

A Guide for Managers Supporting Lesbian, Gay and Bi Staff

“people perform better when they can be themselves”

[Stonewall]

People Management

September 2020



1. Welcome to the Guide!



Carmarthenshire County Council is fully committed to equality of opportunity and promoting diversity. Our organisation values all staff regardless of their sexual orientation. Furthermore, we aim to create an environment in which all staff, whatever their sexuality are equally welcomed and valued, and in which homophobic, bi-phobic and other discriminatory behaviour is not tolerated.

This guide is aimed at managers who have lesbian, gay or bi (LGB) staff in their teams. The aim is to support managers with their responsibility for developing an inclusive culture in their workplace and providing the appropriate support to their LGB team members.

This guidance should be read in conjunction with the [Equality and Diversity Policy](#).

2. The difficulty of not being out at work



Some LGB staff can find it difficult to fully be themselves in the workplace. Not being out about their sexual orientation can have an impact on their performance, their ability to build relationships with colleagues and clients, their confidence and their motivation. It can also cause a great deal of stress and anxiety. This in turn impacts on our organisation.

However, some LGB people still have negative experiences because of their sexual orientation and feel unable to be out at work. Whilst there has been significant progress, research¹ has found that the actual experience of LGB employees in the workplace illustrates that there is more we can all do to ensure a safe and equal work environment for our LGB team members:

- **One in six** LGBT employees (16 per cent) have been the target of negative comments or conduct from work colleagues in the last year because they are LGBT;
- **One in four** bi people (26 per cent) aren't open about their sexual orientation to anyone at work, compared to **four per cent** of gay and lesbian employees;
- **A third** of LGBT staff (34 per cent) hid or disguised that they are LGBT at work in the last year because they were afraid of discrimination;
- **One in ten** lesbian, gay and bi employees (10 per cent) wouldn't feel confident reporting any homophobic or bi-phobic bullying to their employer;
- **One in six** LGBT staff (16 per cent) say they were excluded by colleagues in the last year for being LGBT, increasing to **one in five** trans employees (21 per cent).

¹ LGBT in Wales Work Report, Stonewall June 2018

The decision to come out is therefore not always an easy one, and as a manager, you have a key role in making the decision to come out at work easier.

3. Scope



This guidance covers all employees including centrally employed teachers but excludes staff on the complement of locally managed schools for whom separate guidance applies. In the absence of guidance agreed locally by individual schools the principles of this guidance should be followed.

4. What the Law says



Under the Equality Act 2010 sexual orientation is a protected characteristic, whether an individual is lesbian, gay, bi or straight. Under the Act, it is unlawful to discriminate on the grounds of someone's sexual orientation or perceived sexual orientation. It also prohibits discriminating against someone because of their association with someone who is lesbian, gay or bisexual. This applies to all employers.

Marriage and civil partnership is also a protected characteristic under the Equality Act 2010. Section 8 of the Act provides that a person has the protected characteristic of marriage and civil partnership if the person is married or a civil partner.

The Civil Partnerships Act (2004) created a union, at that time for same sex couples only, and rights that are equivalent to marriage so that same sex couples could register their civil partnership. With effect from December 2019, eligible opposite sex couples may also register a civil partnership.

The law says that an employee who has had a civil partnership is entitled to:

- ✓ Take their partners name
- ✓ Have the same rights as married couples under next of kin rights
- ✓ Rights in relation to their partners children
- ✓ Certain tax rights, including the same inheritance rights as married heterosexual couples

- ✓ Pension rights
- ✓ Some welfare benefits
- ✓ The same “perks” and benefits at work as married couples.



Other rights can relate to:

- ✓ Adoption, paternity leave and housing.

People who are married or who are civil partners share the protected characteristic of marriage and civil partnership. The Equality Act 2010 explains that a married man and a woman in a civil partnership both share the protected characteristic of marriage and civil partnership.

The Marriage (Same Sex Couples) Act 2013, came into force on 13 March 2014. This Act extends marriage to same-sex partners in England and Wales.) A civil partnership is one that is registered under the Civil Partnership Act 2004, including those registered outside the UK.

5. What you can do as a Manager



There are some practical things you can do yourself as a Manager to create an inclusive culture within your service and team, and to support LGB team members in the workplace and those who want to come out at work.

Generally...

- ✓ Make sure all of your staff are aware of the Council’s Equality & Diversity policy and Behavioural Standards guidance.
- ✓ Make sure you and your team are up to date with equality and diversity training and development.
- ✓ Challenge any homophobic and bi-phobic comments or ‘banter’ firmly and immediately. Simply explaining to staff why something they’ve said is inappropriate is often an effective way to make them think about it and to change their behaviour.
- ✓ Don’t be afraid of saying the wrong thing. Just apologise and move on if you make a mistake. If you need further information or development speak to your manager or the Organisational Development team.



- ✓ Encourage staff to complete equality monitoring exercises and take part in staff surveys.
- ✓ Use inclusive language in any communications to your services and teams, e.g. partner rather than boyfriend/girlfriend and do not make assumptions about people's sexual orientation based on their current partner.
- ✓ Show your support at LGB community groups or events that may be happening in the local area e.g. Pride events.

Specifically Supporting an Individual...

- ✓ If a staff member wants to come out be clear you will support them.
- ✓ Consider providing additional time for supervision.
- ✓ Signpost them to information and resources that might be of interest (see list at the end of this leaflet).
- ✓ Formally recognise the contribution of staff involved in any network groups through the performance appraisal process.

6. Recognising Bullying and Harassment



In order to prevent bullying and harassment of LGB staff, our organisation needs to recognise it as a specific form of bullying. As a manager it is important that you can recognise the signs of homophobic and bi-phobic bullying and harassment so that you can take action. This may include:

- ✗ making homophobic and bi-phobic insults and threats
- ✗ making unnecessary and degrading references to an individual's sexual orientation
- ✗ engaging in banter or making jokes which are degrading to a person's sexual orientation or perceived sexual orientation
- ✗ outing an individual as LGB without their permission
- ✗ ignoring or excluding a colleague because they are LGB
- ✗ spreading rumours or gossip
- ✗ asking intrusive questions about their private life

- ✘ making assumptions and judgements about a colleague based on their sexual orientation
- ✘ using religious belief to justify anti-LGB bullying and harassment.

If you witness or are told about any of this happening in your service or team, you have a responsibility as a manager to act. In extreme cases, this form of harassment could be classed as a 'Hate Crime'. Research suggests that although a high proportion of LGB individuals have suffered from some form of hate crime, it is not often reported to the police.

An employee may wish to talk to you as their manager about such incidents. The effects on the employee can impact heavily on the organisation and on their ability to work. Your support could play a vital role in making sure this is reported and addressed.

If somebody is gay and wants come out but doesn't feel comfortable doing so, that says something about how they feel about the organisation they work in. It implies that they're not going to bring their whole persona into the workplace and into their engagement with colleagues. That isn't a good thing for the individual. And it isn't a good thing for the organisation.

Glenn Earle, Chief Operating Officer of European Businesses, Goldman Sachs

Case Study

I have worked in local government for around 10 years in a stereotypical male dominated role and environment. I didn't come out to my colleagues at work that I was gay because of the fear of rejection, the perceived homophobic culture.

However, when the opportunity arose for me to take up a role to help support a regional LGBT event, I needed to approach work to see if they would free up my time to let me help with this.

Initially I had reservations about talking to my manager, but I spoke to a HR Advisor who provided the advice and support that I needed to be able to move forward and start the conversation with my manager.

When I came out to my colleagues, they were shocked and surprised, they did not believe as they had no idea but now, after discussing it openly with colleagues I realise there was no reason to hide or fear as coming out has made very little difference and it has been well accepted by work colleagues.

County Council Employee

The Council and external partners have a range of equality and diversity related policies and services in place to support all staff including LGB employees at work. These include:

- ✓ [Employee Code of Conduct](#);
- ✓ [Equality & Diversity Policy](#)
- ✓ [Behavioural Standards guidance](#)
- ✓ [Grievance Policy](#);
- ✓ [Disciplinary Policy](#);
- ✓ [Training and development resources](#)
- ✓ People Management Advisors
 - ❖ [Human Resources](#)
 - ❖ [Occupational Health](#)
 - ❖ [Health & Safety](#)
 - ❖ [Organisational Development](#)

For more information, look on the Council's website or contact the People Management Team. There are a number of LGB Groups and Help lines that are readily accessible via the internet or through local LGB services and some of these are detailed below.

8. Useful contacts and resources



- Human Resources Team, Tel: 01267 246129
- Organisational Development Team, Tel: 01267 246085
- Occupational Health, Safety & Wellbeing Team, Tel: 01267 246060
- Stonewall Cymru (Lesbian, Gay, Bi and Trans Charity)
www.stonewallcymru.org.uk or Tel: 08000 50 20 20 or Email:
info@stonewall.org.uk
- LGBT Cymru Helpline & Counselling Service, Tel: 0800 980 4021 or Email:
info@lgbtcymru.org.uk

9. Ensuring equality of opportunity



Managers must adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, maternity, parental, marital or civil partnership status.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

If you require this publication in an alternative format please contact People Management on Ext 6184 or email PMBusinessSupportUnit@carmarthenshire.gov.uk

This guide was developed by the HR Team with advice from Stonewall Cymru