



A Home Run for Women Working in Sport

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Something is happening in Major League Baseball (the MLB) and we aren't talking about it. Women are starting to occupy full-time coaching positions in what has been, until 2020, an exclusively male occupation. In 2020, Alyssa Nakken made history by becoming the first full-time female coach to be hired in the league. She was closely followed by Bianca Smith who became the first black female coach in the league in January 2021. When the 2022 season kicked off earlier this month, a current total of 11 women were working as on field coaches for the minor and major leagues of baseball.

Comparatively, the Premier Leagues for both football and rugby in the UK do not have a single female employee on their coaching payroll for the men's first teams.

Last October, we looked at [Black History Month in Sport](#) and discussed how the Rooney Rule in the U.S was seeking to improve diversity in the National Football League (NFL) in the U.S. Now, following in the wake of International Women's Month in March, we

look at how the expansion of this Rule places sports in the U.S ahead of the field when it comes to diverse hiring in sport, for both minority and female individuals – and why the same can't be said for the UK.

Previously, the Rooney Rule only required NFL teams to interview individuals from minority backgrounds for top coaching positions. Now, the Rule has been expanded so that not only do teams have to interview, but they will now be **required to hire** a top ranking coach from a minority background. Moreover, this requirement has been extended to include women.

Under UK discrimination law, the Football Association would face legal obstacles in trying to impose a similar rule. Requiring teams to hire individuals who share a particular characteristic, such as their race or sex, would amount to positive discrimination. Under the Equality Act 2010 positive discrimination is unlawful in the majority of circumstances, despite what many people think and however well-intentioned an employer's actions might be.

So what can employers do to improve diversity in the workplace?

- **Hiring and Positive Action:** under Section 158 of the Equality Act, employers can legally use 'positive action' to advertise and recruit individuals from minority backgrounds or women so long as they reasonably believe those groups sharing these characteristics are particularly disadvantaged and, crucially, the action they take to remedy that disadvantage is **proportionate**. The forms of positive action which will be considered "proportionate" is not always clear, and this can cause employers to steer clear altogether to avoid inadvertently triggering discrimination claims. In these circumstances, what employers can do is ensure their recruitment process is open to everyone and they don't treat someone (i.e. a woman) more favourably simply because they are a woman. For a more detailed discussion on positive action see our previous article on this topic [here](#).
- **Policies and Training:** these may seem trivial on the face of it but implementing and updating meaningful equal opportunities/anti-harassment policies can help to ensure that female or minority employees feel supported by the business, which in turn may encourage them to apply for promotions or prevent them from moving elsewhere. They are also useful documents for employers to refer to in the event of a discrimination complaint (if they are well-drafted and adhered to in practice!).

Why does diversity matter in the workplace?

Let's return to the baseball field, where we started. Bianca Smith, coach for the Boston Red Sox, has spoken about how the players are more likely to approach her with personal conversations because she has built a different, yet equally valuable, level of trust with them. This surely demonstrates that female employees are able to add value in ways which may have previously been overlooked.

The bottom line is that diverse and open cultures help businesses. Studies continue to show that diverse environments where employees feel supported and encouraged to share ideas largely increases productivity, creativity and can help your businesses in ways that may not have previously been envisaged. Ensuring women occupy senior positions, even in predominantly male environments, is a crucial step in getting this right from the top down.