need and then being subject to performance management procedures.²⁶ “Enablement” was the key term that came up when discussing how the tone and values that communications convey when asking about disability really do matter for how employees answer the question.

Disclosing (a disability)

For over a decade, disabled employees have often pushed back on employers referring to “disclosing” a disability. This was because employees and HR professionals too easily associated “disclosure” with being something negative or, indeed, related to “disclosing” a

²⁶ This experience was so common among the disabled employee group that some wrote to us to request a separate focus group on enablement and performance management. We felt as though this was beyond the scope of this research project, but we have since arranged a discussion group for disabled employees on this topic.

criminal offence (as per a “Disclosure Barring Service” check). However, since more companies are proactively attracting ex-offenders for employment programmes and such programmes are increasingly becoming a core part of inclusive employment agendas, “disclosure” in this way is losing the negative connotations it once had in this context. We actually saw evidence to the contrary. When one of the disabled employee groups were asked if they felt “disclosure” was somehow associated with revealing something ‘big’, fearful, or information that was somehow ‘secret’, they replied emotively, with emphatic animation:

“If that’s the case, then disclose is *exactly* the right word. Because when I tell you about my disability, you *should* treat it with care. And yes, it *is* big, it *is* scary, but it’s real and you have to make adjustments so that my ‘real’ can be in your organisation.”

Sharing and declaring (a disability)

Some said that they preferred the term “sharing” [their disability] to “disclosing” or “divulging”. Some employees in the group associated “sharing” or “declaring” with being “proud to be disabled”. Others, though, were less enthusiastic, particularly about the term “sharing”:

“I don’t *share* my disability. It’s my experience only. You don’t have to *share* my experience. You just have to listen and understand it.”

Self ID and identify

The group also discussed an alternative – “self ID” (self-identifying) – to describe how employees identify (as an employee with a disability). This, however, was met with a neutral or negative reaction. Some said anything to do with self-identifying feels overly political alongside the backdrop in the UK of immigration policy. It resonated with views about why non-British disabled employees particularly did not like the term “passport” (in terms of disabled “passport”) – that is, because self-identification and passports are documents that prove eligibility to be in a certain place. In employees’ words:

“It’s literally proving that I am eligible to remain here.”

“It’s literally back to proving our disability or existence again.”

Another employee mentioned that “self ID” focuses on those who do identify as having a disability, whereas disability inclusion at work should not just be for disabled employees who tell their employer about their disability.

For this reason, another employee suggested that the diversity and inclusion agenda needs to “move away from the terminology of [people] ‘identifying as’ [disabled]” entirely.

Being open

Some disabled employees said they did not really understand what “being open” means in relation to disabled employees. It was felt that, if you have a disability, you somehow have an obligation to tell someone or talk about it at work. Others in the group said they had heard the phrase “open and honest” (in relation to disability-related conversations) and felt that the subtext was somehow that, if you have a disability and have not “shared” it, the presumption is that you are not honest or not telling the truth or that someone is deliberately “keeping it a secret” (even though it would be fine if someone chose to do this).

More important than language: improving experiences in the workplace

It was common for group participants to question why a project on disability inclusion data collection and inclusion should focus so much on language:

“Disclose, declare – it doesn’t matter. I just want a ramp to the building so I can get in the building that everyone else can get into.”

Another employee agreed:

“I agree. Disabled employees have bigger stuff to deal with than language.”

The discussion concluded with how, perhaps the disability sector and inclusion professionals “worry about language way more than we [disabled employees] do”. Ultimately, the point for disabled employees was that **getting the language pristine while adjustments are being left unmade and barriers are not removed does not make an employer disability inclusive**. Another said the following about resisting the urge to spend so much time trying to say which terms should and should not be used:

“There is a danger that we overthink this, making it difficult for others to say anything that will help us [disabled employees] at all.”

There was much agreement in the group with this statement.

The overall conclusion, however, was not to avoid paying any attention to language. It was instead that many feel there is a “corporate jargon” and “diversity speak” around making adjustments and asking employees if they have a disability. It was felt that this over-obsession with the right language appeared to be trying to “sanitise” disability and the

experience of being disabled in the workplace instead of letting mistakes be made, preferred language and terms to differ, and for people to change their mind as much as they like about how they refer to their disability or being disabled. The overall advice from disabled employees was clear: “keep it simple”. That is, focus on using plain language, as many of their employers’ inclusive communications guides said they should do anyway. Therefore, for example, instead of **“how to disclose your disability”**, consider **“how to tell us about your disability”**. Rather than “don’t worry about language” it was, instead, “keep your language simple and real and don’t obsess over it”. In one employee’s words:

“With all of these terms, it is about being clear what they mean. Avoiding jargon and keeping language easy to understand for people not ‘in the field’ is important. It is important to use words where the meaning is clear.”

Moving an organisation’s culture from passive to positively active

Ultimately, disabled employees said that they felt they had to “keep in mind” a narrative that worked for them and their situation and not get “downhearted” with how the diversity and inclusion agenda is increasingly “boxing” people for the sake of numerical reporting. Although diversity workforce reporting proposals are unquestionably well-meaning, disabled employees told us they are not “real” in terms of reflecting their experience of work or life more widely. This created a “chasm” between how disabled employees feel about and experience work and how “diversity speak” is increasingly medicalised, sanitising, or trying to “tidy up” the experiences of disabled employees. It caused one employee to poignantly say:

“Declaring is not part of our disability culture. That’s just an HR process”.

This sharper focus shows the limitations of workforce reporting and the need to understand what it can and cannot achieve. Disabled employees helped separate differences between terms that are about numbers and terms that are about experiences. The conclusion was that there is a difference between diversity, integration, inclusion and belonging. The discussion was around diversity being “passive” whereas the others are “active” – that is, they have to be worked on actively by the employers (we may even call these a “verb”). Within the active terms, there is a progression; for example, in integration, there could be an element of employers acting but also an expectation that disabled employees have to adapt to how the organisation currently is, rather than the organisation actively seeking to change that culture by identifying and removing barriers (inclusion), which in turn eventually leads to the outcome, belonging. In this way, integration was active, but in a negative way and was still not inclusion and definitely not belonging. The below table maps these differences:

| | | |
|---|--------------------|--------------------------|
| The number of people who say they have a disability or with X type of condition | Diversity | Passive |
| Disabled employees are expected to adapt to the environment as it is | Integration | Negatively active |
| Disability-related barriers are identified and removed at organisational and individual level | Inclusion | Positively active |
| Disabled employees feel included and valued by their teams, managers, leaders as they are (in terms of having a disability) and how they work (with their adjustment) | Belonging | Positively active |

The striking observation was of course that diversity workforce reporting (mandatory disability workforce reporting) is focused entirely and exclusively on the passive element of organisational culture. Once again, measuring diversity does not in itself progress into creating active inclusion and belonging. Employers and employees did however say that the above framework could indicate a process for employers to think about where their organisation currently is at any one time in the above table. For disabled employees, measuring workplace experiences in this way supports the words from disabled employees that others in the groups agreed with: “We don’t want to be a stat. We’re people”.

Part 4: Disability pay gap reporting

The addition of disability pay gap reporting

The 2021 disability workforce reporting consultation did not make any proposals to introduce disability pay gap reporting. It was, however, a manifesto commitment of the Labour Party. Therefore, when the current Government came into office, proposals to progress the requirement for large employers to report their disability pay gap figure moved relatively quickly.

In the King's Speech on 17 July 2024, measures to introduce disability pay gap reporting for employers with more than 250 employees were proposed via the Draft Equality (Race and Disability) Bill.

Some employers in the working group were already measuring their ethnicity pay gap, and shared how it was comparatively complex compared with gender pay gap reporting. In one of the employer discussion groups, there were similarities developing between ethnicity and disability pay gap reporting. The most common theme was that ethnicity pay gap reporting was not largely felt to be useful unless intersections of race and ethnicity and the subcultures within various ethnic groups were understood and had data collected on them. Even then, numbers were so small, (often less than 10 even in large organisations) that reporting the data would likely risk identifying specific employees. Such issues are also evident with understanding and categorising disability. Some employers were trying to capture some 17 or more subcategories of disability and other employers were using systems where there were only three or so fields for subcategories to be captured.

In addition, many employers we have spoken to since the above Bill was introduced to Parliament have been confused by how disability pay gap reporting can be implemented without disability workforce reporting (the Bill sets out proposals for the former but not the latter) – the point being that you need good data about who has a disability before pay can be compared.²⁷

The 'undoing of trust' by needing to re-collect data

Employers referred to how collecting and reporting the gender (or, more accurately in the language of the Equality Act 2010, sex) of an employee is a legal requirement for employees during their working life for tax and pension purposes. Therefore, employers generally already have this information in their systems as named, not anonymous, data.

²⁷ That said, while it follows that good disability workforce data is needed to be able to have good disability pay gap data, it does not follow that the Government needs to mandate public reporting of that figure. There is perhaps an argument that it 'just makes sense' for the Government to mandate both. However, it is not essential for disability pay gaps to be reported without mandating reporting for disability workforce figures.

Gender pay gap reporting is, therefore, in one employer's words, "more straightforward" than disability workforce data collection would be, not least because employers said they do not have to ask employees anything when it's time to report their gender pay gap. The data is already in the system, next to a named HR record. Employers recalled that it is unlikely employees even know gender pay reporting has happened each year until they see it reported.

This is a directly opposing situation to what mandatory disability pay gap reporting will present for employers: many employers currently collect disability workforce data **anonymously** – that is, not by a named employee record. If disability pay gap reporting was to become mandatory, many employers will have to re-collect the data, this time asking disabled employees to put their disability status next to their named HR or payroll record so that positive disability responses could be captured alongside salary and earnings. This is not a favoured task for employers to have to do, or for disabled employees to be asked to do. In many circumstances, we expect that doing this will cause many employers' disability workforce figures to fall significantly. This is because employees might be comfortable to say they have a disability anonymously but, understandably, not next to their named HR record. This data re-collection itself will take time, and the eroding of cultural safety and the, in one employer's words, "undoing of trust" was felt by employers to be likely to be significant. Anonymous data employers have worked for years (some said decades) to gather will no longer meet employers' legal requirements when the Equality (Race and Disability) Bill is enacted.

Unintended consequences: Reducing inclusion to improve the disability pay gap

There were a number of "non inclusive" inclusive practices that were identified by both disabled employees and employers themselves which they felt that organisations', regulators', and Government's focus on numbers were causing them to consider or do.

Forced to be promoted

The employer and disabled employee groups identified that disabled employees are being 'inappropriately' encouraged into applying for promotions (when they do not want to) with the hope that these efforts will be reflected in the organisations disability pay gap figure. One disabled employee referred to this as "being bullied into being ambitious". Another employee said they are "happy to be ambitious in this role" but that data monitoring initiatives appeared to favour what is in the reportable number rather than what employees really want in their working lives.

One employer told us in a depth conversation that they had looked into progression and equality in their organisation, and they were concerned that their numbers were telling them that some protected groups were disproportionately not getting promoted across the

organisation. In doing this internal research project, which involved talking to their employees to find the reasons behind the numbers, they found that women and disabled employees were predominantly saying, “I am happy where I am”. This employer said employees liked that they did the research, and they also had a good response to this finding as well. This employer said:

“It’s not the numbers that change things, it’s the engagement.”

Employees get their adjustments declined

In recent years, we have been contacted by teams and individuals who have said they feel pressured to take a more senior and higher paid job in their organisation. Some suspected it was to enhance figures about the promotion of disabled people in the organisations, and others had been told outright or said they had been approached as part of an internal campaign to do this. On each occasion, employees or their managers had asked what the employees’ rights are to decline such opportunities if they did not want to take on increased responsibilities, even if it meant more pay.

In tandem, many workplace inclusion initiatives predominantly focused on promoting people; getting people into more senior jobs and getting a better paid position. Disabled employees who did not want to do this felt they had to justify or ‘argue’ why (although this was also the view of many unpaid working carers, parents, and older workers).

In The Great Big Workplaces Adjustments Survey 2023, we found:

- **55 per cent** of disabled employees would like to consider decreasing their hours in their current job to help them get a good work-life balance while managing their disability or condition.
- **31 per cent** of disabled employees would like to consider decreasing the amount of responsibility (including management, deadlines, and targets) in their current job to help them get a good work-life balance while managing their disability or condition.

Changing disabled employees’ jobs in the above way (where they wanted to and the employer could accommodate this) would likely negatively impact the employer’s disability pay gap figure. Some employers in depth interviews were honest about knowing there is a direct tension between job carving when a disabled employees’ job became undoable for them and decreasing (improving) their disability pay gap. In one employer's words:

“I have declined those adjustments because it would affect our organisation’s disability pay gap.”

Some raised the observation that many measure their disability pay gap by Full Time Equivalent (FTE) salary, rather than by pro rata salary or hours worked. However, many employers do not do this, because measuring by hourly pay **and** hours worked helps them

understand disproportionate numbers within protected groups who are working under full time hours, and they look into why this is. For example, some employers and disabled employees said disabled employees sometimes do not get full time jobs or have requested to work more hours yet had these declined. Either disabled employees felt this might be because of their disability, or they had been candidly told that it is because of their disability (or something to do with their disability). Measuring disability pay gaps by FTE salary can therefore perhaps solve one area of disability inequality (those who chose to work less hours and who do not want to work more) but cover up another (those who work less hours but who want to work more but get denied the opportunity).

Disability employment initiatives can be put at risk

In 2021, Business Disability Forum was invited as a witness to give oral evidence to the Work and Pensions Committee inquiry on the disability employment gap. The Committee also asked witnesses about disability pay gap reporting.

This same inquiry also heard something that we continue to hear: employers who invest in disability and supported employment schemes naturally have a **wider** disability pay gap. This is caused by an employer's significant intake of disabled people who are on entry level salaries which naturally widens the organisation's disability pay gap. It was due to this evidence that the inquiry report recommended the Government should not seek to introduce disability pay gap reporting, because it would disincentivise employers from employing disabled people and investing in disability and supported employment schemes, considering job carving for disabled people, or employing disabled people in entry level jobs when that job is the most realistic and sustainable opportunity for them.²⁸

The emergence of the 'ideal' disabled employee

Disabled employees told us that they felt the representation of disabled employees was different to the prevalence of disabled employees in an organisation. Further still, they said both representation and prevalence were different to saying that they themselves have a disability. As one disabled employee said:

“Getting adjustments is different to representation and to me ticking a box to say I’m disabled.”

“The Government are doing this the wrong way around. It needs to make sure employers have education and accessibility rather than [focusing on numerical reporting].”

²⁸ Work and Pensions Select Committee, Disability employment gap inquiry, second report, paragraphs 34-39. Can be accessed at: <https://publications.parliament.uk/pa/cm5802/cmselect/cmworpen/189/18905.htm>

Yet both disabled employees and employers felt that measuring disability in the workplace forced employers to ‘conflate representation, prevalence, and getting adjustments. Employees also said they can feel the difference in the organisation, depending on whether the employer chooses to focus on representation and prevalence or an adjustments-centric culture. The differences can be organised as per the following table:

| Type of measurement | The perspective it comes from | What it is | How it feels to disabled employees |
|-----------------------|-------------------------------|--|--|
| Representation | Employee | Disabled people are working in the organisation and other disabled people can see they are there. | Natural, organic, comforting, endorsing, trustful, impacts to how the organisation “feels”. |
| Prevalence | Employer | Employer counts the number of disabled people that say they have a disability in the organisation. | Forced, reductive, misses the point, can be manipulated or ‘edited’ by editing the question. |
| Inclusion | Both | Where employees are supported and the workplace is made as easy and as comfortable to be in as possible. | Uncompromising, welcoming, supportive, “win win” (if employees get what they need, they are equipped to do a better job for the employer). It does not matter whether employees tell the employer they have a disability because they get what they need either way. |

Representation was more important and more “reliable” to employees than prevalence; it was felt to be more “organic” where people just “are” – that is, disabled people are in all organisations, whether they say they are disabled to others or in workforce data reporting or not. Prevalence, however, was thought to be an employer’s perspective which was

measured by a single definition – an ironic diversity related task which reduces the breadth of the experience of disability and being disabled to one single sentence or definition.

This causes another problem. Since prevalence appeared to disabled employees as well as employers to be the “goal in itself”, it means that increasing the number of disabled people being recruited into the organisation would not help improve those figures if those disabled people did not “officially” tell the employer in their data reporting activities that they have a disability. Employers discussed how internal ‘campaigns’ to encourage ‘pride’ in having a disability, or senior colleagues saying “why they share their disability status” was to help combat this; it just was not enough to employers to have disabled people in their organisation; they want disabled people who are going to talk about their disability and who are happy to have it on the HR record as well.

This led to an unspoken concept emerging of what a good or ideal disabled employee is. From conversations, we were able to map out what this emerging idea of the ‘ideal’ disabled employee is:

- Employees who do not just have a disability, but who also formally tell their employer they have a disability (for the employer’s disability workforce reporting figures).
- And not just a disabled employee who tells their employer they have a disability, but who are also willing to put a positive disability status on their named HR record (for the employer’s disability pay gap reporting figure).
- Employees who have, tell, and record that they have a disability, and who need an adjustment so the employer can say they have made adjustments for X number of employees – but as long as the individual does not need too many adjustments or complex adjustments, because this takes up capacity and becomes complex to organise, implement appropriately and review.
- A disabled employee that fulfils all of the above but who also wants to be promoted (so that the employer can see disability pay gap figures improve).
- An employee who fulfils all of the above, and if something is going wrong or the employee experiences disability-related bullying, harassment or discrimination, they ‘tick a box’ in surveys so that the employer can say they ‘measure it’, but the employee must not make a complaint or submit a grievance, because this is more work and organisationally ‘risky’.

This **‘ideal’ disabled employee** – a mirage that disabled employees are already picking up on in the subtext of their employers’ diversity and inclusion practices – has all of the above ‘qualities’ that will positively impact an employer’s disability workforce and pay gap reporting figures. Disabled employees who want to have a job, come to work, and focus on

“just doing [their] job”²⁹ rather than being asked to blog, vlog, or post about their disability, join a disability network, complete their disability status on regularly reporting systems or surveys are, in effect, “not the right type” of disabled employee that employers subject to mandatory reporting will need them to be. This is another unintended consequence of reporting measures that value diversity measurement over improving inclusion.

‘Mixed messages’ to employers and putting inclusion back into pay gap analysis

Meaningful disability pay gap reporting is not about what people earn; it is about **why** they earn what they earn. It is the difference between knowing if they are working in the way they want to and earning the way they want to, or whether they are being made to work and earn what they do due to, for example, their employer trying to narrow their disability pay gap or because of barriers that prevent workers from earning and working more. Reporting requirements, however, do not currently encourage or reward employers for looking into the ‘why’.

The disability pay gap reporting proposals also send a range of ‘mixed messages’ to employers about what they (the Government) want employers to do. For example:

- Disability workforce and pay gap reporting relies on disabled employees telling their employer that they have a disability – but we, employers, and presumably the Government, also want open, easy ways for employees to get the support and adjustments they need, whether they are ‘officially’ or ‘legally’ disabled or not.
- The Government have praised and encouraged more job carving³⁰ and employment support schemes for disabled people, which naturally widens the disability pay gap of the employers who invest in these, yet the Government is considering implementing a reporting requirement which, at its core, is designed to make transparent the employers

²⁹ These words were used by a disabled employee in The Great Big Workplace Adjustments Survey 2023 in the context of describing how they feel there are additional ‘burdens’ or ‘requests’ on disabled employees at work (such as the pressure to talk about their disability, or help promote disability related initiatives in the organisation, or complete additional documents such as disability passports) in a way that non-disabled employees do not. They describe how this means that disabled employees can’t just choose to ‘come into work and get on with their job without being viewed as a “disabled employee” instead of an “employee”.

³⁰ The Work and Pensions Committee’s disability employment gap second inquiry report said: “Some disabled people we heard from spoke highly of a technique called job carving. Job carving is when an employer tailors or creates roles that best match the skills of an employee. The Equality and Human Rights Commission has identified job carving as a method which could improve disabled peoples’ employment outcomes. The Department already encourages providers of some of its disability programmes to engage with employers to job carve roles for participants, but it could and should do more. We recommend that, as part of its National Strategy for Disabled People, DWP should provide detailed guidance to employers and providers of its programmes about how they can job carve roles for disabled people” ([paragraphs 74-78](#)).

with the widest disability pays gaps – the tacit presumption being that employers with the widest disability pay gap are somehow not good or inclusive employers.

Part 5: Conclusion, recommendations, and moving forward

We undertook this research to explore the potential impact – including identifying the intended and unintended consequences – of what are undoubtedly well-intentioned proposals to measure disability-related diversity and inclusion in the workplace. The interventions which are currently being proposed have actually been happening in some sectors for decades, and yet the core principles underpinning the current and recent Government’s proposals is the assumption that the reporting will increase the number of disabled people in the labour market. As our research has shown, measuring the number of disabled people working in a large organisation and the disability employment gap are two very separate, different things which impact greatly on the behaviours and practices of employers which have consequences for the inclusion of disabled employees.

Through our project, we have presented evidence to show that the price of getting data collection wrong is high on disabled employees and on disabled people's experiences of their employer, such as the unintended consequences disabled employees and employers told us about during this research. Namely:

- Employers doing regular internal communications and ‘campaigns’ to encourage employees to tell their employer they have a disability – but this tipping into what both employers and disabled employees called being “bullied” for their data’ or being “forced to disclose”.
- In industries where mental health conditions and work-related stress are highly prevalent, the prevalence of disability is higher in reported figures (mental health and long-term stress could potentially be protected as a disability under the Equality Act 2010) which, in turn, risks perversely ‘rewarding’ pressurised, unhealthy, psychologically unsafe, and stressful workplaces.
- Employers who promote job carving and invest in disabled employment programmes questioned whether they would stop doing these, or they acknowledged that they would be “willing to ignore” the disability pay gap to keep doing these initiatives because they could see the benefits to disabled workers, their organisations more widely, and the wider impact in their local communities in which those programmes operated. Whether the employer was willing to ‘ignore’ the disability pay gap figure they had for the sake of continuing to pursue these programmes, it does nevertheless illustrate the conflict between employing a large number of disabled people at entry levels roles (where this is the only realistic job opportunity for them) and narrowing an organisation’s disability pay gap.
- Some employers declined adjustments such as job carving, reducing an employees’ hours, or moving them to a less senior role (or reduce the seniority of their responsibilities) because they knew the impact this would have on the organisation’s disability pay gap.

Focusing on and prioritising the most effective interventions

Ultimately, we all want to focus effort and energy on the areas which help achieve the goal of much better experiences for disabled people, both whilst seeking a job and once in the workforce.

We see consistently the most urgent policy (and legal) issue that needs addressing is the experience of disabled employees and whether or not they get the adjustments they need when seeking work and when they get into work. It is not that we are against mandatory reporting per se, and neither are employers or disabled employees who took part in this project. Rather, our view is instead that it is not a priority above supporting employers to ensure they are, in turn, supporting disabled employees, making adjustments, and operating inclusive and accessible recruitment methods. We saw in our most recent adjustments survey, The Great Big Workplace Adjustments Survey, how much of an issue these areas are:

- Just **10 per cent** of disabled employees said it was easy to get the adjustments they needed from their employer.
- **1 in 8** disabled employees wait **over a year** to get the adjustments they need.³¹
- **64 per cent** of graduates found it very difficult or difficult to apply for a job.³²

This is not good enough, and that is why we believe they are the key priorities to put right. Doing so will enable change and meaningful shift in the representation of disabled people in workplaces and in the labour market more widely. But it is a complex, cross-policy issue which needs strategic, joined-up investment and attention from Government and employers. This may even be what caused employers to say that they felt workforce and pay gap reporting was being pursued because it is the “familiar and available option” and what caused a disabled employee to call it “the easy option” (when compared to supporting and ensuring employers make adjustments whenever disabled employees need them).

There are arguments for why introducing mandatory disability workforce and pay gap reporting is ‘a good thing to do’ as a somewhat intuitive moral direction, but we acknowledge the concerns of disabled employees about how a mandatory requirement based on counting the number of disabled people means that disability related policy action is not measuring their experiences or upholding their right to reasonable adjustments by their employer. This undermines the key principle that disabled people

³¹ Business Disability Forum (2023), The Great Big Workplace Adjustments Survey (n=1,480).

³² Business Disability Forum (2023), The Great Big Workplace Adjustments Survey. “Graduating University and entering work” (n=99).

bring talent and value to workplaces and the wider labour market that is currently widely being shut out due to un-inclusive practices and working cultures.

The ideal situation is where employers are supported to voluntarily report the employees' experiences of getting workplace adjustments in their workplace and the experience of employees while working there. Measuring barriers in order to remove them and measuring experience in order to improve it allows employers to make systemic changes in their organisation. This underpins the ambition for disabled people to get into work, have a great experience when they are there, progress when and if they want to in the way they want to, get support and adjustments in a timely way when they need it, and do their jobs well to benefit themselves, the business, and thereby the wider UK economy.

Recommendations

With all of this said, we know policy proposals are going in the direction of mandatory reporting (from the proposal and draft legislation we have seen). In this case, there are a range of considerations and actions for Government:

- Any disability pay gap requirements that come in should be reported by hourly pay as well as by hours worked. This would account for ensuring that (a) the overall pay gap is captured, and (b) the number of hours allows employers to follow up with disabled employees to understand if they are happy with the current hours worked or if they have tried to gain more work in the organisation and have not been successful (and employers should look into the reasons for this).
- Recognise that mandatory workforce reporting puts the onus on disabled employees to share as much as it puts a duty on employers to report. Reportable figures are not about how many disabled people there are in a workforce; they are about how many disabled people **have chosen to tell** their employer that they are disabled – and no employer should be over-encouraging disabled people to share this information at work if they do not want to.
- Resolve the “mixed message” of encouraging employers to do more to offer options such as job carving and flexible working alongside the message of “narrow your disability pay gap”.
- Ensure nothing in the proposal discourages employers from taking up and expanding disability employment programmes and job carving initiatives, for example, by clearly and positively categorising and rewarding employers who engage in such schemes. Where employers undertake formal, sizeable disability employer schemes and programmes, the pay gap reporting system should allow them to identify this in some way so that these employers have their data ‘flagged’ or noted in some way that there would be nuances (even with evidence).
- Identify how the Government will identify and what it will do to act when employers are demonstrating practices that are resulting in poor experiences for disabled people

(such as denying employees' adjustment requests) in order to improve figures or narrow their disability pay gap.

- Enable employers to submit a narrative with their workforce and pay gap figures which allows them to show the story “behind the figures” and share any evidence they have to help explain why their figures are what they are. (It is in the interest of businesses to share this narrative in their reporting as it allows them to show the good practices that they are doing and to say what they plan to do to improve their figures and where they are going to focus. This also enables employers to share other measures like engagement scores, satisfaction with workplace adjustments and other indicators that help give an indicator of how it “feels” to work here. Disabled employee networks wanted to see this as well. It therefore feels like an appropriate and reasonable thing to ask of businesses.

The above recommendations are based on the “direction of travel” in which we believe reporting requirements are going. Instead, if employers had any mandatory reporting requirements, our ideal would be for them to report on the **experience** disabled employees have; whether they have all the adjustments they need; how long it took to get those adjustments; and how inclusive for disabled people they felt the organisation is.

Being realistic about what mandatory reporting can achieve

As we have seen, disability workforce reporting will measure prevalence – the number of disabled employees who **say** they have a disability), not actual representation (the number of disabled employees who **actually** work in the organisation, including those who have not shared their disability status). It will also only require data to be provided by a limited number of employers, and therefore, will only capture data from a likewise limited subset of working disabled people – that is, those who are directly employed (not freelancers, self-employed or entrepreneurs) and who are employed by larger employers.

The 2021 consultation hypothesised that mandatory workforce reporting would reduce the disability employment gap and create more inclusive workplaces. Whilst this is of course an excellent aim, our research found no evidence or views that this would be the case as a single intervention. Instead:

- Narrowing the disability employment requires a cross-ministerial response that includes improving disabled people's access to social care and to ongoing health care to support and manage their conditions; accessible and useable transport; appropriate and timely welfare support; an Access to Work scheme which is well-resourced and ‘there’ when people need it; and support with other social and wellbeing issues such as accessible housing and relieving the extra costs of being disabled.
- Government and business need to be clear on ‘demarcating’ who is responsible for what: It is employers' responsibility to make adjustments for disabled employees, prevent discrimination and unfair treatment, and improve inclusion in their workplaces; but it is Government's responsibility to identify and address the many other areas

where change is needed to improve the disability employment gap and create the conditions in which disabled people have everything they need in health, care, transport, housing, and support to meet the extra costs they experience to be able to progress their career as and how they want to.

Separating the issue of Government disability related data from corporate disability data

We are not disputing the need for better disability employment and pay gap data at Government statistics level. But collecting and understanding a data set at this level is very different to the motivations and levers for collecting data at corporate level. The issues, the impact, and the unintended consequences are vastly different in these two settings. In the debate about mandatory requirements on employers to report their disability, workforce and pay gap data, Government figures and corporate reporting have somehow become synonymous with one another, and we believe this is perhaps the reason that the unintended consequences occur.

There is no doubt that the Government should know whether a specific individual is or is not in work, and any disability and barriers that they experience, which could be impacting them in being able to access work. Knowing their circumstances for the purpose of health, social and economic support is essential. Aside from that, a very basic level, the duties on employers are different to the duties on the Government and public services. The duty on employers is to make reasonable adjustments. It is to ensure they provide a safe and healthy environment, free from harassment, where employees have manageable workloads. It is not the job of employers to tackle the wider barriers in public health and the social and economic climate that prevents people from getting work and staying in work in a way that is good for them.

Inclusive practices and improving disabled workers' experiences over prevalence and average pay figures

The key most important measure of how inclusive an employer is, is what disabled people working in those organisations say themselves about their experience. Too often, figures are afforded more importance (perhaps because they are easier to collect, reshape and report) than what disabled workers think and how they feel. Disability workforce and pay gap reporting is already widely used (and has been for decades) yet disability employment and workplace experiences for disabled people have been slow to improve in any meaningful way. Alongside this, whilst disabled people have the legal right to reasonable adjustments at work, too many still do not get them or wait far too long to get them. We therefore conclude that, until we achieve a society and work culture that is consistently and truly inclusively designed, in the words of one disabled employee during a recent Disability Network Leaders' Forum meeting, "Inclusion for disabled people always comes back to adjustments".

BDF has always encouraged its Members to collect workforce data and use it to resource and plan for how to improve the experience of its disabled workers (and customers), and we will continue to do so. We will of course support all of our Members to fulfil any mandatory reporting requirements and to do this in the most effective way. We will also continue to encourage them to go beyond this and to make sure they are truly and systematically improving the experience and inclusion of disabled candidates and employees – with the flexibility, the good environment, and the inclusive progression, the availability of appropriate adjustments, work-life-disability balance – that will get more disabled people in work and staying in work.

Appendix 1: Methodology

This project emerged from the previous Government's 2021 consultation on whether to make disability workforce reporting mandatory for UK employers who employ more than 250 people.³³ We thought there would generally be a lot of support for this policy but, as per our approach to developing positions about public policy based on the evidence and experiences of our Members and the disabled people who work for and with them, we designed a consultation with our Members and disabled employees to inform our response. We expected to see overall support for the proposals in the Government's consultation.

We planned to get a working group of ten employers and ten disabled employees to meet once per month for three months – the duration of the Government's consultation period (which was then extended by two weeks). We wrote to all of our Members asking for ten employers to commit to being actively involved in the consultation and the working group which would inform the content. However, 64, rather than ten, asked to be part of the project. These 64 employers formed our Disability Data Monitoring Working Group.

We wanted to ensure that disabled employees were represented and for us to test the employers' findings. We invited disabled people to be involved by contacting leaders of the disabled employee networks in our Member organisations. The invitation was of the leader and co-leaders on those networks to join a separate working group to offer their and their networks' views on the consultation and to respond to comments from the employer working group. We heard back from 64 network leaders.³⁴

We undertook six structured focus groups with employers and four with disabled employees. We structured the content of these groups around the content of the sections of the consultation document:

- The current landscape of reporting (Part 2 A of the consultation) – employer group only.
- Benefits and barriers to reporting (Part 2 B and 3 B of the consultation)– employer and disabled employee groups.

³³ The previous Government's consultation on disability workforce reporting was published by the Disability Unit in December 2021 and subsequently run until 8 April 2022.

³⁴ The conversations and connections created by disabled professionals in their group became important to one another and the insights and rigor their experiences brought to how the policy and research team developed their own thinking led to these network leaders staying together beyond this project. This group of network leaders then became BDF's Disability Network Leaders Forum, and it now exists to steer and challenge BDF's research and public policy positions and thought leadership.

We structured the sessions to respond to the questions and statements made in these sections in the consultation document, and defined our three research questions as follows:

- Does disability workforce reporting lead to a more inclusive workplace?
- How far does disability pay gap reporting accurately measure equality and inclusion?
- What are the unintended consequences of implementing a mandatory requirement for employers to report the number of disabled employees they employ and their disability pay gap figure?

Additional data gathering

When designing the methodology, we had not accounted for employers who felt that workforce reporting and data-related governance could not be spoken about with others or in-depth interviews under research conditions. Some instead got in touch with us via emails that their legal teams (or equivalent) had signed off. Others were also unable to share their experience externally or were not permitted to take part in our qualitative methodologies but had instead been given permission to share their workforce reporting strategies, reports and policies with us without a supporting narrative that could be captured by qualitative collection. We had up to 15 – all from employers – interactions in this way, and they are not captured in the above mentioned planned qualitative data collection groups and interviews.

Extending the project

This work was carried out between December 2021 until we submitted our consultation response in April 2022. Our project was due to end there. However, the Disability Data Monitoring Group were keen to stay together to discuss how the Government would respond to the consultation findings, and to keep working together on how they could practically begin to start collecting disability workforce and, in addition, disability pay gap data in their organisations.

We therefore extended our project to cover disability pay gap reporting as well. This was because employers in the group were increasingly either continuing to measure their disability pay gap or had been asked to consider it, and their shared challenge was that disability pay gap conversations were sometimes ‘overtaking’ the need to get good accurate disability workforce data from which they could then get a more accurate disability pay gap. Those who were measuring their disability pay gap were finding that it was not giving them enough data that they could (a) rely on or (b) do enough with to remove structural barriers for disabled employees in their organisation.

From April 2022 to September 2022, we therefore looked at a range of disability workforce data questions, including the structure and length of different questions being used as well

as the language. We also looked at different frameworks of subcategories of disability and discussed the problems that measuring and categorising disability in the workplace has for both employers and employees.

To respond to the concern about the lack of practical guidance for employers on disability workforce reporting, the CIPD invited us to collaborate with them on producing some practical guidance for employers on how to get started on doing this in the absence of any movement from Government on a decision on mandatory reporting at the time. We worked on this between May 2023 and July 2023, and it was published in October 2023. The guidance can be found here:

- [Disability workforce reporting: A practical guide for people professionals](#)
- [The case for disability workforce reporting](#)

Throughout September and October 2023, we shared our findings with the disability pay gap teams in the Office for National Statistics and the Government Equality Office's pay gap team. We also got in touch with sector regulators who were working on workplace or pay gap reporting at the time as well. We had planned to produce a final research paper in February 2024. However, we then learned that a General Election could be announced imminently, meaning all policy development in this area (and others) would be put on hold.

In July 2024, a new Government came into office who accelerated plans to mandate disability pay gap reporting, but with little public mention of disability workforce reporting. We therefore kept working on developing the disability pay gap element of our research.

Testing our findings beyond our own working groups

In addition, during 2023 and 2024, we gave presentations and 'question and answer' opportunities at eight equality, diversity and public policy conferences to reach delegates who were not involved in our working groups or depth interviews. The purpose of this was to 'test' our findings outside of BDF working groups on this project. Employers asked us questions during those occasions, and some followed up with conversations and emails after these events. In doing this, we collectively shared our findings as we were collecting them to share our findings and conclusion with hundreds more employers. Given the events we spoke at and the numbers of people who attended those events, we estimate that we shared our research with question-and-answer sessions with between 920-1,100 employers. These informal connections and feedback have not been captured in the qualitative data collection above.

Every employer who contacted us supported the direction of our work and we received emails from employers we have not previously spoken to but who were in that audience saying "thank you" for widening the debate and for representing the practicalities and logistical considerations that employers need to consider when undertaking mandatory

reporting. We proactively invited any delegate on each occasion to follow up with us. Many did, for a range of reasons: to say our research was giving them “more to think about” or helped them “understand the complexity” of the issue. However, no employer told us that they disagreed with what we had found or the conclusions we were developing. On two occasions, conference organisers contacted us after the event to say that the session we presented for them was the highest scoring session of their event. On two occasions with two different conference organisers, we were invited back to repeat the session.

Potential biases within the research

The Disability Data Monitoring Working Group was self-selecting and from our Member organisations only. This resulted in the following two main biases:

- Organisations familiar with the topic because BDF has been working on it with Members for some twenty years.
- Organisations who wanted to take part may either be interested in the topic already or are already working on it.

The working group comprises people in operational roles who are either close to or are responsible for carrying out workforce and pay gap reporting in their organisations. Many of these individuals reported that, elsewhere in their organisation, there was agreement that mandatory workforce reporting should be required, and this was predominantly ‘moral’ reaction from those who were not involved in the requirements (such as data collection design and analysis or reporting) themselves. This means the group naturally have more insights into the frustrations of the practicalities and logistics of workforce reporting than those (such as leaders and inclusion directors) who publicly say their organisation agrees with the mandatory requirements. Although we have raised this as a bias here, we ultimately see this as a strength of the research and the very type of detail we wanted to get to in this project.

Care has been taken to rigorously test the findings with various groups of employers and disabled employees. To help with this, we have made efforts to use first-person quotes from employees and employers to back up each finding or conclusion. As much as possible, we have tried to offer at least two quotes to show the originality of the view has come from this research and is not a view or experience from elsewhere.

Limitations of the research

There are limitations to this study. Firstly, all organisations involved, either as employers or disabled employees, are Members of BDF, or they were at the time of recruiting for the project.³⁵ This means that those 64 employers have been exposed to the same BDF

³⁵ Where organisations have since paused or left BDF membership, we have retained them in this project wherever they have wanted to remain involved.

communications, advice and events over the duration of their membership with us and therefore have been privy to similar messaging on workforce and inclusion-related issues and topics.

Secondly, this was an exclusively qualitative project. This is because many other papers and research studies are available which have offered credible quantitative analysis of the disability pay gap. In addition, we wanted to hear the experience of disability workforce reporting from those involved in it, which lent itself better to a qualitative methodology than a wider mixed-method study.

Thirdly, the study is not nationally representative of what employers and disabled employees think across the UK. Rather, the study follows how a small percentage (64 out of 600 employers, or just over 10 per cent) of our employer Members think. As participation was self-selecting, the industries and sectors that employees and disabled employees represent, while diverse, are not balanced and no effort was made to do this. We instead wanted to ensure anyone who wanted to be involved was able to be. Equally, the disabled employees involved in the project were also self-selecting, meaning they do not necessarily work in the organisations representing the employer working group.

The result is a study of 64 employers and 64 disabled employees who wanted to share their views on the successes and challenges of doing or approaching disability workforce and pay gap reporting.

Appendix 2: Acknowledgements

When we established a policy and research team at Business Disability Forum in 2017, we were clear that the positions and decisions about public policy direction that we make must be based on the experiences and views from our business Members and the disabled people who work in and with them.

Therefore, our projects like these are only made possible by the people who take part in them. If our Members and disabled people working in our Members' organisations do not take part, projects like this cannot happen.

For this project, Members and disabled professionals working in them have steered the content of this research. Since the findings were surprising to us relatively early into the project, we also made the decision to test what we were finding with employers and disabled people who are not Business Disability Forum Members.

We would therefore like say an immense “thank you” to the brilliant people and organisations who have constructively challenged and debated with us, who have shared their own insights and evidence, and who pointed us in the direction of others who had both supporting and contrary views to our findings. The organisations mentioned here have given us their time by listening to us or giving us feedback or discussing their own views with us. We have mentioned them here because we have valued their input, and their mention here is no indication of their agreement or support of the findings in this report.

- Our **Disability Data Monitoring Working Group**, the 64 employers, and those who stayed engaged in this topic throughout the project. Taking part in discussion groups and one-to-one conversations and sharing their corporate data.
- Our **Disability Network Leaders Forum**, the 64 disability employee network leaders who also sought views from their employee networks to inform the disabled employee perspectives in this project was beyond invaluable. The meetings with this group are a constant source of learning, of constructive disagreements, and of mutual and resonating experiences for everyone in the group. This Forum started for the purpose of informing Business Disability Forum's response to the 2021 consultation on disability workforce reporting, and it has stayed together to become our policy and research reference group of 90 disabled professionals who continue to meet monthly to share the experience of having a disability in their workplaces and which now exists to test and challenge our policy development and evidence gathering activities on all topics we work on.
- The disability workforce reporting and pay gap teams in the **Government's Disability Unit**. Alongside their workloads, juggling various different policy projects and

relationships with stakeholders with a range of views on these topics, they gave their time and openly invited feedback during the last few years.

- The **Office for National Statistics** (ONS) stakeholder and pay gap teams, who gave time with their senior statisticians during their busy research schedule so that we could present our findings to them and for them to give us their views.
- The **Institute for Government and Public Policy** (IGPP), the think tank connected to the University of East London. They have regularly allowed us to speak at their events about elements of this research so that we could test the findings and conclusions at various periods throughout this project, enabling us to reach hundreds more employers. As a result of these events, many employers followed up with their questions, concerns, anxieties and debates about workforce and pay gap reporting.
- Knowledgeable, trusted and valued colleagues in the employment policy team at the **Chartered Institute of Personnel and Development (CIPD)** who let us talk through ideas and gave us their feedback. We collaborated with this policy team at CIPD to produce guidance for employers on beginning disability workforce reporting: <https://www.cipd.org/uk/knowledge/guides/disability-workforce-reporting>

Many more people gave us their time and our thanks and appreciation go to everyone who listened, who debated new questions, and who constructively challenged the research's ideas and findings so that we could strengthen the conclusions.

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