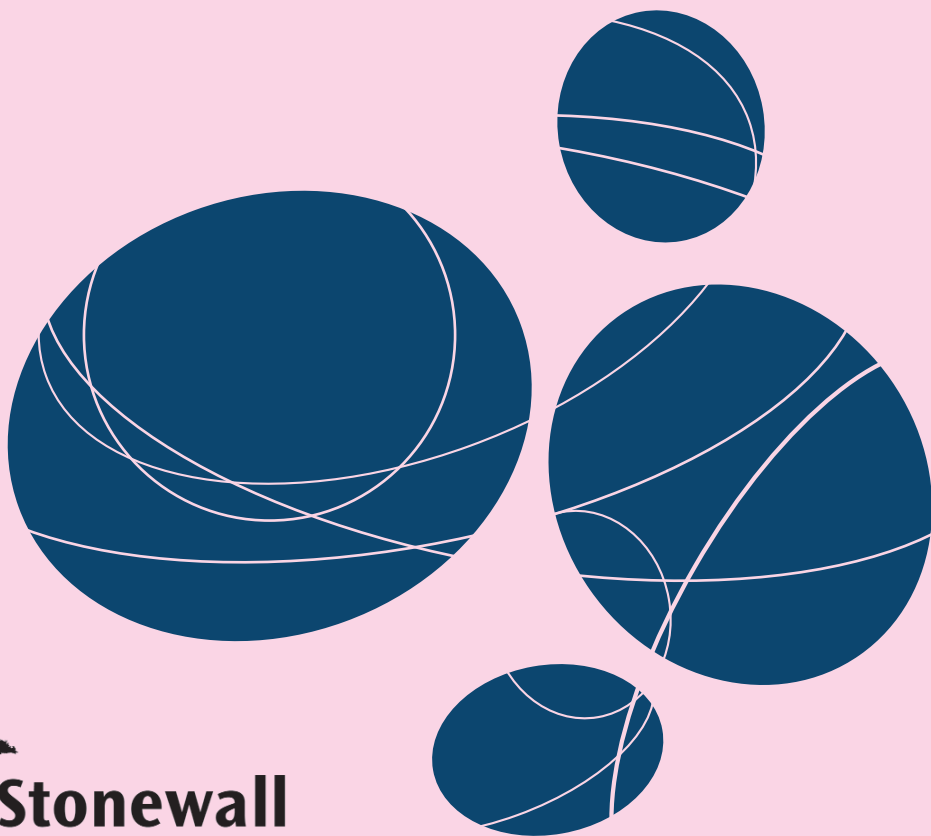


BULLYING

Preventing the bullying and harassment of gay employees



Stonewall
WORKPLACE GUIDES

BULLYING

Preventing the bullying and harassment of gay employees

BULLYING

Preventing the bullying and
harassment of gay employees

Stonewall

E-mail: workplace@stonewall.org.uk

Web: www.stonewall.org.uk/workplace

Charity No 1101255

Written by Katherine Cowan

Edited by Lorna Fray

Designed by Lucy Ward

Stonewall Workplace Guides

© Stonewall: 2007

Reprinted in 2011 to reflect legislative changes

FOREWORD

Employers are legally obliged to protect their employees from bullying and harassment. All staff have been further protected since 2003 from discrimination on the grounds of sexual orientation.

However, even in the most progressive workplaces, where anti-bullying policies and procedures may be clear and

established, lesbian and gay staff may still face barriers when it comes to reporting homophobic bullying and harassment. Bullying which goes unchecked will have a negative impact on the wider organisation as well as on the individual.

In addition to being legally required, robust protection of gay staff from bullying and harassment benefits workplace relations, employee retention and an organisation's productivity and reputation.

Stonewall has produced this guide to illustrate practical and achievable ways in which anti-gay bullying can be prevented. It examines how organisations can discourage bullying and harassment of gay staff, and also how gay staff can be encouraged to report bullying if it does occur. We hope you find the guide helpful on both counts.

I would like to thank the Stonewall Diversity Champions who gave us invaluable insights into their processes for tackling anti-gay bullying and harassment. Their experience shows that we can all work towards preventing this harmful practice.

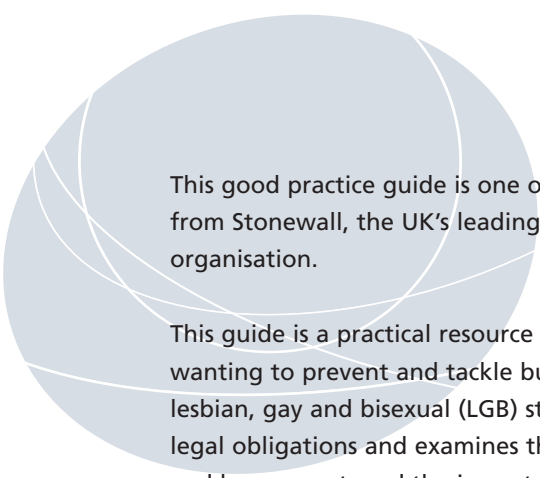
BEN SUMMERSKILL Chief Executive, Stonewall

Contents

1
2
3

Introduction	2
The business case	3
Effective policy and procedure	8
Improving reporting	14
Ten steps to prevent the bullying and harassment of gay employees	24
Links	26

INTRODUCTION



This good practice guide is one of a series of workplace guides from Stonewall, the UK's leading lesbian and gay equality organisation.

This guide is a practical resource for organisations specifically wanting to prevent and tackle bullying and harassment of lesbian, gay and bisexual (LGB) staff. It outlines employers' legal obligations and examines the nature of anti-gay bullying and harassment, and the impact that this type of discrimination can have on individual staff members, the working environment, productivity and an organisation's external reputation.

The guide is based on in-depth research into organisations that are taking a variety of steps to address bullying and harassment on the basis of sexuality. Researchers interviewed 11 different organisations working across a range of sectors. All 11 are members of Stonewall's Diversity Champions programme.

Featuring detailed case studies, the guide explores innovative and creative ways in which employers can support and protect their LGB staff from anti-gay bullying and harassment. It outlines how organisations can ensure their existing anti-bullying policies and procedures work better for their LGB staff, and it includes recommendations for challenging and tackling problem behaviour internally.

What is bullying and harassment?

It is generally agreed that bullying means offending, persecuting or excluding someone. Harassment is usually defined as constant interference or intimidation that violates people's dignity or creates a hostile, degrading, humiliating or offensive environment.

LGB employees can experience bullying and harassment specifically intended to demean them because of their sexual orientation, or perceived sexual orientation. Bullying and harassment of this sort can be highly personal, and employees often find it difficult to report the problem.

What is the impact of bullying and harassment?

Bullying and harassment in the workplace can negatively affect employees' well-being and professional performance. If not tackled, this behaviour can have very serious consequences, for the individual who is bullied or harassed and also for colleagues who witness such incidents. This, in turn, can negatively affect the organisation as a whole and undermine the confidence of external stakeholders.

Impact on the

individual:

- low self-confidence
- demotivation
- stress
- anxiety and depression
- ill health

Impact on the

organisation:

- low staff morale
- increased absenteeism
- reduced productivity
- recruitment and retention problems
- costly legal action
- damaged image and reputation
- loss of client and customer confidence

UMIST estimates that more than two million people in the UK are experiencing bullying at work. Research from the Department of Health indicates that stress-related sickness absence costs more than £5 billion a year and Amicus suggests that bullying, a major cause of stress, costs the UK economy £1.3 billion a year.

The legal framework

Employers have a duty of care towards all of their employees. If an employer fails to honour this by not tackling bullying and harassment, an employee can legally claim constructive dismissal. Under the Health and Safety at Work Act 1974, employers are responsible for the health, safety and welfare at work of all employees, which covers the effects of bullying and harassment.

Further to this, the Equality Act 2010 bans discrimination on the grounds of sexual orientation in employment and vocational training.

This legislation specifically bans direct and indirect discrimination, as well as harassment, because of sexual orientation (and replaces the Employment Equality (Sexual Orientation) Regulations 2003).

The Act provides protection for LGB workers throughout the entire employment relationship, from recruitment to dismissal, including employees who are posted overseas but contracted in Great Britain.

The burden of proof lies with the employer. This means that the employer must demonstrate that they have not violated the law, rather than the employee having to prove that there has been discrimination. In order to comply with the law, employers must ensure that they create a working environment which does not encourage or permit – either indirectly or directly – the bullying and harassment of LGB staff. Furthermore, the employer should be able to demonstrate that an employee has adequate support to resolve any incidents of anti-gay bullying through the organisation's informal and formal procedures.

The first worker in Britain to win a case under equalities legislation was Rob Whitfield, a gay office manager who claimed constructive dismissal on the grounds of sexual orientation. At an employment tribunal Whitfield outlined the homophobic taunts and repeated humiliations that he endured, and his sales manager's continual references to his sexuality. In January 2005 the tribunal found that Whitfield had been harassed and discriminated against because of his sexual orientation and had suffered sustained abuse at waste disposal company Cleanaway UK. He was awarded £35,000.

Alan Whitehead resigned from his job at the Brighton Palace Pier after finding out that he had been the subject of a homophobic remark from a colleague. In his claim for unfair dismissal and harassment, Whitehead alleged that his dignity had been violated. The tribunal held that the term used was 'exceptionally offensive', and in January 2005 awarded him nearly £10,000 in compensation. This landmark ruling effectively prohibits the use of homophobic language in the workplace, and has important implications for all employers because in this case the offending comment was not made directly to the victim.

Durham City Council was found guilty in May 2005 of discriminating against a gay theatre worker, Fausto Gismondi, by failing to prevent months of bullying and harassment by his manager. The tribunal commented that the council had 'signally failed in their duty to an employee who has been bullied and harassed, contrary to their own express policies'. Durham City Council and the harasser were both found by the tribunal to have breached equalities legislation.

The benefits for organisations

BUILDS REPUTATION An organisation which openly and actively prevents and challenges anti-gay bullying and harassment will be perceived positively by current employees. It may also become an employer of choice for prospective employees, both LGB and straight. If the problem of anti-gay behaviour is not addressed and results in legal action, the damage to external reputation can be huge. This can impact on image, recruitment and customer confidence for many years.

REDUCES STAFF TURNOVER Preventing anti-gay bullying and harassment will help employee retention and will reduce recruitment and retraining costs. Retaining LGB employees is an important aspect of diversity work and will ensure the workforce reflects the wider world – an attractive feature to prospective employees and potential stakeholders alike.

IMPROVES PERFORMANCE An organisation which permits any form of discrimination will undermine the morale of the wider workforce. Bullying and harassment of LGB staff can distract employees, increase sickness levels and affect the motivation of the victim as well as those who witness incidents. Preventing anti-gay bullying will ensure a happier and a more productive and effective workforce, where LGB staff will feel they can be themselves without fear of victimisation.

AVOIDS RISK Employers are legally obliged to protect staff from bullying, and to prevent discrimination on the grounds of sexual orientation. Employers must be able to prove they have taken steps to prevent bullying and harassment of LGB staff, and must tackle it if it occurs, in order to avoid costly and damaging employment tribunals.

The benefits for lesbian and gay employees

DEMONSTRATES DUTY OF CARE Employers have a duty of care to protect all their employees. LGB employees who have been assured that a complaint about anti-gay bullying and harassment will be taken seriously and treated confidentially are more likely to report the problem and enable its resolution, rather than feel that they have to resign.

INCREASES MOTIVATION Where LGB staff feel protected from bullying and harassment they will also feel valued and respected. This will impact on their levels of motivation, their general well-being at work and their attitude towards the organisation. Thirty six per cent of LGB employees will change jobs if discrimination, including bullying and harassment, continues (Irwin, 1999).

The benefits for customers and clients

SAFEGUARDS CUSTOMER CONFIDENCE Clients and customers are more likely to trust and have confidence in an organisation's brand and services if that organisation has a reputation for treating its LGB staff well. Research indicates that 74 per cent of LGB consumers and 42 per cent of straight consumers are less likely to buy products from companies which are known to hold negative views of LGB people (Harris Interactive, 2000). This includes organisations that have been subject to legal action. Retaining LGB staff will also ensure the workforce reflects the wider population and better understands its diverse needs.

Lothian and Borders Police has recognised that as an employer and a service provider, it needs to ensure its employment practices do not reinforce traditionally negative stereotypes of policing. This includes tackling anti-gay bullying and harassment. The organisation wants to be considered as an employer of first choice. Failing to tackle anti-gay discrimination would undermine this status and the confidence of the local LGB communities, whose engagement is necessary to deliver effective crime prevention services.

Cardiff University recognises that its entire community needs to be protected from all types of bullying and harassment, including anti-gay bullying, for the university to function as a world class organisation. Its Dignity at Work and Study Policy is therefore aimed at both staff and students. The policy sets out the positive and proactive ways in which everyone can contribute to an inclusive culture based on the values of dignity, courtesy and respect, with a commitment to equality and diversity.

National children's charity **Barnardo's** has published a series of posters that depict LGB young people, carers and parents. The posters indicate that an office or space is a Safe Zone for LGB staff, volunteers and service users. The posters are only displayed once staff have undergone training to prevent discrimination on the grounds of sexual orientation. The posters ensure staff are aware that homophobia, including bullying and harassment, will be taken seriously and challenged.

This section

- covers:**
- recognising anti-gay bullying and harassment
 - reporting barriers for lesbian and gay staff
 - developing inclusive policies and procedures
 - putting policy into practice

2

CHAPTER

Recognising anti-gay bullying and harassment

In order to prevent bullying and harassment of LGB staff, organisations need to recognise it as a specific form of bullying. They should be clear about the nature of the problem and the ways it can occur. Publicising examples of specific unacceptable behaviour will ensure both staff and managers will recognise bullying behaviour, and will be clear about what the organisation will not tolerate. Ensure all staff are aware of their roles and responsibilities in maintaining an inclusive and welcoming workplace.

Examples of anti-gay bullying and harassment include:

- making homophobic 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 from activities because they are LGB
- spreading rumours or gossip about an individual's sexual orientation
- asking an LGB colleague intrusive questions about their private life
- making assumptions and judgements about a colleague based on their sexual orientation
- using religious belief to justify anti-gay bullying and harassment

The Scottish Government's Dignity at Work policy gives examples of unacceptable behaviour, with a section making direct reference to harassment of LGB staff:

- *Physical or verbal abuse or intimidation*
- *Unwelcome comments or jokes*
- *Intimate questions about someone's personal or sex life*
- *Assuming that everyone is heterosexual*
- *Making stereotypical assumptions*
- *Displaying or circulating homophobic or anti-gay materials*
- *Gossip and speculation about someone's sexuality*
- *Excluding people because they are LGB*

The organisation's Dignity at Work policy is linked to its Sexual Orientation policy, which states that: *Homophobic comments, jokes and use of inappropriate language, which may simply have been intended as 'banter', may have the effect of being degrading or distressing and is **not acceptable**. Your staff, you as a manager and the Scottish Government may be liable and may have to pay compensation under [equalities legislation]. All staff should be aware that harassment is hurtful, unlawful and totally unacceptable.*

Reporting barriers for lesbian and gay staff

Most organisations have a policy and procedure for addressing bullying and harassment. However, LGB staff can still face specific barriers that prevent them from accessing existing procedures. This can mean that anti-gay bullying and harassment is allowed to continue.

A number of factors can discourage LGB staff from making use of existing policies and procedures to report bullying and harassment. Some of the most common reporting barriers are listed below.

- **It'll ruin my career:** despite changes in the law, many LGB staff perceive that being out at work will have a negative impact on their career development. They are therefore unlikely to risk outing themselves by reporting anti-gay bullying and harassment.
- **It's just part of our workplace culture:** if homophobic banter and jokes are the norm at work and are never challenged, LGB staff are unlikely to feel confident that a complaint about anti-gay bullying and harassment will be taken seriously or dealt with effectively.

- **I don't want to come out to my manager:** an LGB employee who has been targeted because of their sexual orientation may be reluctant to inform their manager or human resources (HR) if they do not have faith in the organisation's confidentiality mechanisms and are concerned about labelling or further victimisation.
- **I don't want my colleagues to look at me differently:** in a workplace where difference is not celebrated and there is peer pressure to conform, LGB staff are likely to be reluctant to come out or challenge behaviour which undermines their dignity and confidence.
- **Anti-gay bullying is not as serious as other forms of bullying:** legal protection from workplace discrimination on the grounds of gender, race and disability are longer established than the law relating to sexual orientation. LGB employees may lack knowledge of their rights and be unaware that homophobic bullying is just as serious as other forms of bullying.
- **I don't think my employer would know what to do:** organisations that have not visibly championed the rights of LGB employees, that lack staff training on sexual orientation issues or that have failed to resolve complaints of anti-gay bullying and harassment in the past may lead LGB staff to believe that it is not worth reporting problem behaviour.

Homophobia and homophobic comments can affect anyone in a workplace, regardless of their sexual orientation. Straight staff may be bullied for being perceived to be LGB and may not make a complaint for fear of confirming those perceptions. Everyone should be protected from bullying and harassment on the grounds of sexual orientation.

Within **HM Prison Service** the traditional emphasis has been on supporting prisoners, rather than staff, from bullying and harassment by colleagues, prisoners and members of the public. Another challenge is that staff are spread across the service, work in small teams and do not all have access to a desk, computer or telephone. For LGB staff, this can result in a feeling of isolation. This can make it difficult for individuals to report anti-gay bullying and harassment because of concerns that a complaint could damage working relationships and expose the individual to further victimisation.

Traditionally, the childcare sector has not been welcoming to LGB people. For many years it was felt, without justification, that LGB people should not be allowed to work or volunteer with children and young people, and should not have fostering and adoption rights. This meant that **Barnardo's** LGB staff may have felt unable to report bullying or harassment if it meant disclosing their sexual orientation and jeopardising their career.

Before January 2000 LGB personnel were banned from serving in the British Armed Forces. At that time, the **Royal Navy's** LGB staff therefore had to conceal their sexual orientation. Reporting anti-gay bullying and harassment was not an option as it would result in dismissal. Although the situation has since changed, it takes time and effort to alter attitudes and organisational culture.

Developing inclusive policies and procedures

Anti-bullying policies and procedures need to be practical, applicable, accessible and communicated to all staff. They should not directly or indirectly discriminate against – or exclude – any individual or group. A policy for dealing with bullying and harassment which is relevant to LGB staff should therefore include:

- a statement that bullying and harassment will not be tolerated, including on the grounds of sexual orientation
- a commitment from all levels of the organisation to tackling all forms of bullying and harassment
- clear definitions which include anti-gay bullying and harassment
- examples of unacceptable behaviour, including anti-gay bullying and harassment
- duties of managers in preventing and tackling bullying and harassment, including respecting confidentiality
- details of complaints, grievance and disciplinary procedures
- details of investigation and support procedures and provisions

It is good practice where possible for this policy to link to the organisation's equalities policy. Both policies should make reference to sexual orientation as one of the motivating factors for bullying and harassment, and should reiterate that this behaviour will not be tolerated.

The anti-bullying policy should protect employees and govern all behaviour in and around the workplace, for example during work-related activities away from the office.

Putting policy into practice

Organisations generally have a standard set of procedures for making a complaint about bullying and harassment, which all staff should be made aware of.

**These procedures
should include
mechanisms for:**

- informal resolution
- formal resolution
- employment tribunal

Informal resolution can provide a means of tackling anti-gay bullying and harassment in the workplace at an early stage, before it escalates. This can help organisations to comply with the law. Acas recommends that, as far as possible, organisations should aim to resolve problems at this stage. Engaging in formal grievance procedures can be stressful and disturbing for everyone involved.

During the informal resolution stage, staff in many workplaces can receive support and have confidential discussions with counsellors and impartial parties trained in recognising bullying and harassment, including trade union representatives. These parties should have detailed knowledge of the Equality Act 2010 and be confident in dealing with sexual orientation issues sensitively and professionally.

As detailed above, however, many LGB staff may be reticent about using informal procedures. An organisation must actively demonstrate that anti-gay discrimination, bullying and harassment will be taken seriously at this informal stage.

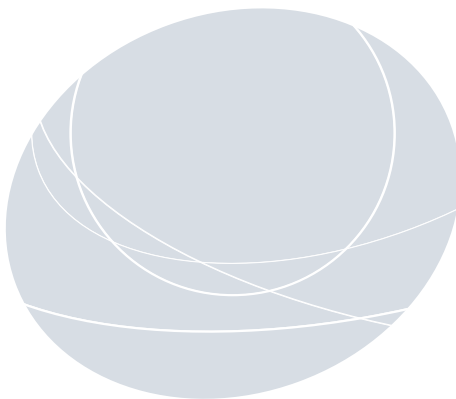
If an issue cannot be resolved informally, the employee can then make a complaint through formal procedures, assuming they have the confidence to do so, rather than just leave the workplace.

Usually, a complaint is taken through a disciplinary procedure and all parties involved seek advice and representation from a trade union representative, from someone impartial in the HR department, or from a bullying and harassment representative within the workplace. As a consequence of this, a thorough and impartial investigation should take place as soon as possible after an incident has been reported.

If the formal investigation fails to resolve the situation, the case can then go to employment tribunal, which can be costly and demoralising for both the organisation and individuals involved. The examples on page 5 demonstrate how equalities legislation has been used at employment tribunals in cases of anti-gay bullying and harassment.

Whenever possible, it makes sense to avoid getting to the employment tribunal stage through prevention and swift internal resolution. Organisations need to be ready to deal with anti-gay bullying and harassment professionally and effectively. They must ensure that their staff feel confident and supported in reporting these problems.

If an employee goes on sick leave or temporarily leaves the workplace as a result of being bullied or harassed, employers must be prepared to support their return to work after the situation has been resolved. Appropriate support might include negotiating a suitable time for returning to work, agreed adjustments to their role or place of work, sensitive communication to colleagues and ensuring the returnee has a supportive manager, mentor or confidant to whom they can turn.



As noted earlier, LGB staff do not always feel able to report bullying and harassment and existing policies and procedures may not work for them. Employers should therefore identify further ways to engage with their LGB staff, offer them support and ensure that they feel able to report any bullying and harassment. Failure to do so may result in the loss of talented staff and costly legal action.

- The key elements are:**
- changing organisational culture
 - developing structures for LGB staff
 - implementation
 - measuring effectiveness

Changing organisational culture

Tackling discrimination cannot be done in isolation. Organisations which prevent anti-gay bullying and harassment are not only targeting that specific problem – they are also creating a workplace where sexual orientation equality is a familiar concept and where LGB staff feel able to participate. In many cases, these organisations

are workplaces where no form of discrimination is tolerated. Stonewall has found that organisations which tackle anti-gay bullying and harassment will tend to be organisations which deal with all types of bullying and harassment effectively.

Any policy designed to protect and promote the rights of LGB staff will deliver better results in coordination with other equality initiatives, such as senior support for LGB equality, comprehensive diversity training, LGB staff network activities or sexual orientation monitoring. Changing organisational culture will take time and requires commitment and consistency, but it can reap big rewards.

Until 2000, LGB people could be dismissed from the **Royal Navy** simply for their sexual orientation, meaning that an anti-gay culture was endemic. To overcome this problematic organisational culture, the Navy is working to ensure that its LGB staff are protected from discrimination. As a modern employer it also wants to change its outdated reputation and attract prospective LGB employees.

The Navy has become an active member of Stonewall's Diversity Champions programme, with prominent support from senior staff. It has also implemented full equalities training and has produced a handbook which includes information on sexual orientation equality. Staff are trained to be aware of the difference between bullying or harassment, and a lawful direct order. Equal Opportunities Advisers are on board every ship and have received training in LGB issues, and additional support is available from Chaplains, a confidential support line and an LGB staff support group. As a hierarchical organisation, the Navy sees the prevention of anti-gay bullying and harassment as a leadership issue which must ultimately be tackled by those in authority.

BT's anti-bullying campaign, Let's Cut it Out, is aimed at tackling all types of bullying and harassment. It was launched following responses to a question about bullying in the annual employee survey in which a number of respondents reported they had either been bullied, or had witnessed bullying. Equally, a number of respondents had opted to 'prefer not to say' whether they had been bullied, which might indicate that staff did not feel safe reporting the problem.

Whilst the number of respondents to both questions was relatively small compared with the 110,000 people employed, BT felt that this still represented an unacceptable situation and developed the Let's Cut it Out programme to eradicate bullying within the company. After the launch of the campaign, the following year's employee survey generated fewer 'prefer not to say' responses, and while the actual incidence of bullying or witnessed bullying had not decreased, progress was definitely being made in terms of reporting – a vital step towards eradicating the problem.

Developing structures for gay staff

There is a range of initiatives organisations can undertake in order to engage specifically with their LGB staff and ensure they are protected from, and can freely report, bullying and harassment. Preventative measures are often similar to those designed for staff with disabilities or from ethnic minority groups. These measures will indicate to staff who may be vulnerable to discrimination that they are valued and their needs are recognised.

PricewaterhouseCoopers offers an Employee Assistance Programme to all staff. This is a confidential counselling service which is run by an external agency. The counsellors are familiar with the firm's policies and procedures and can advise and support staff who believe they are being bullied or harassed.

In order to ensure the scheme was fully accessible to LGB staff and that the counsellors were equipped to deal with sexual orientation issues, the firm's LGB staff network held a series of meetings with the agency. They discussed the potential issues which LGB staff might face and examined how the counsellors would deal with them. Further sexual orientation training was implemented and LGB staff have the option of requesting an LGB counsellor for telephone and face to face support. An article about this aspect of the scheme was posted on the firm's intranet portal, and continues to be publicised by the staff network.

As part of its informal conflict resolution procedure, **Manchester City Council** has a team of up to 16 Conciliation Officers who can mediate for and support employees who are experiencing bullying or harassment at work. Conciliation Officers receive training in mediation, which is accredited by The Law Society, and this equips them to resolve conflict in a non-judgemental, positive and supportive way. They are also briefed on the council's dispute resolution processes.

The council has recognised that some LGB people may feel more comfortable receiving support from someone who has personal experience of sexual orientation issues, so it publicises the fact that LGB Conciliation Officers are available. This is an integral part of the council's diversity and inclusion strategy and aims to ensure LGB employees remain at the council, helping the workforce to reflect the local community.

Part of **HM Prison Service's** equalities work includes Gays and Lesbians in the Prison Service (GALIPS). GALIPS was set up following an investigation by the national LGB staff forum into the incidence and extent of discrimination across the prison service, and an estimation of the cost that the prison service would incur if cases were taken to employment tribunals.

GALIPS is run by two full time members of staff, along with a national committee comprising National and Deputy Chairs, and two staff from each region. The committee then works with establishment contacts within each prison. These are officers who volunteer their time to act as a contact point for members and to communicate issues at a local level. As well as raising awareness of LGB issues across the prison service, GALIPS provides a confidential telephone service that enables staff to report anti-gay bullying and harassment, access support and receive advice on how to proceed. GALIPS staff can also accompany complainants to meetings and tribunals for bullying and harassment cases.

Staff and students at **Cardiff University** who experience bullying and harassment can call a confidential central contact point, which will then refer them to the university's network of Dignity Advisers. This network has been created to support the use and implementation of the university's Dignity at Work and Study Policy. Dignity Advisers are volunteers who have received training in equality, diversity and university policy and procedure. They provide advice and support to staff and students who feel they have been bullied or harassed, before and during the informal resolution stage. Two Dignity Advisers have been recruited from the University's LGB staff network, to support LGB staff who want to speak to an Adviser with personal experience of LGB issues. Dignity Advisers acquire valuable skills that can help in their career, and are given teaching relief to carry out their duties.

Lothian and Borders Police employs a force liaison officer from the Gay Police Association who is part-funded by the Association of Chief Police Officers in Scotland and the Scottish Government. The liaison officer holds regular drop-in sessions out of office hours, and is available for confidential meetings if staff require. There is also a third-party reporting scheme for LGB individuals who are too intimidated to report bullying and harassment directly – they can report incidents via the force liaison officer, who can mediate on their behalf. Posters publicising the service are on display in all offices, including front desks and public areas.

The Scottish Government's LGB staff network runs a confidential mailbox for communication from staff including the reporting, in confidence, of bullying and harassment. If a message is received, it is anonymised and sent to the HR team. The network then relays HR's advice to the individual and works with them to resolve the issue sensitively. For new LGB recruits who want to access the network's support and activities, but who are anxious about doing so, there is also a buddying scheme run by network members.

Implementation

Successfully implementing any new initiative requires organisational commitment and workforce buy-in.

Key elements of the implementation of an effective policy and procedure are:

- 
- leadership
 - training
 - consultation
 - communication

LEADERSHIP To be credible, any initiative designed to prevent anti-gay bullying and harassment needs to be endorsed and validated by senior staff. This will ensure LGB staff have confidence that homophobia is an issue the organisation genuinely wants to address. It will also send a strong message to staff who perpetuate bullying and harassment of LGB staff that this will not be tolerated, and that the consequences will be serious.

It is also essential that all managerial staff are confident in implementing policy and helping to prevent anti-gay bullying and harassment. Some research suggests that the majority of workplace bullies are in fact managers. Those in positions of responsibility should be equipped to protect their LGB staff, and should not be allowed to ignore or condone discrimination.

At **Accenture**, reinforcing the understanding of policies and procedures is part of the promotion process for new managers and senior managers. The firm believes that with more responsibility, managers must be equipped with sufficient knowledge to protect their LGB staff from bullying and harassment. They must also be conscious of their own part in creating an inclusive workplace which does not inadvertently exclude LGB staff. Part of their training therefore includes tackling inappropriate office banter and analysing and modifying their own language in order to set the right tone within their team.

Through diversity training, **Nationwide's** managers are trained to recognise and identify bullying and harassment, including on the grounds of sexual orientation. To reinforce confidence in the company's policies, Nationwide believes it is important that its managers can deal with problems quickly and demonstrate to complainants, as well as the wider workforce, that they are handling problems effectively.

PricewaterhouseCoopers produces guides for managers to help them deal effectively with difficult or sensitive issues which could occur within their teams. One of these guides specifically looks at how to deal with any incidents of bullying or harassment on the grounds of sexual orientation.

TRAINING Training is an effective way to ensure policies are understood in practice. Staff who receive equalities training and are aware of the organisation's position on anti-gay bullying and harassment will know what behaviour will not be tolerated at work. They will also be aware of the kind of support that is available if they do experience discrimination. Training is also an opportunity to raise awareness of the Equality Act 2010, and the related rights and responsibilities.

New recruits at **PricewaterhouseCoopers** undertake a mandatory equality and diversity e-learning programme. This includes bullying and harassment, and specifically covers the effects of anti-gay office banter and offensive jokes. Case study scenarios portrayed by actors highlight the impact on individual staff members as well as the wider organisation. The programme, established in 2004, has also been rolled out to existing staff.

All staff at **Lothian and Borders Police** undertake three days of compulsory equalities training. Half a day is spent on sexual orientation equality, with an external specialist organisation. Issues covered include bullying and harassment, and also policy, procedure and expected conduct in both work and service delivery. An active understanding of diversity in policy and practice is integral to career progression and promotion in the force. All senior staff attend five days of advanced training in this area.

CONSULTATION In order to develop and maintain an effective system which prevents anti-gay bullying and harassment, but also tackles the problem if it does arise, consultation with key stakeholders is vital. This is an important way of ensuring policy and procedure are tailored to the individual workforce, and will enable constructive feedback on their implementation and function.

Key stakeholders

- can include:
- LGB staff networks
 - senior management
 - trade unions or staff associations

Stonewall's Workplace Guide, *Network Groups: Setting up networks for lesbian, gay and bisexual employees*, explores how organisations can develop the consultative potential of their LGB staff networks.

Manchester City Council developed its Dignity at Work policy in consultation with the Lesbian, Gay, Bisexual and Trans (LGBT) Employee Group. The group's members were able to provide information on the nature of anti-gay bullying and harassment, and on where LGB staff faced particular barriers to reporting. LGB Conciliation Officers have been recruited, and they are consulted on how the policy is working in practice for LGB staff.

Nationwide works closely with the Nationwide Group Staff Union, which incorporates the LGBT Advisory Committee, to develop policy and procedure and to ensure its reporting structures are fully accessible to all staff.

BT's LGBT staff network Kaleidoscope was involved in the firm's Let's Cut it Out anti-bullying campaign. The network liaised with BT's personal counselling service to ensure it was equipped to handle LGB-specific issues. Following the launch of the campaign, Kaleidoscope carried out a membership survey which included a specific question on anti-gay bullying and harassment, to assess the impact of the campaign on LGB staff. This will be repeated in future surveys to enable the tracking of any trends.

When developing structures to support LGB staff, **PricewaterhouseCoopers** consulted its lesbian and gay staff network and used its online discussion database to find examples of LGB issues in the workplace, including how bullying and harassment might affect LGB staff.

COMMUNICATION Effective communication of the organisation's position on anti-gay bullying and harassment is essential for:

- creating a working environment which is productive and where everyone is valued
- ensuring LGB staff know their rights and where to get help
- informing the wider workforce of acceptable and unacceptable behaviour
- preventing anti-gay bullying and harassment at a grass-roots level and complying with the law

There are a number of practical ways to communicate anti-bullying messages to the wider workforce using existing infrastructures, such as intranet systems and in-house publications, as well as notice boards and staff briefings. It is important that communications on policies and procedures are repeated if the make-up of the workforce experiences any major changes, such as mass recruitment or a merger.

BT launched its anti-bullying campaign, Let's Cut it Out, in June 2005. The aim of the campaign was to reinforce the message that bullying behaviour, including anti-gay bullying, is not acceptable. BT launched an intranet site containing links on identifying and reporting bullying, also featuring interactive scenarios to stimulate debate. An animation about bullying was also emailed to all staff.

Middle and senior managers from each area of the business attended a campaign briefing, to ensure they could disseminate key messages and resource materials to their teams and were able to provide their teams with training and support. Speakers at the event included BT's Chairman and Chief Executive and experts on the nature of bullying. Campaign resources included:

- a video about bullying and its emotional, psychological and financial impact
- videos depicting bullying scenarios in different areas of the business
- an interactive theatre and discussion piece
- wristbands to indicate support for the campaign

An additional video, aimed at witnesses of bullying who do not speak up, is being developed. The message is that all employees have a responsibility to tackle the problem.

Accenture raises staff awareness of its policy on bullying and harassment, which includes anti-gay bullying, through:

- the employee mentoring programme
- a telephone helpline
- the Accenture UK LGBT Network
- a compulsory annual exercise to update and re-familiarise all staff with company policy
- the induction procedure

Cardiff University publicises its Dignity at Work and Study Policy using:

- staff training and induction
- staff and student intranet
- the equality and diversity website
- the LGB staff network's website
- posters with a central contact number
- pamphlets with simplified summaries of policy and procedure
- the electronic noticeboard

Measuring effectiveness

It is good practice to monitor and evaluate the uptake and effectiveness of any policy and procedure on a regular basis. Monitoring can be used to examine patterns of bullying and harassment and to clarify how reporting structures are being accessed. This will enable an organisation to evaluate how successful those structures have been, and whether they need to be adapted to respond to the needs of the workforce.

HR departments should ensure they are able to collect this information on the nature of bullying and harassment complaints, including whether the complaint relates to sexual orientation. In some cases, it may be possible to obtain formal or informal feedback on anti-bullying policy and procedure from complainants and others after the process has been completed.

Many organisations include specific questions about the experience of bullying or harassment in their staff surveys. This can also include questions about the existence of various types of bullying in the organisation, awareness and understanding of organisational policies and procedures for tackling bullying, and feedback on employees' experience of these procedures.

Nationwide uses questions in its employee opinion survey to ask about sexual orientation. This information can be compared with responses to questions about experiences of bullying and harassment. The organisation can therefore examine and respond to any differences in experience between its LGB employees and the rest of its workforce.

BT monitors incidents of bullying and harassment via its central contact point, where employees can initially report the problem. Incidents are monitored by the type of bullying, as well as location within the business.

By including sexual orientation in its workforce diversity monitoring, **Lothian and Borders Police** can track its retention of LGB staff. The force also asks employees how confident they would feel about reporting bullying and harassment. This enables the force to assess the effectiveness of its reporting mechanisms, and make changes if necessary. HR also records the nature of grievances, including anti-gay bullying and harassment cases.

Cardiff University has a central contact point, which deals with initial queries about bullying and harassment. This mechanism conducts anonymous monitoring on the nature of the complaint, including whether it was sexual orientation-specific. This indicates how far LGB staff appear to be using the system, and will enable the university to take positive action if necessary.

The university is currently developing a survey tool, which can be accessed through the intranet noticeboard. This will ask about experiences of all types of bullying and harassment and should provide a snapshot of what is happening across the university. The LGB staff network is also developing an online anonymous discussion space. Any discussion around bullying and harassment will feed into the ongoing development of policy and procedure.



TEN STEPS TO PREVENT THE BULLYING AND HARASSMENT OF GAY EMPLOYEES

1

Know the law and ensure that your organisation is fully compliant. The Equality Act 2010 requires employers to ensure that LGB employees are not discriminated against – this includes bullying and harassment. Guides designed for both large and small employers are available from Stonewall.

2

Provide definitions of anti-gay bullying and harassment in your policies and give examples of unacceptable behaviour. All employees need to know what will not be tolerated in the workplace, and what they should not have to put up with.

3

Ensure all staff are aware of their roles and responsibilities in maintaining an inclusive and welcoming workplace which does not tolerate discrimination against LGB colleagues.

4

Create inclusive policies and accessible procedures to deal with bullying and harassment. Make sure these cover anti-gay behaviour and are relevant to your LGB staff.

5

Remove the barriers that LGB staff can face when reporting bullying and harassment. If your existing procedures include counselling or mediation, consider the possibility of offering LGB staff the option of working with someone who has personal experience of LGB issues.

6

Consult key stakeholders such as your LGB network on how policy and procedures are developed, to ensure they are tailored and relevant to your workforce.

7

Ensure top level buy-in for anti-gay bullying and harassment initiatives. It is important that managers take responsibility for protecting their LGB staff from bullying and harassment, and do not encourage it in any way.

8

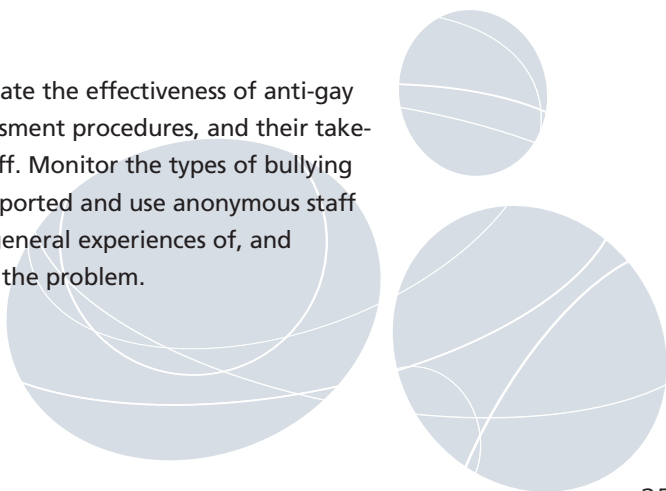
Provide training to staff on sexual orientation equality and the organisation's policy on anti-gay bullying and harassment. Staff need to know how to comply with the policy, and how to access support if they need it.

9

Communicate the organisation's position on anti-gay bullying and harassment to new and existing staff. Use posters, articles and intranet systems to remind all staff about their rights, responsibilities and the consequences of bullying and harassment – and the value of a working environment which prevents this kind of discrimination.

10

Monitor and evaluate the effectiveness of anti-gay bullying and harassment procedures, and their take-up among LGB staff. Monitor the types of bullying and harassment reported and use anonymous staff surveys to gauge general experiences of, and attitudes towards, the problem.



Thanks to the following Stonewall Diversity Champions who provided information and examples for use in this guide:

Accenture: www.accenture.com

Barnardo's: www.barnardos.org.uk

BT: www.bt.com

Cardiff University: www.cardiff.ac.uk

HM Prison Service: www.hmprisonservice.gov.uk

Lothian and Borders Police: www.lbp.police.uk

Manchester City Council: www.manchester.gov.uk

Nationwide: www.nationwide.co.uk

PricewaterhouseCoopers LLP: www.pwc.com/uk

Royal Navy: www.royal-navy.mod.uk

The Scottish Government: www.scotland.gov.uk

Stonewall Diversity Champions programme

Stonewall's Diversity Champions programme is Britain's good practice forum on sexual orientation in which employers can work with Stonewall, and each other, to promote diversity in the workplace. www.stonewall.org.uk/diversitychampions

For further information on Stonewall's workplace initiatives, including the Workplace Equality Index of the top 100 employers in the UK for gay people, the recruitment guide *Starting Out* and the Stonewall Leadership programme, go to www.stonewall.org.uk/workplace

Also in this series of **Workplace Guides:**

Network Groups

Monitoring

Career Development

Religion and Sexual Orientation

Bisexual People in the Workplace

Marketing

Straight Allies

Procurement

BULLYING