
PART 2

DISCRIMINATION, BULLYING AND HARASSMENT POLICIES

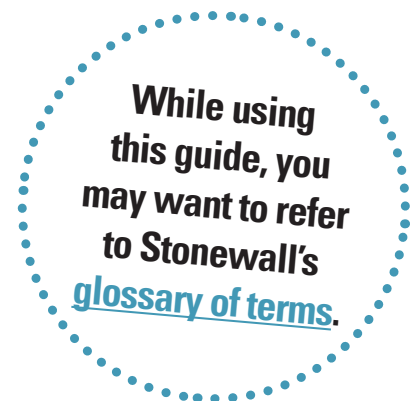
Inclusive Policy Toolkit
**How to develop
LGBT-inclusive
employee policies**

PART 2

DISCRIMINATION, BULLYING AND HARASSMENT POLICIES

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How to develop LGBT-inclusive employee policies



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WHY IS IT IMPORTANT?

LGBT people often face discrimination, bullying and harassment at work.

Stonewall's 2018 [employee feedback survey](#) found that 19 per cent of lesbian, gay and bi respondents had experienced negative comments or conduct from colleagues at work because of their sexual orientation. 35 per cent of trans respondents had experienced negative comments or conduct from colleagues because of their gender identity. Under the Equality Act 2010, all employers have a legal obligation to prevent and respond to these forms of discrimination and harassment in the workplace.

Robust and explicitly LGBT-inclusive discrimination, bullying and harassment policies help all employees to feel confident identifying and reporting these incidents. They also send a clear message to all employees that homophobic, biphobic and transphobic behaviour will not be tolerated in your organisation.



WHAT TO INCLUDE

Discrimination, bullying and harassment policies should always be explicitly inclusive of LGBT employees.

DEFINITIONS OF KEY TERMS

Direct discrimination – an employee is treated less favourably than someone else because of their sexual orientation or gender identity, their perceived sexual orientation or gender identity, or the sexual orientation or gender identity of someone they're close to.

Indirect discrimination – a policy or practice disadvantages employees of a particular sexual orientation or gender identity.

Victimisation – unfair treatment triggered by an employee making a complaint of discrimination in the workplace.

Harassment – unwanted conduct which violates an LGBT employee's sense of dignity or serves to create a hostile, degrading or humiliating environment for LGBT employees.

Bullying – offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure an LGBT employee.

Fully inclusive discrimination, bullying and harassment policies contain the following:

- A strong statement setting out your organisation's commitment to LGBT equality.
- Definitions of discrimination, bullying and harassment, including information about the law.
- An explicit zero-tolerance approach to discrimination on the basis of sexual orientation and gender identity.
- An explicit zero-tolerance approach to bullying and harassment on the basis of sexual orientation and gender identity.
- Specific examples of homophobic, biphobic and transphobic bullying and harassment in the workplace. Examples should relate to a diverse range of identities, for example include non-binary and bi employees. Ensure that they're also relevant to your type of business, perhaps including service users, customers, clients or agency employees.
- An acknowledgement that multiple identities affect the ways people experience discrimination, bullying and harassment. Mention examples of dual discrimination, such as verbally abusing a colleague because they're gay and religious.
- Reporting channels, including making clear that anyone can report an incident and how complaints are handled.
- Support mechanisms for victims of discrimination, bullying and harassment – for example, your LGBT network group or employee assistance programme.
- Procedures relevant to your type of organisation. For example, as a retailer, how you handle complaints from:
 - Employees experiencing bullying and harassment from a customer.
 - Customers experiencing bullying and harassment (either from an employee or another customer).

COMMUNICATING ZERO TOLERANCE

When expressing your organisation's zero-tolerance approach, it's important to think carefully about the words you use. It should be strongly and clearly stated that all forms of homophobia, biphobia and transphobia are unacceptable. One way to express this is to discuss potential disciplinary procedures and repercussions of breaching your policies.

BRINGING POLICIES TO LIFE

Examples of bullying and harassment in policies should not replace thorough training for all employees. Use compulsory training to explore a wider range of scenarios, including how employees should challenge and report these incidents.

WHERE SHOULD THIS INFORMATION SIT?

LGBT discrimination, bullying and harassment does not require a stand-alone policy. It can be listed alongside other protected characteristics, so long as LGBT-specific issues are explicitly covered.

Information on discrimination, bullying and harassment can be contained in several different types of policy, including:

- Equality policy
- Bullying and harassment policy
- Dignity at work policy
- Code of conduct
- Grievance policy



POLICY EXTRACTS

Inclusive passages from Diversity Champion policies

COMMITMENT TO LGBT EQUALITY

“Equality of opportunity in employment is fundamental to the vision and values of SPS. SPS is committed to promoting equal opportunities in employment, where colleagues and any job applicants will receive equal treatment regardless of their [...] gender identity, marital and civil partnership status, [...] sexual orientation [...].”

Scottish Prison Service, Equal Opportunities in Employment Policy

EXPLICIT ZERO-TOLERANCE APPROACH

“Cheshire Fire and Rescue Service has a zero-tolerance approach to any Service member being subjected to harm, threats of harm, bullying and harassment, discrimination, or any inappropriate behaviour or language in the workplace, irrespective of whether it is instigated by another member of the Service, or a member of the public. In particular, this behaviour is expressly prohibited (but is not limited to) if it is on the grounds of [...] gender expression or gender identity (transphobia), [...] or sexual orientation (homophobia or biphobia) [...].”

Cheshire Fire and Rescue Service, Dignity at Work Policy

ACKNOWLEDGING MULTIPLE IDENTITIES

“The University recognises that LGBT staff and students come from diverse backgrounds, and many face the possibility of multiple discrimination. It will therefore strive to ensure they do not face discrimination on the grounds of their sexual orientation or in relation to other aspects of their identity, for example, their race, age, religion, disability or gender identity.”

University of Wolverhampton, Policy Statement on Sexual Orientation Equality

EXAMPLES OF BULLYING AND HARASSMENT

“Refusing to address a trans person by their preferred name and correct gender pronoun.”

“Denying a trans person or people access to the appropriate single-sex facilities such as toilets or changing rooms.”

“Outing an individual as trans without their permission or spreading rumours or gossip about their gender identity, expression and/or history.”

“Verbally or physically abusing or intimidating someone because they are trans.”

University of Essex, Guidelines for dealing with Harassment and Bullying

“An officer comes out as bisexual and receives informal/joke comments about being “greedy” or promiscuous. This could amount to bullying or harassment related to sexual orientation.”

Cheshire Constabulary, Respect and Dignity Procedure

“Inadvertently or deliberately excluding same-sex partners from social events.”

“Inappropriate personal questioning relating to sexual orientation, gender identity, gender expression or domestic circumstances.”

“Homophobic, biphobic or transphobic comments, ‘jokes’ or name calling.”

“Outing a person as lesbian, gay, bisexual or transgender without their consent or spreading rumours.”

Pinsent Masons, Diversity and Equal Opportunities Policy

“Engaging in banter or making jokes which are degrading to a person’s actual or perceived sexual orientation”.

“Ignoring or excluding an individual from activities because they are lesbian, gay or bisexual.”

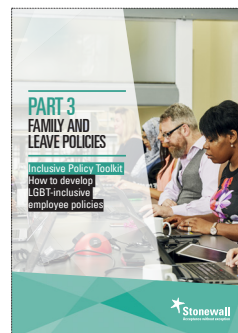
University of Essex, Guidelines for dealing with Harassment and Bullying

MORE FROM STONEWALL

This is the first part of the Inclusive Policy Toolkit.

For the other parts, visit:

www.stonewall.org.uk/inclusive-policy-toolkit



Diversity Champions is the UK's leading programme for ensuring all LGBT people are accepted without exception in the workplace.

Join today and receive expert guidance on how to create an equal environment for LGBT employees and service users. As a benefit of your membership, we'll help review your policies to ensure they are LGBT inclusive.

For more information, visit www.stonewall.org.uk/dc

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