

# **THE UNIVERSITY OF MANCHESTER**

## **Overseas Travel Guidance for Staff & Students with Protected Characteristics**

### **Guidance**

February 2015

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## Introduction

The University has a responsibility under the [Equality Act 2010](#) to have due regard to eliminate discrimination, advance equality and foster good relations for all of the ‘protected characteristics’ (listed below).

This guidance aims to raise awareness of issues and potential complications that Staff & Students with certain protected characteristics may encounter when undertaking overseas travel on behalf of the University.

## The Protected Characteristics

For the purposes of this document, the main piece of legislation in the UK is the [Equality Act 2010](#). Throughout this document, you will see reference to “protected characteristics”. These are the grounds upon which discrimination is unlawful under the Equality Act. The protected characteristics are listed below alphabetically and this should not imply any order of importance.

**Age:** Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 45 – 65 year olds).

**Disability:** A person is defined as having a disability for the purposes of the Equality Act if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities.

**Gender Re-assignment:** A person has the protected characteristic of gender assignment if that person "is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex." The guidance will refer to this characteristic as Trans\* in some instances.

**Marriage and civil partnerships:** (not applicable to students under the Equality Act). In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same sex couple.

Same sex couples can also have their relationships legally recognised as “civil partnerships”. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

In the UK it is unlawful for employers to discriminate against employees who fall into one or other of the categories. Single people are not protected under this section.

**Pregnancy and maternity:** Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. The protected period relating to pregnancy begins at the commencement of the pregnancy and ends when entitlement to statutory maternity leave ends or, if earlier, upon return to work.

**Race:** Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Religion and Belief:** Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Sex or Gender:** A man or woman. Men and women must not be treated less favourably because of their sex.

**Sexual Orientation:** Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. Everyone is protected from being treated adversely because of sexual orientation, whether they are bisexual, gay, lesbian or heterosexual.

## Guidance

The aim of this guidance is to consider the health and safety implications of work-related travel by staff & students who have one or more of the protected characteristics set out above and to put in place procedures which control the risks insofar as possible.

This guidance should be read in conjunction with the H&S Arrangements Chapter 24 - Health & Safety in Off Campus Work, including field work etc.:

<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=15496>

The University aims to achieve this through a process of risk assessment on overseas work visits, which will categorise such visits according to risk.

An overseas visit may be deemed low, medium or high risk depending on a variety of factors including but not limited to whether the destination is an area of political instability, natural disasters and/or extreme climates or endemic or epidemic disease. However, it is possible that a visit would otherwise be deemed low risk but for the fact of the employee's protected characteristic. To aid hazard identification and risk assessment associated with such characteristics, the Equality, Diversity & Inclusion (EDI) unit has created a separate risk assessment for the purposes of this guidance to enable the employee and the University to understand the potential risks posed to the employee in relation to a specific overseas work visit and the steps that the University and the employee can take to minimise such risks.

The University has produced a risk assessment form that an employee should complete before travel; prepared example or generic risk assessments to cover routine, low risk, regular activities may be available to consult within Schools and Directorates. The University risk assessment is available from Compliance and Risk: [www.healthandsafety.manchester.ac.uk/toolkits/ra/](http://www.healthandsafety.manchester.ac.uk/toolkits/ra/). The EDI unit risk assessment ([Appendix 1](#)) provides an alternative, for assessing and recording protected characteristics. The employee who is intending to travel may thus use the assessment to consider the possible risks that may be associated with their travel in relation specifically to one or more protected characteristics.

It is important to understand that each individual's case and situation will be different and will largely depend on the destination of the overseas visit. The purpose of this guidance is not to deter employees who have one or more protected characteristics from travelling abroad in connection with their employment but simply to consider the potential risks associated with such travel and the steps that can be taken to minimise the risks.

### **Confidentiality and disclosure**

Certain parts of this guidance and associated risk assessments may impact on confidentiality particularly if an individual does not wish it to be known that they have a protected characteristic. Therefore, all information will remain confidential within the Equality, Diversity and Inclusion Unit and will not be shared with anyone else. A University [risk assessment](#) should be completed as normal, but an optional Protected Characteristics [risk assessment](#) will be available (see Appendix 1) – this can be completed separate to the full University [risk assessment](#) and sent, confidentially, to the EDI unit. The protected characteristics risk assessment will be checked and signed within the EDI unit and any potential hazards will be highlighted. Any information deemed important to include on the general risk assessment will be done so with the consent of the individual. This can be found in [Appendix 1](#).

If travelling in a group, the individual may wish to disclose their risk assessment to the leader of the group and/or to another person in the party. This would be helpful in certain cases (e.g. certain medical conditions). If the individual prefers not to disclose their risk assessment and it is deemed to put the individual and/or other members of the group potentially at risk, the University reserves the right to provide the risk assessment to the leader of the group (or a nominated individual) in a sealed and signed envelope which would only be opened if required.

### **The Protected characteristics and associated risks**

**Age:** no known associated risks

**Disability:** The nature of the disability will determine the potential risks. However, by way of example only consideration might be given to accessibility, availability of necessary medication, cultural approach to certain disabilities such as mental illness.

**Gender Re-assignment:** Some countries continue to criminalize transgender identity and persecute Trans\* people, sometimes violently. Trans\* people in these countries may be vulnerable to state violence or hate crimes, and Trans\* organizations or movements may be vulnerable to state-sponsored harassment. Trans\* members of staff or students should also take into consideration barriers to medical treatment that may exist in some countries. The following website can provide more details: [ILGA](#)

**Marriage and civil partnership:** Some countries prohibit public affection between both heterosexual and homosexual couples. As of 2014 few countries have passed legislation that includes full-fledged legal recognition for LGBT couples such as marriage, adoption, inheritance, and insurance rights. The following website can provide more details: [ILGA](#)

**Pregnancy and maternity:** No known associated risks from the point of view of equality. The only known risks will be from a health and safety point of view, for example if vaccinations are required before travel, or if the visit constitutes a field trip.

**Race:** The threat of racial violence can never be ruled out whenever travelling – even in Europe. As the risk may vary from ‘none’ to ‘elevated’, it is suggested that the following website be used to ascertain any particular racial tensions: [Foreign Commonwealth Office](#)

**Religion and Belief:** There are certain territories where atheism, blasphemy or denouncement of a particular religion carries the death penalty. The threat of violence towards people with a particular religion or belief can never be ruled out whenever travelling – even in Europe. As the risk may vary from ‘none’ to ‘elevated’, it is suggested that the following website be used to ascertain any particular tensions: [Foreign Commonwealth Office](#)

**Sex or Gender:** Sex discrimination applies to both males and females – there are some countries where females still do not have the same rights as their male counterparts. As this varies from territory to territory, it is worth checking before making travel arrangements. Useful links can be found in the section ‘Further Information and sources of support’

**Sexual Orientation:** As of 2014 few countries have passed legislation that includes full-fledged legal recognition for Lesbian, Gay and Bisexual (LGB) couples such as marriage, adoption, inheritance, and insurance rights. Some countries continue to criminalize homosexuality and persecute LGB people, sometimes violently. LGB people in such countries may be vulnerable to state violence or hate crimes, and LGB organizations or movements may be vulnerable to state-sponsored harassment. The following website can provide more details: [ILGA](#)

#### **Further information and sources of support**

[Wiki: World Homosexuality Laws](#)

[Wiki: LGBT Equality around the World](#)

[Wiki: gender equality around the world](#)

[Disability Rights Around the World](#)

[The Foreign Commonwealth Office](#)

[Amnesty International](#)

[Human Rights Watch](#)

[Stonewall Global Working Guide](#)

[Counselling Service](#)

[Equality, Diversity & Inclusion](#)

[Staff & Students Network Groups](#)

[Occupational Health](#)

[Dignity at Work & Study Policy](#)

[University Grievance Procedure](#)

[General Overseas Travel Risk Assessment Example](#)

This is not an exhaustive list and it is recommended that each individual is aware of emergency contacts for the particular country to which they are travelling. If in doubt the Foreign Commonwealth Office is the best place to start.

### **Insurance**

As with any travel undertaken on behalf of the University, individuals are covered by the University's insurance policy. More details can be found here:

[www.staffnet.manchester.ac.uk/services/insurance/travel/business-travel-insurance/](http://www.staffnet.manchester.ac.uk/services/insurance/travel/business-travel-insurance/)

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Lead contact:	<p>Paul Marks-Jones  0161 306 5878</p>



**Appendix 1**  
**Protected Characteristics Risk Assessment Form: Studying/Working/Travelling Overseas**

**Name:**

**Overseas Travel Dates:**

**Location/s:**

NOTE: You can only properly assess risk, and identify ways to limit risk, if you are fully aware of the potential hazards to which you are being exposed. Make sure that you RESEARCH the new environment in which you will be living, working, studying or visiting.

Hazard	Measures to control risk / Actions necessary?	Risk Rating (Low, Medium or High)
age, disability,		
gender, gender re-assignment		
marital status, race/ethnicity		
, religion/belief, sexual orientation.		

Risk rating

**Low risk (L)** – unlikely that harm would arise under the controlled conditions listed, and even if exposure occurred, the effect would be relatively slight

**Medium risk (M)** – more likely that harm might actually occur and that the outcome could be more serious

**High risk (H)** – harm is highly likely to arise (e.g. frequent previous incidents, the situation looks like a disaster waiting to happen)

Signature of traveller: \_\_\_\_\_ Checked by Equality, Diversity and Inclusion

Unit: \_\_\_\_\_