

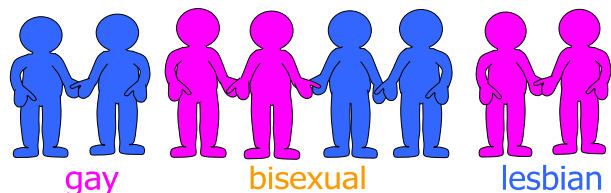
Creating a supportive workplace for Lesbian, Gay and Bisexual Employees

Guidance for Managers

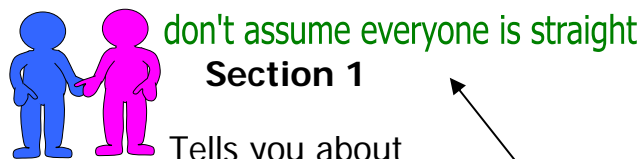
Creating a supportive place for L G B Employees

This overview explains your role as a manager.

Further information is given in the guidance document sections shown.



some LGB people
feel they can not be 'out' and
be themselves at work.



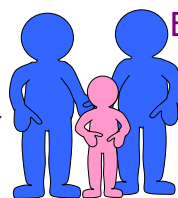
don't assume everyone is straight

Section 1

Tells you about
the Equality
Act

Find out why in
Section 4

Transgender is not the
same as sexual orientation
Link to Trans Guidance

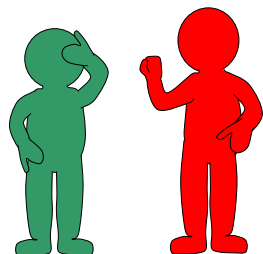


Everyone has the same rights.
Don't make assumptions
about families,
pensions and leave.

Section 2 & 5

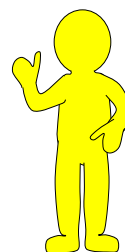
explains the legal
rights of employees.

manager



challenge homophobia
harassment and bullying

Section 6 defines what is
covered by the Equality



create a welcoming
workplace

How does your
workplace measure up?

How to deal with any
conflicts.

Show your support, find out more.

Advice on recruitment, training, and
support is given in **sections 13 & 14**



www.stonewall.org.uk



www.derbyshire.gov.uk/network-groups

Contents

1. Introduction
2. Protection in employment
3. The Council's Policies
4. Coming and being out at work
5. Families, rights and pensions
6. Homophobia, bullying and harassment
7. Employee support and networking
8. Career support and mentoring
9. Dealing with conflicts over faith and sexual orientation
10. Recruitment and new employees
11. Becoming a 'straight ally'
12. Training on LGB awareness
13. Glossary of terms
14. Need more advice

This document has been produced to provide advice to managers on ensuring that LGB employees are treated fairly at work, able to be themselves without fear of harassment or bullying.

As a Stonewall Top 100 Employer in 2013 we are working to make the Council an inclusive workplace for all, including all of our LGB employees.

1. Introduction

Sexual orientation is one of the 9 personal attributes called protected characteristics in the Equality Act 2010 and recognised as specifically being protected by law. It is defined in the Act as people who are emotionally and physically attracted to members of the opposite sex (heterosexual or straight), people who are attracted to members of the same sex (Gay men, Lesbians or homosexual), and people who are attracted to members of both the same and opposite sex (Bisexuals).

Managers need to be aware of any barriers in the workplace through direct or indirect discrimination, harassment or bullying, or victimisation.

What about Gender Reassignment & Transgender Issues

Similar guidance has also been produced to help managers understand the issues faced by Trans employees. This will be available shortly on the Council's website or through Human Resources.

2. Protection in employment

Lesbian, Gay and Bisexual (LGB) employees have the same employment rights and responsibilities as heterosexual employees. This means that they enjoy protection from discrimination based on their sexual orientation at work. The same law also protects heterosexual people from discrimination because of their sexual orientation.

Protection starts when prospective employees read a job advert and continues throughout employment with the Council. It can also extend to people who bringing claims of unfair dismissal or because the Council has provided an inaccurate reference.

Rights include not being directly or indirectly discriminated against or being harassed or victimised. It also includes the right not to be directly discriminated or harassed because you are associated with someone who has, or is perceived to have, a particular sexual orientation. In these circumstances heterosexual employees would also be protected.

Good practice tip:

Do familiarise yourself with the Council's Policy for Equality and Diversity and its Procedures for dealing with Harassment and Bullying, which explain this in

more detail.

3. The Council's Policies

The Council's Policy for Equality and Diversity specifically includes sexual orientation as one of the grounds or protected characteristics to which the Policy applies. It further outlines the kinds of treatment that employees and customers should expect to receive.

This Policy is supported by a number of other Policies and procedures including:

- Employee Code of Conduct
- Harassment and Bullying Procedures
- Grievance Procedures
- Disciplinary Procedures
- Recruitment and Selection Policy and Procedures
- Pay Policy
- Leave and Flexible Working Procedures
- Myplan – Individual performance management and personal development
- Redundancy and Redeployment Procedures
- Pensions Policies
- The Council's Customer First Charter

Please refer to these policies and procedures for advice on how to deliver the Equality and Diversity Policy when employing and managing employees. They may be found on Dnet (the Council's Intranet site) at:

http://dnet/policies_and_procedures/human_resources

4. 'Coming Out' and being 'Out' at work

'Coming Out' is the term used to describe the process through which an individual discloses that they are lesbian, gay or bisexual. It is uncommon for heterosexual people to 'Come Out'.

It can be very difficult for some employees to decide if, when and how they should tell their family, friends, colleagues and service users that they're lesbian, gay or bisexual. Even then, 'Coming Out' is an on-going process, as each new person is told. For existing employees, deciding to 'Come Out' can be even harder, afraid that they will be rejected and excluded by existing colleagues, or become subject to complaints and allegations by customers with homophobic opinions.

Isn't sexual orientation private? What's it got to do with work?

Some people may argue that someone's sexual orientation has little or no relevance to the workplace. To some degree this is correct, but there is clear evidence that having to hide being lesbian, gay or bisexual at work makes people unhappy, stressed, feel excluded and less productive. Many lesbians, gay men and bisexuals want to be themselves at work, talk about their lives in an open way like their heterosexual colleagues can, able to bring their views and experiences to the workplace for the benefit of the people they serve.

Employees may want to express their sexual orientation by:

- Displaying photographs of their family on their desk
- Talking about their partner and children with colleagues
- Arranging their leave to fit in with their partner or family
- Bringing their partners to work social events
- Talking about what they did at the weekend and how it went
- Talking about themselves and any difficulties at home which affect them or their ability to be at work

Good practice tips

Show your commitment to LGB equality through your behaviour and the language you use

Ensure that all staff know that to 'Out' or discuss the sexual orientation of another member of staff without their consent may be regarded as an incident of harassment.

5. Families, rights and pensions

It can sometimes be assumed that LGB employees do not have children, but many do. It is therefore important not to assume that LGB people do not have the same responsibilities as parents as their heterosexual counterparts.

The Equality Act 2010 means that people who are married and Civil Partners should be treated as equals. So, how leave is administered can be very important. For example, it would be incorrect to use a different approach regarding the allocation of special leave for heterosexual employees and LGB employees. If you did, you could be guilty of discrimination.

The Local Government Pension Scheme has also been altered to reflect the legal position, so that Civil Partners and same sex partners can receive pensions and be entitled to any lump sum payments. For more information about pension rights can be obtained from the Council's Pensions Team.

Good practice tips

Treat the partners and civil partners of your LGB employees with equal recognition, dignity, respect and consideration as your other staff.

Recognise that LGB people may want or have children and as such they need to access the Council's family friendly policies and benefits

Understand the rights of LGB employees, and your role in managing and providing these rights with specific reference to policies in relation to leave, flexible working, special leave, maternity and paternity, other parental leave, caring, and to pensions and trade union advice.

LGB employees may also provide care or support to other family members, for example to an elderly parent, or other relative. To treat LGB employees less favourably than heterosexual employees over time off for caring responsibilities would amount to unlawful discrimination.

6. Homophobia, harassment and bullying

Many LGB people report experiences of homophobia whilst at work. This can occur in many different forms, from outright hostility, to name calling, to being treated less favourably, to exclusion from team activities or by colleagues, or from enjoying rights and benefits. Homophobia is defined as hatred or fear of homosexuals - that is, lesbians, gay men and bisexuals - sometimes leading to acts of violence and expressions of hostility.

Under the Equality Act 2010 harassment is defined as any unwanted conduct which creates an intimidating, degrading, hostile or offensive environment, and includes such things as the language used, jokes and attitudes, office culture and assumptions around ability. An obvious example would include homophobic 'banter'. You do not have to be LGB or the subject of such behaviour to bring a complaint under the Equality Act 2010, as the law covers people with an association – for example, colleagues, relatives, friends.

The Council also has procedures for dealing with bullying at work and for tackling bullying in County schools. Bullying is the use of force or coercion to abuse or intimidate others. The behavior can be habitual and involve an imbalance of social or physical power. It can include verbal harassment or threat, physical assault or coercion and may be directed repeatedly towards particular victims, perhaps on grounds of race, religion, gender, sexuality, or ability

As a manager it is important that you:

- Create an inclusive working environment where people understand what sexual orientation means and how people can feel discriminated against by certain types of action or behaviour.
- Challenge homophobic language, jokes, 'banter', behaviour, assumptions and culture within your service or department regardless of whether this is from employees, Elected Members, managers or service users.

In some situations, some homophobic harassment may constitute a hate crime under criminal law. The Council is committed to tackling and removing hate crime and works closely with the Police, Stop Hate UK and others to stamp out hate crime and to bring the perpetrators to justice.

Good practice tips

Do:

- Familiarise yourself and ensure that all staff have read and understand their obligations under the Council's Policies for Equality and Diversity and in relation to all areas of employment and interactions with customers
- Challenge homophobic jokes, stereotyping, the use of derogatory language of images, and the use of the word 'gay' to say something is rubbish or stupid or inferior
- Warn employees that homophobic hate crime is unlawful and that the Council will report instances to the Police

Don't:

- 'Out' employees – that is to tell someone else that they are LGB without the employees consent
- Make homophobic comments, jokes, stereotype, use derogatory language, or use the word 'gay' to make something sound negative or inferior
- Allow LGB employees to be the victim of homophobia – deal with it promptly and ensure employees know you won't tolerate such behaviour

7. Employee support and networking

The Council has an LGBT Employee Network and employees can attend meetings as requested. Employees are asked to make reasonable requests when seeking to attend – by talking with their manager and giving plenty of notice. The LGBT Employee Network is actively supported by the Council. It plays an important role in helping the Council to act fairly and to advance equality. If an employee wanted to join the group without informing their manager, they should contact the Chair of the LGB group for further information.

Good practice tips:

Do:

- Promote the existence of the Council's LGBT Employee Network to all your employees, together with the other networks i.e. Disabled Workers Group (DWG) and the BME Employee network – contact details are available at: http://www.derbyshire.gov.uk/council/equalities/employee_networks
- Allow employees who are members of the LGBT Employee group and other forums to attend the meetings and other events, such as LGBT History Month of the International Day Against Homophobia. You can ask them to let you know in advance that they wish to attend a meeting in case you need to arrange cover or make other arrangements affecting the service and/ or their colleagues
- Ensure all employees are aware of the Council's confidential Counselling Service. Employees can also speak to a member of the Department Human Resources team if they have a problem that they do not want to discuss with you or another manager. The Counselling Services can be contacted on: 01629 536954 between 8.30 am and 5. 30 pm Monday to Friday
- Promote the services which are available to any local person provided by Derbyshire Friend, the local LGBT organisation. They provide a range of services support and advice. More information are available at: <http://www.gayderbyshire.org.uk/>

8. Career support and mentoring for LGB employees

All employees should enjoy equal and fair access to learning and development opportunities. Decisions about access to training and other

opportunities must not be restricted on grounds of sexual orientation or any other protected characteristic. This would amount to unlawful discrimination.

All employees should meet with their managers to undergo a Myplan discussion. All employees should have such meetings in private to ensure confidentiality. In the case of LGB employees it is vital that this option is available, so that employees can raise issues, ask for leave, advice or support, and report any harassment they may be experiencing from colleagues confidentially.

9. Dealing with conflicts over sexual orientation and faith

Sexual orientation and faith are often seen as incompatible with each other. This is not the case and there are many LGB people of faith, and many faith groups include LGB members within their congregations. Both LGB employees and employees from faith communities are entitled to equal protection from discrimination.

Managers should not make assumptions about LGB people's individual beliefs or attitudes.

Good practice tips:

- As a manager it is important to be aware that the perception of hostility between these two groups may occur and that each group is protected from discrimination and harassment under the Equality Act 2010
- Both faith and sexual orientation are protected characteristics under the Equality Act 2010 and therefore have equal status
- Contact the Senior Policy Officer, Equalities on 01629 538384 or your department's HR Service Partner for more advice.
- Further information is also available from Stonewall the national campaigning organisation for LGB equality at:
http://www.stonewall.org.uk/at_work/

10. Recruitment and new employees

The Council's Policies for Equality and Diversity, and Recruitment each include strong statements of commitment to carrying out recruitment fairly, and to working to attract and retain a diverse workforce which is representative of all the communities we serve.

The Council can identify if any groups of candidates appear to experience less favourable treatment during the process. Monitoring data is reviewed at application, shortlisting and appointment stages.

Questions about an applicant's sexual orientation, marital or civil partnership status or family background should never be asked during the assessment or at interview. If such information is volunteered then this should not be questioned any further or used to evaluate the candidate. However, in some situations, experiences of working in an LGBT context may be valid and important to the job role. In these situations, it may be valid to ask about a candidate's awareness, knowledge, skills and experience and to take account of evidence which shows that a candidate is knowledgeable and experienced of working with LGBT communities or groups of service users.

The Equality Act 2010 allows employers to take account of candidates' protected characteristics in a situation where two candidates are equally tied and capable for being appointed, and where there is evidence of discrimination or under-representation by people with specific protected characteristics. In such situations, an employer could consider appointing a candidate because of the sexual orientation. This is also permissible where there is a specific need or requirement to work with people with a particular racial or ethnic origin, sexual orientation or gender, and this is known as a genuine occupational requirement.

New employees need to be advised that they are entitled to be treated fairly, with dignity and respect, and that the Council's has policies and procedures in place to ensure they receive fair and supportive treatment. Induction Procedures provide an excellent opportunity to demonstrate the Council's and your commitment to equality and diversity, including LGBT equality.

11. Becoming a 'straight ally'

A straight ally is someone, normally a manager, who champions LGB rights within the workplace. This is more than simply being a manager of LGB employees, but proactively champions LGB rights and equality.

This can be done by:

- Attending LGBT events yourself, or encourage training for your department employees on LGB/ diversity awareness on a regular basis
- Publicly show support for LGB equality by including positive messages and images in emails and other communications and publicity, employee profiles, annual reports, press releases, notice boards or other documents

- Ensuring that all of your employees who conduct Myplan meetings are aware of LGB/ diversity and equality issues such as training needs, support requirements and discrimination issues
- Allocating a notice board to diversity information within your department on which equality and diversity related information, posters, campaign materials can be displayed
- Ensuring that LGB/ diversity issues form a part of everyone's induction, their Myplan (individual based performance appraisal), assessment of probationary periods of employment, team discussions and team briefings
- Inviting the LGBT Employee Network to talk at your department away-day or event about their role and function within the Council or your department
- Getting your service to form a part of the Council's representation at the local Derby Pride event each summer, to promote your services with LGBT people and to have more direct contact with local LGBT residents
- Finding out more about how you can support the Council's submissions to the Stonewall Employment and Education Indices – and use the Stonewall Logo in communications and where people access your services, so they know you are LGB friendly
- Offering to mentor or coach an LGB member of staff
- Ensuring the managers under your supervision understand and promote equality, including LGB equality within their teams, and take action if they fail to promote the Council's policies or deal with bullying and harassment

Stonewall has produced more information about Straight Allies and Role Models, which is available from their web site at: <http://www.stonewall.org.uk/>

12. Training on LGB awareness

Ensuring that LGB employees are supported and that other members of staff are aware of their legal responsibilities not to discriminate is one of the main things you can do as a manager to implement equality and diversity. This could also include awareness raising training in relation to diversity and the LGB community and its history.

In addition to the Council's corporate Learning and Development Programme, a number of departments are able to deliver specific training on LGB awareness, and if necessary, you can talk to your department lead for learning and development to arrange specific training for your service and employees.

Good practice tips

- Make sure all your employees have attended relevant diversity awareness training which covers LGBT awareness
- Let your departmental training team know they need to include diversity/ LGB awareness training as part of the department programme
- Provide feedback to your HR department, Learning & Development Manager or the Senior Policy Officer, Equalities if changes to future training is required
- Consider using e-learning or other forms of training for employees where it might be difficult for them to attend face to face training
-

13. Glossary of terms

Civil Partnership	The legally recognised union that is comparable to marriage, and providing equal rights and responsibilities to same-sex couples as marriage does to heterosexual couples
Discrimination	The Equality Act 2010 now defines the different types of discrimination which are unlawful. Please refer to the Council's guidance on the Equality Act 2010.
Hate crime	Any incident such as verbal or physical abuse (crime) which is perceived to be homophobic or transphobic by the victim or any other person. In Derbyshire anyone experiencing hate crime is encouraged to report it to the Police or to Stop Hate UK. More information is available from the Safer Derbyshire web site: http://www.saferderbyshire.gov.uk/what_we_do/asb/hate_crime/default.asp
Heterosexism	Heterosexism is a system of attitudes, bias and discrimination which views heterosexuality as the only legitimate type of relationship and lifestyle – that only heterosexual is the norm and everything else is wrong
Homophobic	A fear or dislike directed towards lesbian, gay or bisexual people, or a fear or dislike directed towards their perceived lifestyle, culture or characteristics, whether or not any LGB persons has these. The dislike does not have to be as severe as hatred. It is enough that people do something or abstain from doing something because they do not like lesbian, gay or bisexual people

LGBT	An acronym referring to Lesbian, Gay, Bisexual and Trans people. It can be referred to as just LGB when not including Trans or referring to sexual orientation issues.
Out	The term used by lesbians, gay men, bisexuals and trans people to describe their experience of self-discovery, self-acceptance,, openness and honesty about their sexual orientation or gender identity and their decisions to share this with others when and how they choose
Sexual orientation	A term used to describe a person's emotional and/ or physical attraction to another. In UK law there are 3 categories: heterosexual, gay or lesbian, and bisexual.
Trans	An umbrella term to encompass people who are transgendered, transsexual or who don't confirm to gender binaries (male or female). This term includes people who undergo gender reassignment surgery or treatment. It does not tend to be used to cover people who dress in the clothes of the opposite sex for a job (drag) or for fun (such as dressing for stag night outs)
Transphobic	A fear of or a dislike towards trans people, or a fear of or dislike directed towards their perceived lifestyle, culture or characteristics, whether or not any specific trans person has that lifestyle of characteristic. The dislike does not have to be as severe as hatred. It is enough that people do something or abstains from doing something because they do not like trans people.

14. Need more advice?

This section provides a list of national and local advice and organisations supporting LGB and T people.

Stonewall <http://www.stonewall.org.uk/>

Derbyshire Friend <http://www.gayderbyshire.org.uk/>

Stop Hate UK <http://www.stophateuk.org/>

Gay Sheffield <http://www.gaysheffield.co.uk/>

Lesbian & Gay Foundation (Manchester) <http://www.lgf.org.uk/>

Schools Out <http://www.schools-out.org.uk/>

Out in Unison <http://www.unison.org.uk/out/index.asp>