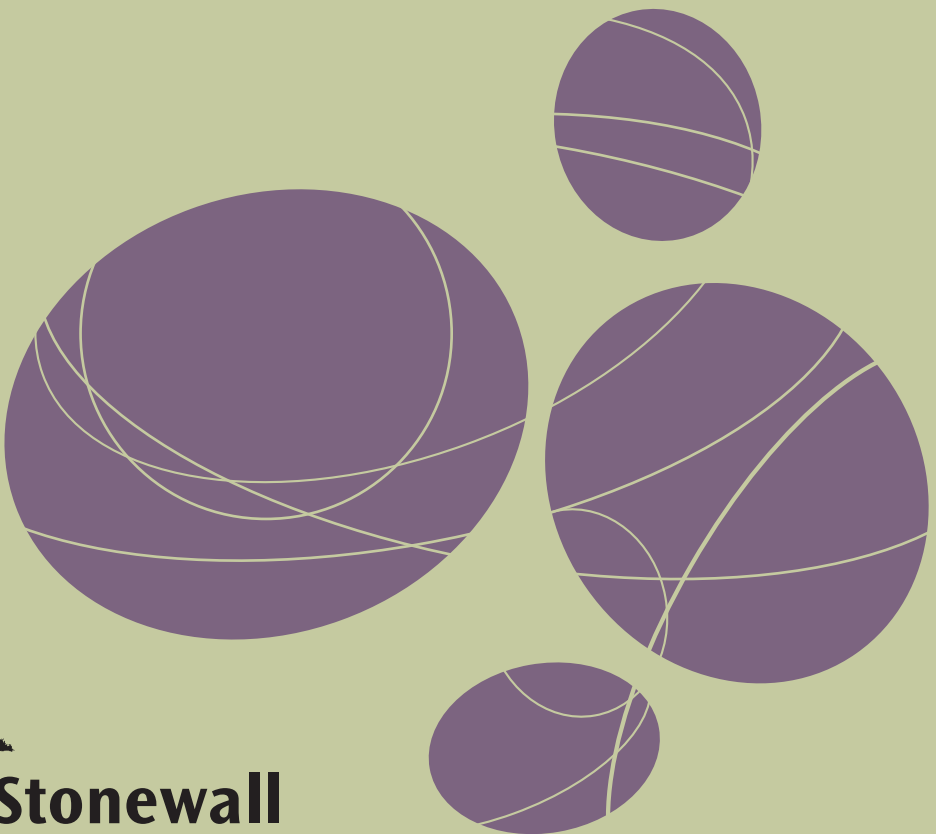


RELIGION AND SEXUAL ORIENTATION

How to manage relations
in the workplace



Stonewall
WORKPLACE GUIDES

RELIGION AND SEXUAL ORIENTATION

How to manage relations
in the workplace

by Ruth Hunt

Interviews and focus groups conducted
by Professor Gill Valentine, Leeds University

FOREWORD

Since 2003, legislation has been in place to protect lesbian, gay and bisexual people from discrimination in the workplace. Similar legislation was introduced at the same time to protect people of faith, which led some to believe that trying to uphold both would lead to conflict.

The 500 employers who are members of Stonewall's Diversity Champions Programme tell us that conflicts are very rare. However, employers tell us that they are less confident about preventing and responding to these incidents than they are other forms of discrimination.

Stonewall has therefore produced this guidance to help employers and service delivery organisations manage potential conflicts with confidence. The aim of the report is to help prepare for the worst; it does not necessarily mean managers should expect the worst. Stonewall's report, *Living Together*, a survey with over 2,000 nationally representative people in the UK, found that people of faith are no more likely to be prejudiced against lesbian and gay people than anyone else. Ordinary people of faith, who contributed to focus groups for this guidance, are very clear that lesbian, gay and bisexual people should always be treated with respect. It is worth remembering that many, many people of faith do not have any problem working, living, socialising or praying with lesbian, gay and bisexual people. This guidance will help with the small minority who do.

Ben Summerskill Chief Executive, Stonewall

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SUMMARY

In August 2008, researchers interviewed 30 equality and diversity specialists from a range of sectors about their experiences of sexual orientation and religion and belief in the workplace. In October 2007, researchers also conducted six focus groups with people who are Christian, Muslim, Jewish, and Hindu about their attitudes to lesbian, gay and bisexual people.

This report presents the findings of that research. Organisations work to achieve equality for all staff and service-users. They are confident that they are able to take steps to prevent and respond to discrimination against lesbian, gay and bisexual people. They are less confident about tackling negative attitudes and responses when these are justified and motivated by religion and belief. They acknowledge that incidents are very rare and that working to prevent such incidents is a priority.

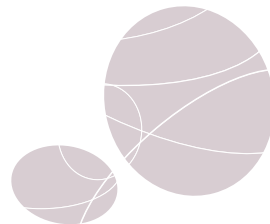
Organisations most confident about responding to, and preventing, issues of perceived conflicts are those that have explicit and clear policies about equality and diversity. These policies are understood by all staff, all suppliers, and all service users. Successful organisations have thought in advance about how they might respond to issues of conflict, and have established where they would draw the line between acceptable expression of faith and unacceptable discrimination in employment and service delivery. They have ensured that senior staff, including those at the very top of the organisation, agree with that position. Organisations have communicated these policies to all staff, and have proactively worked with their lesbian and gay staff, and their staff who belong to religious networks, to find areas where they can work together. When incidents do occur, successful organisations use third party mediators to try to resolve issues, but have robust disciplinary procedures to help resolve more complex issues.

By putting in place effective processes for maintaining the dignity of all staff in the workplace, organisations feel able to respond positively and effectively to any issues that may emerge.

NOT A NEW ISSUE

1 CHAPTER

“So I think over the last 20 or 30 years, race relations legislation has had some very substantial benefits and I would think that that ought to be true for gay and lesbian people too. Sam, 42, Christian



During the last fifty years, parliament has introduced significant legislation to help stop discrimination. New equalities legislation has often caused a degree of consternation amongst employers and service providers, but gradually, the legislation has helped achieve a cultural change. Twenty years ago, employers were concerned about implementing some aspects of equality relating to gender. Today, these would not cause any concern at all.

Twenty years ago it was quite paternalistic. Senior folks would not offer the job to an individual because they felt that the environment was unsuitable. As a woman I know that one.

Siobhan, private sector multinational company

But I think the days when you wouldn't put women branch managers into particular locations hopefully are well behind us, because we were in that place at one point, many years ago.

Ann, retail banking

Equality and diversity legislation continues to emphasise the importance of treating people fairly and without discrimination. There is also an increasing emphasis on 'good relations'. Enabling different communities to live, work and socialise together is considered key to eradicating discrimination.

As Muslims we live in a community that isn't just Muslim, it's got other people in it... My boss: he's a Buddhist, and he's gay.

Taroob, 39, Muslim

Equality and diversity managers, in both the private and public sector, develop policies and practices to help staff work together. Effective equality and diversity strategies challenge employees and service users and help achieve cultural change and hopefully good relations between different communities. Good organisations pursue these programmes of work, even when they can sometimes be challenging for individuals in those organisations.

Whenever we've rolled out a new strategy – whether it's been around gender, race, whatever... there tends to be some kind of a reaction whether it be externally or sometimes even internally. And in some ways I think we measure the fact that we're pushing the boundaries by whether we get a reaction or not... We feel as a very large organisation in this country we have a broader responsibility to influence change where we can.

Ann, retail banking

Managing conflict

Equality and diversity managers, and line managers in general, are used to finding solutions to difficult issues in the workplace or service delivery. Participants report that employees, service users and customers sometimes request arrangements that contravene their equality and diversity policies. Issues arise in relation to gender, ethnicity, disability and religion and belief. Managers find different ways to respond to the requests in a way that maintains dignity and respect.

I know that we had an issue where a member of staff is HIV positive, and service users were refusing to have that member of staff working with them. So what we had to do was some work with those service users around educating them about HIV and AIDS awareness. *Mark, city council*

We had a situation not very long ago where we had a female potential client who called up and insisted that she only wanted a female team of lawyers. We said no because we will give the best team for the particular case. In the end she decided well okay she would go with the advice and go with the best team which was led by male partners but there were women in the team as well. *Michelle, law firm*

One of the incidents we have had in the past is we have had women who are undergoing an Islamic divorce who can't talk to a man for the period of their divorce confinement. We've given them alternative ways to contact us.

Catherine, retail banking

I've dealt with it in my previous role in another organisation. A member of staff did not want to work with women. We said if you want to continue working for our organisation in this particular role then you will have to recognise that from time to time you will be working with women and from time to time you may even be alone with women. If that is something that your religion or belief will not allow you to do then perhaps this is not the best employer for you and the person resigned. *Tom, public sector*

Sexual orientation and religion and belief

In 2003, legislation was introduced to protect lesbian, gay and bisexual people from discrimination in the workplace. Similar laws were introduced in relation to religion and belief. Since 2007, it has been unlawful to discriminate when providing goods and services to lesbian and gay people. At the same time, similar legislation was introduced to protect people on the grounds of their religion and belief (or non-belief). All these laws are now replicated in the Equality Act 2010. As the original laws were introduced at the same time, this led some commentators to ask what would happen if, in this particular situation, one set of rights was somehow 'brought into conflict' with another set of rights. Rather than leading to good

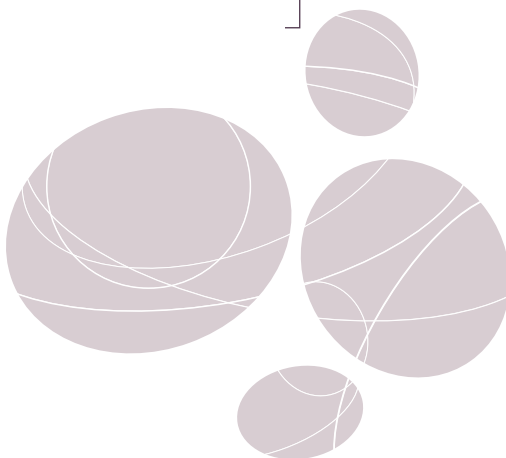
relations, some were concerned that it would heighten animosity and confusion for those trying to implement the laws.

In 2007, Stonewall published *Living Together*, a survey conducted by YouGov. The report explored Britain's attitude to lesbian and gay people. More than half of the 2,009 respondents felt that religious attitudes were the second most prevalent cause of public prejudice against gay people. The poll also revealed, however, that people of faith are no more likely to be prejudiced than anyone else. Eighty four per cent of religious people disagreed with the statement 'homosexuality is morally unacceptable in all circumstances.'

I mean who do people think that lesbian and gay people are, some kind of aliens from outer space or something? They're just people. *Catherine, 58, Christian*

Despite the fact that the majority of people of faith have no problem with sexual orientation equality, and employers are familiar with resolving a variety of conflicts between staff, equality and diversity managers expressed concern as to how they would manage issues between people of faith and gay people.

We've known for a long time that there are two [sets of legislative protections]. If they're deemed to protect people's rights absolutely, then they're both on a collision course. We're aware of the complexity of that. *Bob, higher education institution*



WHERE TO 'DRAW THE LINE'?

2 CHAPTER

“Where do you draw the line? These people have been employed for a reason; they must have been the best candidate at one point. Hopefully they still are a valued member staff. Do you really want to lose them? The answer is probably no, so how do you handle the situation to make sure that they are both happy, remain happy, within the workforce?”

Chandra, local council

Equality and diversity managers express concern about how best to manage the rights of lesbian, gay and bisexual people and the rights of people of faith if they come into conflict. Sometimes, participants felt that the anticipation of conflict prevents organisations from fully pursuing a work programme to achieve community cohesion.

The law

Equality and diversity managers express confusion about the law in relation to employment and service delivery. Although many express a basic understanding of legislative protections around sexual orientation equality and similar protections around religion and belief, there is a degree of confusion about how to implement the legislation.

I probably feel an individual claiming on religious grounds has fewer rights under the law than a lesbian or gay individual. So if they're claiming on religious grounds that they won't work with someone because they're a homosexual, I think the person claiming on religious grounds has less rights, but I don't know that for a fact. *Siobhan, private sector multinational company*

There is also confusion about how any exemptions apply. The Equality Act 2010 contains very narrow exemptions which only allow religious organisations to discriminate if the post or service is directly associated with the doctrine of any faith. Organisations are sometimes concerned, however, about how those exemptions might apply in the context of their work.

Well, I've got a bit confused lately over the way that Christian organisations have been trying to be treated around adoption. It's worried me intensely. I do think that we need to be much stronger in terms of some of the "outs" that these people perceive that they can get because of their faith. *David, children and young people's services*

There are some religious exemptions, couldn't quote them, but I know there are some where the church is involved as an employer but we don't really get involved in that... I'm a bit sketchy about that. *Simon, government department*

Recent tribunal cases involving religion and belief and sexual orientation have also caused concern about how to manage potential conflicts in relation to service delivery and employment. Equality and diversity managers say that they have lost confidence in their own approaches to issues because they are not sure how the courts would view their decisions and processes.

I would feel personally out of my depth in dealing with it because I don't exactly know what the case law has established, really. I don't know – I would be looking for

external legal advice and support on that one.

Laura, uniformed service

I'm still confident about our internal procedures and also the advice you get from employment lawyers. I'm not sure I'm that confident in the ability and consistency of the courts to rule on those sorts of cases. *Louise, housing provider*

Participants reported that misunderstandings about rulings – particularly when cases have been settled before reaching tribunal – have made it seem easier for staff to suggest they should be exempt from carrying out duties expected in a role. Equality and diversity managers felt they require clarification on exactly how the law works and what appropriate actions they can take to achieve community cohesion.

I think that this opportunity for people to trump one thing over the other is actually causing an awful lot of animosity, an awful lot of confusion and issues. *Catherine, retail banking*

I think we've ended up with a situation that works both ways. It's clearly important that in a workplace you don't discriminate against people in terms of their religion and their religious beliefs and practices and ideologies, but at the same time you have a situation where it seems that people are able to discriminate against others even when they're in a role of public duty. *Michelle, law firm*

It is about striking the balance between those people who are being mischievous, for want of a better word, and those people who do have genuine and strongly held religious beliefs. If somebody did say they had strongly held beliefs and therefore could not attend Gay Pride, we would probably try and accommodate that. But we don't know at the moment if that means we fall foul of one set of [protections] or the other, really, because of the recent cases.

Laura, uniformed service

Organisational knowledge

Some practitioners feel that issues involving lesbian and gay people and people of faith are not more difficult to handle than other issues, but they often have less experience in these areas. While the Equality Act 2010 for the first time introduced an explicit duty on public sector organisations to promote good relations on the grounds of sexual orientation, similar duties have been in place for far longer in relation to race, gender and disability. During this time the proactive obligation to take steps to prevent discrimination, not just respond to incidents, has made organisations feel more confident about their judgement and more confident in the ability of their organisations to handle difficult issues concerning racism or sexism.

As an organisation, we would be much more confident that we deal with race issues effectively as opposed to most of the other issues. *Helen, uniformed services*

Sometimes people don't understand what discrimination on the grounds of sexual orientation can encompass. Sometimes it's ignorance about what discrimination means. In terms of tackling it, it is still a fairly new area, and something that we need to bring our line managers up on more. Anything around race stuff, people get it and understand it. But around homophobia, people are still getting used to the agenda as it were. And as a very large organisation we have an awful lot of managers who don't, or don't want to, get the agenda...

Mark, city council

Participants felt that even if they understood the law, and how to resolve any conflicts, they did not necessarily have the same confidence in other managers, especially if they had not received training in relation to sexual orientation. They felt that different responses from managers across organisations could sometimes lead to inconsistency.

There's a range of confidence and capacity across the organisation. I know some of our managers who would state

very clearly 'that's not acceptable, you deal with that client in the same as you would deal with other clients who are not lesbians and if you choose not to then you will be suspended, there will be an enquiry and at the end of the day you'll be out of job'. There are others who would be saying 'I can see what you mean, it must be very difficult for you' which for me is rubbish. *Steve, health organisation*

Others felt that line managers might sometimes be dismissive about potential conflicts and may not necessarily understand that issues were emerging as a result of personality clashes, rather than an infringement of rights.

I tend to have the impression that very often people dealing with the cases, whilst they have had training in relation to good practice in terms of these issues, and they are aware of people's broad rights, I think there tends to be a sort of 'oh it's just the students, it's just one of those things', to begin with. So it starts from a position of 'oh it will sort itself out'.
Bob, higher education institution

The failure to identify potential conflicts as equality issues also leads to underreporting from staff or service users. Participants feel that incidents are occurring, but they do not necessarily come to their attention.

The problem is that sometimes it's difficult to act on hearsay. So there's no doubt in our mind that issues still arise. It's particularly pertinent, in relation to student accommodation, the way students are living together.
Bob, higher education institution

I've definitely heard of these things anecdotally in terms of the experiences of homosexual people, or gay, lesbian and bisexual service users. I've heard it, but I haven't actually been

confronted with it myself. So the individuals who've experienced it haven't come to me, but I have heard it through evidence that we've gathered in terms of case studies. *Nicola, health organisation*

When incidents do come to the attention of equality managers, some feel that they do not necessarily know how to respond in the best way. Instead, some feel they react to situations on a case-by-case basis. This combined with a lack of confidence in the law sometimes leads to unsatisfactory outcomes.

There's a massive gap in understanding of those two areas. I'm confident that we can resolve anything through dialogue and engagement, but how quickly we do that and how efficiently we do that is dependent on the specific situation and of course it shouldn't be like that.

We should be much more systematic and efficient in how we address those things efficiently, quickly and heal those wounds between the service user and the provider. Sometimes I think we bash providers as well without actually giving them the right support. *Saheema, health organisation*

Participants report that when faced with a conflict they sometimes find it difficult to consider it in the same way they approach other equality issues and this undermines their ability to apply existing policies and good practice to scenarios involving faith. Rather than address the issue of 'conflicting freedoms', they are instead sometimes overwhelmed by the possible enormity of trying to find resolution.

My experience of working with a sexual orientation group and the religion groups is just that they're in very, very different places. I mean the Christians genuinely believe that God is telling them this is wrong because it's in the Bible. It comes from very, very deep seated faith and roots and therefore it's a huge problem to try to shift that. What I'm going to say to them is I'm up against God basically and I'm

not going to win. So you have to try and use other methods to actually get them to perhaps meet some of these people and realise that actually they haven't sinned and they're not bad. But you know it just comes from their interpretation of the Bible and I don't think that's ever going to change.

Siobhan, private sector multinational company

Some managers conclude that the only possible resolution when a member of staff expresses difficulty about working with gay people is for that member of staff to leave the organisation. This is felt to be a hugely regrettable outcome, but in the context where no other solutions have been developed, it can seem like the only solution.

I do feel for a manager who has to deal with it because I don't think there is enough guidance over the matter on how to deal with it. I think it is a very tricky area. I think the law is too black and white and it doesn't understand the dynamics within it. Because you can still have an excellent employee with these beliefs, you don't really want to get rid of them, but at the same time how do you get them to understand that their practice – that their religious beliefs – are preventing them from providing an equal service and that they are behaving in a homophobic way? *Chandra, local council*

The lack of understanding and clarity around managing difficulties makes situations worse, and is less likely to lead to a satisfactory outcome for all parties.

3

CHAPTER

CASE STUDIES: RESPONDING TO ISSUES

Organisation: *local council*

What was the issue? A registrar said she was unable to conduct civil partnerships because same-sex unions were against her religion and beliefs. The registrar requested that adjustments should be made to enable her to continue with her work and not conduct civil partnerships. The council compromised and said she could be exempt from conducting civil partnership ceremonies, but could not be excused from performing all civil partnerships. The registrar declined this compromise. The registrar claimed that she was being treated differently from other staff on the grounds of her religion and belief.

What happened? The council followed their internal grievance processes and the registrar took a case to employment tribunal because she felt she had experienced religious discrimination. The original tribunal agreed that the registrar should be exempt from performing civil partnerships, and the council had acted inappropriately. The council then appealed and the ruling was overturned. The appeal tribunal found that the council had not discriminated against the registrar by asking her to conduct civil partnerships. The tribunal stated *'It cannot constitute direct discrimination to treat all employees in precisely the same way.'* The appeal judgement also stated: *'If I burn down my employer's factory because of my philosophical anarchist beliefs, an employer*

who dismisses me thereafter for burning down the factory is not doing so because of my philosophical beliefs. Those beliefs may be the reason for my action, but they are not the reason for the employers' response.'

Could anything have gone better? Both the initial tribunal and the appeal tribunal found that the council had not handled the case as well as they might have done. Although this did not constitute discrimination on the grounds of religion and belief, the appeal tribunal found *'There were clearly some unsatisfactory features about the way the council handled this matter. The claimant's beliefs were strong and genuine and not all of management treated them with the sensitivity which they might have done.'*

Organisation: *national counselling service*

What was the issue? An employee of a national counselling service was being trained to provide, amongst other things, psychosexual therapy to couples. The employee stated that he felt concerned about providing therapy to same-sex couples because this was against his religious belief. The counselling service instigated internal grievance procedures and dismissed him on the grounds of gross misconduct. The employee claimed he had been discriminated against on the grounds of his religion and belief and therefore took a case to tribunal.

What happened? The tribunal found that the service were within their rights to insist that the employee serve all clients regardless of race, disability, sexual orientation, religion and belief and age. The tribunal found that the employee had been treated with dignity and his religious views respected and therefore had not experienced discrimination on the grounds of his religion. The service said: *'We recognise the importance of people's religious beliefs to them and we are committed to supporting all religions working within our organisation. However, our primary responsibility is to our clients who often need complex advice and assistance. We cannot allow*

anything to damage our clients or to undermine the principle of trust that underpins our work.'

What could have gone better? The tribunal found, and the service accepted, that the employee should have been given notice to leave instead of dismissing him on the grounds of gross misconduct and therefore accepted his claim of wrongful dismissal on this narrow ground.

Organisation: *local authority*

What was the issue? A member of staff, citing his faith, refused to work with a gay member of staff. Comments were being made directly to the member of staff about how he would be executed in other countries for being gay and that his sexual orientation was against religion. The remarks were having a significant impact on working relations and the morale of the gay member of staff.

What did they do? The member of staff who was being discriminatory was told that he had signed an equal opportunities policy that included sexual orientation, and he was in breach of that policy. He was therefore issued with a formal warning about his behaviour. The council then brought in mediators to work with the gay member of staff and the person who was expressing their belief in the workplace. They did not want to move either member of staff but wanted to deal with the culture within the team. The staff member who was being discriminatory was given training on workplace behaviour detailing what the council expected from their staff and what were the core values of the organisation.

The council also provided support for the gay member of staff to help them feel more confident and able to challenge incidents if they occurred, and followed up to ensure the situation had improved. The gay member of staff did not want the member of staff to be removed; he just wanted to be treated with respect. The two now have a good working relationship.

How were they able to do it? The council had very clear, established policies covering all seven areas of equality and all

members of staff had to abide by those policies. When this situation arose, the council were therefore able to be very clear that his behaviour was in breach of his terms and conditions. They were able to explain that whilst holding personal beliefs was perfectly valid, that should not impact on the way he works with other members of staff.

Could anything have gone better? The gay member of staff had been experiencing discrimination for quite a while because he didn't realise that he could come forward and make a complaint about what was being said to him. He did not think that the expression of a religious belief could be against the equal opportunities policy. The council realised that they needed to do more to tell staff exactly what constitutes discrimination.

Organisation: *large public sector service provider*

What was the issue? A senior member of staff was constantly quoting passages of the Bible to a junior gay member of staff. The gay man felt uncomfortable that this man had influence over his career, and felt his references to the Bible would make other staff feel hostile towards him as a gay man.

What did they do? The organisation first tried to resolve the situation informally but the member of staff citing the Bible felt this was a legitimate expression of his religion and belief and did not understand that this was affecting the gay member of staff. It was therefore necessary to resolve the problem using formal processes. Reports were made against the man citing the Bible and the case was judged by internal human resource staff. They made the decision that the member of staff should stop citing the Bible. Both members of staff were represented by their trade union. It was made clear that there was no problem with the member of staff being a Christian, but his personal belief could not be used to undermine another member of staff's dignity. He would not accept this until it was stated in writing that this was the case.

Why were they able to do it? The organisation was very clear about where they stood in terms of the law. They had clear policies which reflected the organisation's responsibilities under the law. The policies all emphasise the importance of maintaining the dignity of individuals and how all staff have a responsibility to ensure this happens.

Organisation: *private sector service provider*

What was the issue? The firm's Christian network objected to the company investing in the lesbian, gay and bisexual network. They felt it was an indication that the company was associating itself with something that is, in their view fundamentally wrong. The Christian group felt that by sponsoring a lesbian, gay and bisexual network group the company was taking sides and indicating a bias towards people who are gay over people of faith. The equality team received letters of complaint about their support for the sexual orientation network.

What did they do? The company worked with each group to try and raise awareness about the issues that each group faced, and why the networks are important. The company felt it was their responsibility to try and encourage their staff to see things from a different perspective, including the fact that gay people aren't, by virtue of their sexual orientation, immoral. They also integrated exercises to raise awareness about sexual orientation into other work including training, and dignity and respect policies. They have also ensured that both groups are fully involved and included in any diversity plans, for example, Diversity Week. The aim is to demonstrate to the parties that the company will support them both.

Why were they able to do it? The company was able to engage in open discourse about the Christian network's objections because they had clear routes of communication between the equality and diversity department and the staff networks. The manager has aimed to understand the different perspectives and has acted as a mediator between the two groups.

What could have gone better? The company intends to bring both groups together to talk about the issues that are concerning them and try to develop relations between the two. Despite the strongly-held views of the Christian network, there is no personal animosity between staff and therefore the aim is to increase understanding and awareness about the importance of network groups and why the company is supporting both.

Organisation: *retail bank*

What was the issue? The bank decided to fly a rainbow flag on top of their building so it could be seen by those who were attending the pride parade. Two members of staff contacted the bank to complain. The first phoned the facilities department and told the person who answered that he was a committed Christian and was offended by the flag and that he didn't want to go to work that morning. Another emailed and said that he didn't want to be associated with gay people and gay people should 'keep their habits to themselves'. He felt that staff shouldn't have to think about lesbian and gay people and it had nothing to do with the workplace. He felt that lesbian and gay people and activities should be 'kept behind closed doors'.

What did they do? The caller was referred to the equal opportunities department and the second person emailed them directly. The department answered straight away and explained how the flag was part of the equality and diversity strategy to be more inclusive of lesbian, gay and bisexual staff. Whilst demonstrating respect for the views of the member of staff, they made it clear that there was no place for discrimination or discriminatory attitudes in the company. The department made it clear that lesbian and gay staff were a visible and valued part of the organisation and it was crucial that they could feel able to be themselves in the workplace, and therefore fully productive. One contacted them again and thanked the department for their response. They said that they understood now why the bank had flown the flag, they had read the diversity strategy and understood how this was a part of that strategy. The member of staff noted that the bank had a staff

network for lesbian, gay and bisexual staff and asked whether there was an equivalent network for Christians. The equality and diversity department were able to email back and confirm that there was an informal group, and provide contact details. The member of staff replied with thanks. The equality and diversity department understood that he had not changed his mind, but understood why they had a strategy for lesbian and gay staff.

Why were they able to do it? The bank had a very clearly articulated and strategic rationale behind their equality and diversity work in relation to sexual orientation. They were able to explain with confidence the reasons why they take certain actions and demonstrate to other members of staff why it is important. They therefore prevented the incident from escalating and helped achieve good relations between staff.

Organisation: *public sector uniformed service*

What was the issue? As part of the equality and diversity strategy, a uniformed service has made a commitment to recruit more lesbian, gay and bisexual people to the service. Part of this strategy involves showing their commitment to the community by attending Pride festivals. A number of staff across the organisation had said that they do not want to be involved in the festival because it is against their religious beliefs. The equality and diversity team asked whether this meant staff would be reluctant to attend to an emergency in a gay venue. The staff said that they would do their job, but they did not consider attending Pride part of their responsibilities. Initially, the equality and diversity department felt they couldn't force anyone to take part in Pride and therefore people were able to exclude themselves because of their faith. The equality and diversity team were concerned that not all those who objected to attending pride were objecting because of their faith, but simply because they were being 'mischievous'. Some did not want to attend Pride in case other people thought they were gay. Others did express a religious objection to the event. The initial meeting was highly upsetting for gay staff and the equality and diversity team struggled to find a solution.

What did they do? In the first year, the equality and diversity team allowed staff to miss Pride; they didn't feel they could make people attend. Over the next few years they explained how the role of uniformed staff was changing. The role was no longer just about attending incidents but also about reaching out to communities. By engaging with a community before incidents, they could help prevent them. Attending Pride therefore represented a service delivered to communities, and not to deliver those services to the lesbian and gay community would be discriminatory. They increased training around sexual orientation, tried to dispel some of the myths around lesbian and gay people and also provided a forum on the intranet for people to raise and discuss concerns. This enabled the equality and diversity team to explain the equality strategy, and how outreach work with the gay community fits with that strategy. Before each Pride they now deliver training to all staff about why attending is important.

What was the outcome? There is now less opposition to attending Pride. Staff are more willing to be involved and understand how it fits with the broader agenda. The equality and diversity team were keen to educate staff as to why engagement with lesbian and gay staff was important, rather than discipline staff for discrimination.

Organisation: *local authority*

What was the issue? The authority was hosting an event for the lesbian, gay and bisexual community. They ordered promotional materials from their usual supplier. The supplier refused to produce the materials on the grounds that they objected to the message targeted at lesbian, gay and bisexual people because it was against their religion.

What did they do? The council made the decision, in line with their policies, that the entire council contract with that company would be withdrawn and no further business would be given to the supplier.

Why were they able to do it? Mindful of the imminent law changes making it unlawful to discriminate in the provision of goods and services on the grounds of sexual orientation, the department that orders supplies already had a policy in place that they would not give work to suppliers who did not abide by the council's policies on equality and diversity. As soon as the supplier refused the contract for the lesbian and gay event, the department immediately removed the company from the list of suppliers.

Organisation: *local council*

What was the issue? The council launched their lesbian, gay and bisexual staff group and booked a venue that was associated with the local Catholic church. Someone complained to the bishop about their use of the building, and the group was asked to leave the venue.

What did they do? All council services and chief executives were made aware of what had happened and it was agreed that as a local authority they would no longer use any of the venues provided by the Catholic church in the area. This had a significant financial impact on the church. The council also informed their local partners, including the Primary Care Trust, why they were no longer using those venues.

Why were they able to do it? The council had clear policies in place, agreed by all in the council, that they would not accept services from organisations that discriminate on the grounds of sexual orientation.

Organisation: *retail banking*

What was the issue? After consultation with lesbian, gay and bisexual staff, a bank decided that it wanted to demonstrate its commitment to sexual orientation equality. The bank therefore sponsored a publication which was widely circulated in collaboration with annual Pride. The bank had an editorial piece and adverts in the supplement. The supplement also contained an advert about

religiously motivated homophobic hate crime. The bank received a high number of complaints from a Christian organisation. Complaints were sent to the Chairman and the Chief Executive. The complaints stated that the bank should not be involved with any work to promote sexual orientation because being lesbian, gay or bisexual is immoral and against God.

What did they do? The bank replied to the letters and complaints and stated very clearly that they were committed to equality on the grounds of sexual orientation, and sponsoring the supplement was part of their equality and diversity strategy. The Chairman and the Chief Executive signed the letters. The letters explained why sexual orientation equality was a business imperative and that it was important to ensure that lesbian, gay and bisexual staff felt included and able to be themselves.

Why were they able to do it? The Chief Executive, Chairman, and the Corporate and Social Responsibility Department were fully committed to the sexual orientation strategy and were very willing to defend the strategy when there was a negative external response. This robust commitment from the top of the organisation meant that the situation was handled effectively.



4

CHAPTER

Organisations are experienced at resolving conflicts between staff. Similar principles apply in the rare cases when there are conflicts around faith and sexual orientation. There are a series of steps organisations can take to prevent incidents.

1 Acknowledge that it might be a problem

I just left the job because I wasn't comfortable in that place with the gay man, it's embarrassing, you know. *Laila, 30, Muslim*

Equality and diversity managers say that they are often surprised when issues arise between people of faith about sexual orientation and are not sure how to handle these issues. The vast majority of people of faith do not object to lesbian, gay and bisexual people or strategies to support them. In common with other equality issues however, issues can and do arise, and therefore practitioners should consider how they might handle situations. Assuming it will not be a problem can lead to difficulties in the future.

We recruit amongst the best, the best intellectually, and that I think means that we're recruiting people whose minds are open. So I don't think it's as much of a problem for us as it might be for others. *Margaret, higher education institution*

HOW TO PREVENT AND RESPOND TO INCIDENTS

I have a hard time thinking that it would become an 'issue'. I'd be ignorant to say that there might not be the one off time when that could happen which means that obviously we need to do something on how we would handle that situation. But do I think this will become a problem for us? No, I do not see it becoming a problem for us.

Angela, private sector company

2 Develop clear strategies

Organisations most confident about preventing conflicts have very clear strategies that all employees sign up to. Policies stating explicitly that no member of staff can discriminate on the grounds of sexual orientation in either employment or service delivery send a clear message to all staff about expected behaviour. These policies enable equality and diversity practitioners to point out when behaviours aren't in line with organisational cultures.

When you joined you signed a contract that said you would serve all members of the community. You never raised with us that you would have an issue dealing with X, Y or Z. We would therefore be looking to resolve our differences and either that person take up the duties or we will probably part company. It is not reasonable for us to make an adjustment to enable someone to not provide services to one section of the community because of their religion and belief.

David, children and young people's service

I think we were all pretty clear about where we stand in terms of the law; our policies are very clear in terms of how we reflect our responsibilities under the legislation. We are trained to support staff to have the right to hold a particular belief but this is also set in the context of the fact that when you are at work you're obliged to follow our own policies which are much, much more focused on the dignity of the individual. Employees have a responsibility to uphold that

dignity irrespective of what their personal beliefs might be.

Tom, public sector service provider

3 Decide where the line is, and be robust about it

Organisations which have established what they expect from all their staff find it easier to respond to incidents when they arise. When organisations are unsure what they can reasonably expect from staff, they find it more difficult to insist that staff carry out duties they claim are against their religion or belief.

We make it very clear that if we contract for the delivery of services and that delivery of services includes services to young people who are identified as gay, lesbian, bisexual, transsexual or whatever, then we expect the level of service provision to be good and we are prepared to help to train them, facilitate them, help them to challenge issues and attitudes. But the bottom line is don't accept a contract unless you're going to be able to deliver because if young people come back to us and say we were discriminated against, then it will put your contract in jeopardy. *David, children and young people's service*

Everyone is entitled to their belief. Where we draw the line is it is unacceptable if you inflict your views, whatever they are, in a way that can be seen to be discriminatory or hurtful to someone. We try to address that within training as well now. *Chandra, local council*

We have such a strong line; never mind what the legislation says, that's one thing but this is how we wish you to behave. If you're going to work in this organisation, this is what we expect from you in terms of equality and diversity, amongst a whole range of other things in terms of how people perform and interact with each other and with customers. And because that's so well ingrained, entrenched in the training, the

communication, the way we recruit – right across the board – we would feel we were letting down our standards if we almost hid behind that kind of legislative precedent. Because that's not how we believe the world should be run, and so we would be prepared to take a stand on that. *Ann, retail banking*

④ Get buy-in from the top



Equality and diversity managers feel far more confident about challenging issues if they know they have the full support of management. If and when incidents occur, it is important that all levels of the organisation support the approach taken by equality and diversity practitioners and line managers. This increases confidence and sends a clear message to all staff that policies are not designed to disadvantage any one community but support the business.

I think we were quite shocked by the response and quite how hostile it was at the beginning. But we were given support by our managers at the time who were senior uniformed officers. We got the support of a couple of members of the Management Team and they came down to talk to staff and support our position. *Laura, uniformed services*

I think it's about organisations having the conversation beforehand, not waiting for incidents. But also we have to have the confidence that we will be supported by senior management who won't backtrack because of the fear of a legal hearing or bad publicity. *Saheema, health organisation*

We were delighted in a sense with the way that all went because we had the unquestioning support of the chairman and our chief executive. *Ann, banking sector*

5 Communicate strategies and explain them

Equality and diversity managers report that they sometimes encounter opposition to sexual orientation strategies when those complaining do not necessarily understand why lesbian, gay and bisexual people are protected and supported in the workplace. For some people, sexual orientation is a private matter and it is not immediately clear why these issues might be relevant. This therefore can lead to opposition to appropriate initiatives and strategies.

When someone objected, we went back very directly saying, this is why we do it, it is part of our strategy. He came back saying, 'thank you that's been very interesting, I now feel I understand more why you did it and I understand the context within your diversity strategy overall. I've looked at the internal website.' We had recommended that they have a look at the overall program that we have and understand why we do what we do. *Ann, retail bank*

With both network groups, we've broached the subject and talked about how they feel and tried to get them to think about the other person's point of view. Then we integrate things into training, and into behaviour, into respect, into all the work that we do so we're constantly getting subliminal and core messages over in different ways and different formats. *Siobhan, private sector multinational company*

6 Check job descriptions

Equality and diversity managers report that problems sometimes arise when job descriptions do not explicitly state that staff are expected to deliver a particular service, for example, civil partnerships as well as marriages. In the light of legal changes around the provision of goods and services, it is important to check that staff understand what their job entails.

When the law changed, potentially all those job descriptions and role descriptions should have also been reviewed in the light of that. Cases have relied upon a clause in the job description that wasn't very articulate – that didn't say that the requirements of a role would be to conduct civil partnership ceremonies and that a job description only contained the word marriage, I think, and wedding and so on.

I think that's what has been relied on in tribunal and therefore from an employment point of view, an employer – it was argued – hadn't actually required a person to perform civil partnerships. I think most right minded people can see that would be an expectation of performing that role. That would be the spirit of the law. *Catherine, retail banking*

7 Bring groups together

Organisations that have actively sought to bring faith networks to work collaboratively with lesbian, gay and bisexual networks find that there are greater levels of understanding between the two groups, and fewer problems. It is also important to remember that lesbian, gay and bisexual people can also be religious and may therefore want to be involved in religious initiatives as well as sexual orientation initiatives.

In December we held a World Aids Day event and it was led by our LGBT network but we involved our Christian network, and our Muslim network. We included all those groups. They were all invited. I know members of those groups came. So we do a pretty good job of linking up all of the networks.

Angela, private sector

I have come across some gay people and I think I have changed my opinion. I have worked with these people, you know, they're really nice people... they are people. *Husna, 24, Muslim*

I would love to encourage every Christian I knew, and every Christian I don't know, to say before you make these pronouncements of opposition and complete un-acceptance of individuals, get to know them as individuals first.

Laura, 34, Christian

8 Treat all parties with dignity and respect

Some equality and diversity managers report that when a person seems to be homophobic, and thinks that they are justified in their behaviour, it can be difficult to ensure that all parties treat that individual with dignity and respect. The ideal outcome is that the individual understands why their behaviour is inappropriate, rather than being formerly disciplined for their stance. Working towards understanding and respect is a better outcome for all involved.

The first part about treating people with respect is usually listening to them. If they have a particular concern or a particular issue you listen to them first and if there's something you can do within the bounds of reasonableness that isn't detrimental to your service or your reputation then you do it on the grounds that you've entered into an agreement with that person which has responsibility on both sides. If there's not something you can do, you've listened to their complaint or their issue, you've communicated why something cannot be done and you leave that person as an adult to make a decision about where they go from there. It's common sense. *Tom, public sector service provider*

Actually, this is a human issue, it's not a moral issue, and it's about people's humanity and their rights to protection in the same way that we have religious freedom as well.

Laura, 34, Christian

9 The importance of mediation

Equality and diversity managers say that when an issue arises neither party necessarily wants it to become a disciplinary matter. Instead, it is important to find a way to mediate and find middle ground between two parties. Using mediation means that both parties feel that they are listened to, and it is sometimes easier to find common ground. Practitioners felt that when they had participated in mediation, they were able to maintain dignity at work without having to redeploy or dismiss a member of staff.

There was some mediation within the team and some work done on workplace behaviour. *'As a member of staff, this is what we expect you to do, and you should have these core values that include valuing colleagues, and treating colleagues with respect. These are the core values that we expect you to have, and therefore that needs to be retained within the workforce.'* As a result of mediation, I think there's better understanding on both sides in terms of lifestyle, behaviour, etc. I think the mediation did actually work, actually getting people face to face, together, to talk about it. *'You saying this makes me feel like this,'* I think that really did help.

Mark, city council

I guess one of the things that we would encourage is that this would be dealt with at a local level and in an informal way. One of the things our training is actually doing is equipping managers with the skills to recognise that kind of stuff and just say: *Well how would you deal with this?*

Louise, housing provider

Very often I can imagine bringing third parties into this and again it could be industry groups, it could be professional associations, it could be formal mediators, it could be facilitators, because you're trying to find a dialogue between a customer and us. You're creating this win-win situation because you want us to supply you and I want the business.

Siobhan, private sector multinational company

10 Using formal processes

If a situation cannot be resolved informally, it's important that processes are in place to manage an internal, formal resolution. This requires thinking about how current structures would be used in a case, and whether the policies and strategies are in place to help resolve a situation. Issues are far more difficult to resolve when organisations are developing processes in reaction to a particular case, rather than implementing previously established policies.

As an employer you have a duty of care to all your employees so I think whatever process you put into place you need to make sure that it is fair and transparent. I think this is where it's really important to talk to both parties so that both people kind of get to put forward their point of view and what their experience and understanding of the situation is. I think it's also important that the employer makes it clear what the code of behaviour and the standard of behaviour expected in the workplace is and what is appropriate and what isn't. This is where things like induction and equality and diversity training are very important as well. So you have a duty of care to both but clearly if somebody is being harassed and bullied then we have a duty to make sure that that behaviour stops. *Louise, housing provider*

It was something that we tried to resolve informally. We weren't able to resolve the issue by simply sitting down with the two individuals and chatting through the impact of people's behaviours... We have a formal process within the organisation that can if necessary include external assessors and mediators. We have an employee assistance hotline that provides trained advice and support in these areas. But in the end we used internal processes. We have internal staff who provide advice on what's correct and incorrect policy or behaviour. In the end it went down the formal route where reports were made and a judgement or ruling was given against the person. He was disciplined and told to desist. Both staff remain in post and the situation is resolved. *Tom, public sector service provider*

TOP TEN TIPS

1

Acknowledge that it might be a problem

Organisations that recognise that there could be potential opposition to sexual orientation equality have developed plans to counteract it. By thinking ahead, they've found it easier to respond.

2

Develop clear strategies

All employees, service providers and suppliers should abide by diversity and equality policies that include sexual orientation. Equality managers are able to point out how behaviour deviates from these policies.

3

Decide where the line is, and be robust about it

Decide in advance what constitutes reasonable behaviour from all staff. Identify what responsibilities fall to all staff and how to respond if a member of staff refuses to fulfil those duties.

4

Get buy-in from the top

Senior support for any position is essential if managers are going to be confident about challenging unreasonable behaviour. Organisations must be consistent in their approach.

5

Communicate strategies and explain them

Opposition sometimes comes from a lack of understanding. Ensure all staff understand why sexual orientation strategies are in place, and how they might be implemented.

6

Check job descriptions

Some staff might think they do not have to carry out certain tasks or responsibilities if this is not included in their job description. Ensure that all job descriptions are compatible with equality and diversity strategies.

7

Bring groups together

Organisations who encourage groups of people such as gay staff and people of faith to work together find that working relationships improve across the organisation. Identify opportunities for joint working.

8

Treat all parties with dignity and respect

Even if a member of staff seems to be acting in a discriminatory way, treat them with dignity and respect. Find ways to solve the problem, rather than excluding or discriminating against the individual.

9

The importance of mediation

Bring in other parties to help if two parties are struggling to find common ground. Mediation and training is often more effective in the long term than disciplinary action.

10

Using formal processes

If absolutely necessary, however, be prepared to use formal disciplinary proceedings. Ensure that all policies and practices are robust and state clearly what is expected from staff in terms of equality and diversity. Ensure that those who manage formal processes understand how and why issues might arise between people of faith and lesbian and gay people. Also ensure they apply the principles of the organisation consistently.

Stonewall Diversity Champions programme

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

Workplace Equality Index

The Workplace Equality Index is Stonewall's comprehensive annual benchmarking exercise that showcases Britain's top employers for lesbian, gay and bisexual staff. www.stonewall.org.uk/wei

The Stonewall Leadership Programme

The Stonewall Leadership Programme provides a unique space to look at questions around sexual orientation and authenticity and how these can be used to develop an individual's leadership abilities. www.stonewall.org.uk/leadership

The Stonewall Workplace Conference

This conference is the must-attend event for anyone involved in delivering lesbian, gay and bisexual (LGB) workplace equality. It will give you all the tools you need to stay at the forefront of best practice. www.stonewall.org.uk/wpc

Starting Out Careers Guide and Proud Employers

Profile your organisation to LGB talent in our guide and on our website at www.startingoutguide.org.uk. Also, list your career opportunities on the Proud Employers website www.proudemployers.org.uk. Both of these are exclusive benefits for Diversity Champion members.

Stonewall Workplace Guides are free to download from

www.stonewall.org.uk/at_work

Also in this series of Workplace Guides:

<i>Network Groups</i>	<i>Bisexual People in the Workplace</i>
<i>Monitoring</i>	<i>Marketing</i>
<i>Bullying</i>	<i>Straight Allies</i>
<i>Career Development</i>	<i>Procurement</i>

Thank you to all those who participated in this guide

Stonewall

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RELIGION AND SEXUAL ORIENTATION

