

**Guidance for Managers – Lesbian, Gay and Bisexual Staff****1. Introduction**

The aim of this guidance document is to inform staff in a managing position an overview of the current legal and societal environment of their gay, lesbian and bisexual (LGB) employees. It is not designed to give extensive details but can be consulted on general matters and the legal framework. For specific enquiries, please contact the University's Equality, Diversity and Inclusion office ([equalityanddiversity@manchester.ac.uk](mailto:equalityanddiversity@manchester.ac.uk)).

It is likely that anyone in a supervisory role will at some point work with LGB staff members. Whilst there should not normally be any reason to treat any member of staff differently from others, there may be instances where a person's sexual orientation will in itself make a difference. As a very general rule it is advisable to bear in mind that not everybody who identifies non-heterosexual feels comfortable to make this public in your team. It is your duty as the manager to support your staff in any decision they make about disclosing their sexual orientation and not to assume heterosexuality.

**Definitions**

<b><i>bisexual/bi</i></b>	romantic and sexual attraction to both sexes
<b><i>civil partner</i></b>	a person in a civil partnership
<b><i>civil partnership</i></b>	a construct similar to marriage for homosexual couples. Legally there are very few differences between civil marriage and civil partnership
<b><i>equal/same-sex/gay marriage</i></b>	a marriage between two people of the same sex (the term 'gay marriage' is sometimes colloquially used for civil partnerships)
<b><i>heterosexual/straight</i></b>	romantic and sexual attraction to the opposite sex. Many people avoid 'heterosexual' in everyday language as it can sound clinical and foregrounds the sexual aspect
<b><i>homosexual/gay</i></b>	romantic and sexual attraction to the same sex. For the same reasons as 'heterosexual', 'homosexual' may be avoided in everyday language
<b><i>lesbian</i></b>	(for women) romantic and sexual attraction to women. Some women prefer to use the word 'gay' as 'lesbian' has been used in heterosexual pornography.
<b>LGB</b>	Abbreviation: lesbian/gay/bisexual

### ***sexual orientation***

an individual's status as being heterosexual, bisexual or homosexual. For most people this is relatively fixed but for others it can change throughout their adult lives.

## **2. Legal**

There are a number of legal protections for LGB employees in place which managers should be aware of.

It is unlawful to:

- discriminate directly against anyone – that is, to treat them less favourably than others because of their actual or perceived sexual orientation, or because they associate with someone of a particular sexual orientation;
- discriminate indirectly against anyone – that is, to apply a criterion, provision or practice which disadvantages people of a particular sexual orientation unless it can be objectively justified;
- subject someone to harassment;
- victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of sexual orientation;
- discriminate against someone, in certain circumstances, after the working relationship has ended.

Managers should note that it is as unlawful to discriminate against heterosexual people as it is to discriminate against LGB people.

### ***Informal advice***

Please consider using inclusive language that addresses all your members of staff equally. This may include using the term 'partner' rather than 'husband' or 'wife' when talking about private lives. It can also extend to looking beyond stereotypical or outdated assumptions such as only straight, married couples having children. This may not constitute discrimination in a legal sense as above but it will make a difference to your LGB employees in terms of feeling included or excluded.

### ***The Equality Act 2010***

Sexual orientation and civil partnerships (and marriage) are listed as 'protected characteristics' under the Equality Act, which came into force on 01 October 2010.

The Equality Act says that public organisations:

- Mustn't discriminate, directly or indirectly, against their lesbian, gay or bisexual staff. This means in practice that the University can't pass someone over for promotion or appointment because they're gay.
- Mustn't allow their staff to suffer homophobic harassment at work. This includes working in an environment that is intimidating, hostile, degrading, humiliating or offensive, even if the behaviour isn't directly targeted at the victim.

- Must take steps proactively to promote equality for their lesbian, gay and bisexual staff. This is called the public sector equality duty. The University has set out in its Equality Objectives the strategy it will follow in pursuit of the equality duty.

### **Informal advice**

It is important to LGB members of staff to feel that if any of the above situations arise they will be supported by you. It is helpful if you can make it clear before any event occurs that discriminatory behaviour will be dealt with. This will make it easier for your staff to report any incidence if it does occur.

### **Further Advice**

If you feel you cannot handle a complaint, then this should be referred to a Harassment Advisor. This can be done via Report & Support. You should also be aware of the University's We Get It Campaign which has a zero tolerance approach to any form of bullying, harassment and discrimination. This explicitly covers homophobia, biphobia and transphobia. Links can be seen in Section 3.

### **The Civil Partnership Act 2004 and the Marriage (Same Sex Couples) Act 2013**

The Civil Partnership Act created a new legal relationship of civil partnership, giving legal recognition to same-sex couples for the first time. It also provided same-sex couples, who register a civil partnership, with parity of treatment in a wide range of legal matters with couples who marry. Some overseas relationships are also automatically treated as a civil partnership in the UK if they meet the conditions set out in the Civil Partnership Act.

Civil partnerships for LGBT people have become colloquially known as 'marriage'. The Marriage (Same Sex Couples) Act 2013 provided civil marriage to same sex couples. Couples can now either enter into civil marriage or choose civil partnership. Civil partnerships which took place prior to 2013 may also be converted to civil marriage, with the date of marriage back-dated to the date of the original civil partnership. Managers should therefore not make assumptions on sexual orientation where their staff talk about 'marriage'.

## **3. Related University Policies**

### **University Equality and Diversity Policy**

<http://documents.manchester.ac.uk/display.aspx?DocID=8361>

### **Report and Support**

<https://survey.manchester.ac.uk/pssweb/index.php/767652/lang-en>

### **Dignity at Work and Study Policy**

<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=22734>

### **Adoption Leave Policy and Procedures**

<http://documents.manchester.ac.uk/display.aspx?DocID=474>

### **Parental Leave Policy**

<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=491>

## **Sources of Support at Work**

### ***Dignity at Work and Study/We Get It***

[www.staffnet.manchester.ac.uk/equality-and-diversity/bhd/](http://www.staffnet.manchester.ac.uk/equality-and-diversity/bhd/)

### ***LGBT Staff Network***

[www.staffnet.manchester.ac.uk/equality-and-diversity/staff-network/lgbt-staff-network-group/](http://www.staffnet.manchester.ac.uk/equality-and-diversity/staff-network/lgbt-staff-network-group/)

[lgbt@manchester.ac.uk](mailto:lgbt@manchester.ac.uk)

### ***Supporting Trans Staff Guidance***

<http://documents.manchester.ac.uk/display.aspx?DocID=12047>

### ***Equality, Diversity and Inclusion Website and Team***

[www.staffnet.manchester.ac.uk/equality-and-diversity/contact/](http://www.staffnet.manchester.ac.uk/equality-and-diversity/contact/)

[equalityanddiversity@manchester.ac.uk](mailto:equalityanddiversity@manchester.ac.uk)

## **4. Training available**

There are three training modules available surrounding Equality, Diversity and Inclusion – all containing sections and information on sexual orientation:

- Diversity in the Workplace
- Training in Equality & Diversity Issues
- Unconscious Bias

The Diversity in the Workplace module intends to support you to become familiar with equalities legislation, gain an understanding of the broader issues of Equality, Diversity and Inclusion and to know your responsibilities and rights as a member of staff of the University.

This module is available online at:

[www.staffnet.manchester.ac.uk/services/equality-and-diversity/training/](http://www.staffnet.manchester.ac.uk/services/equality-and-diversity/training/)

The Training in Equality & Diversity Issues module is workshop-based and is mandatory for colleagues who are new or inexperienced in the recruitment of staff or are new members of an academic promotion committee. The aims of this module are:

- To promote a greater understanding of why equality and fairness are important
- To raise awareness of the Equality Act
- To promote good practice in applying the University of Manchester's appointment and promotion procedures

This module is booked online at:

<https://app.manchester.ac.uk/training/profile.aspx?unitid=2388&parentid=4>

The Unconscious Bias online training module takes you through definitions, examples and different scenarios all around the theme of 'Unconscious Bias'. You can access the module here:

[www.staffnet.manchester.ac.uk/equality-and-diversity/training/unconscious-bias/](http://www.staffnet.manchester.ac.uk/equality-and-diversity/training/unconscious-bias/)