

The top half of the cover features a collage of various faces, including children and adults, overlaid with large, semi-transparent gender symbols (a circle with a cross for male and a circle with a vertical line for female). The background is a warm orange color.


# Sexual Orientation Discrimination in Northern Ireland

## **The Law and Good Practice**

Equality Commission

FOR NORTHERN IRELAND

Employment Equality  
(Sexual Orientation) Regulations (NI) 2003



# Sexual Orientation Discrimination in Northern Ireland The Law and Good Practice

Employment Equality (Sexual Orientation)  
Regulations (NI) 2003

March 2004






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## The Law and Good Practice

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# Sexual Orientation Discrimination in Northern Ireland

## The Law and Good Practice

The **Employment Equality (Sexual Orientation) Regulations (NI) 2003** ('the Regulations') came into force on **2 December 2003**, making it unlawful for employers and others to discriminate on grounds of sexual orientation in the areas of employment and vocational training. The Regulations do not extend to other areas such as goods, facilities and services.


The Regulations implement Northern Ireland's obligations under the Framework Employment Equality Directive 2000 ("the Framework Directive") in relation to discrimination on grounds of sexual orientation. The Framework Directive establishes a general framework for equal treatment in the field of employment.

Public authorities, which includes government departments and local councils, are already under a duty, when implementing their policies, to have due regard to the need to promote equality of opportunity between persons of different sexual orientation. The new Regulations, which apply to all employers, are different in that they grant individual rights to employees, job applicants and others who have been discriminated against on grounds of sexual orientation.

This guide is divided into four parts.

**Part 1** outlines the main provisions of the Regulations and contains examples of how the Regulations are likely to work in practice. The examples are for illustrative purposes only and should not be read as authoritative statements of the law.

**Part 2** explains why it is important for employers to comply with the Regulations and puts forward proposals for good practice for employers in this area.



**Part 3** outlines the rights of employees and job applicants who believe that they have been discriminated against on grounds of sexual orientation.

**Part 4** lists organisations which individuals can contact for further information and advice in this area.

Further information on the law and good practice in promoting equality of opportunity in the area of sexual orientation can be obtained by contacting the Equality Commission.

The Equality Commission provides an enquiry service and produces advisory booklets and information covering many aspects of Northern Ireland's equality framework. Information is also available on the Commission's website, **[www.equalityni.org](http://www.equalityni.org)**, or from the Commission's library which is open to the general public.

Information and advice can also be obtained by consulting organisations which represent the lesbian, gay, bisexual and transsexual community. Details of these organisations can be found in Part 4.

**The guide gives general guidance only and should not be regarded as a complete or authoritative statement of the law. This guide is not a Code of Practice and does not of itself impose legal obligations. Authoritative interpretation of the Regulations is for the tribunals and courts.**



## Part 1 – Explaining the Law

### **What is discrimination on the grounds of sexual orientation?**

Before considering the various types of discrimination prohibited under the Regulations, it is important to note that “sexual orientation” means a sexual orientation towards:

- **persons of the same sex** (this covers gay men and lesbians);
- **persons of the opposite sex** (this covers heterosexual men and women);
- **persons of both sexes** (this covers bisexual men and women).

It is also important to remember that the legislation protects individuals who have been discriminated against because they either have or have been perceived to have a particular sexual orientation. Therefore, individuals can bring a complaint even if the discrimination was based on incorrect assumptions about their sexual orientation.

In addition, a person can suffer discrimination not just because of their own sexual orientation or perceived sexual orientation but also by reason of the sexual orientation of someone else. For example, a person can be discriminated against because they associate with gay friends or because they are related to someone who is bisexual.

The Regulations indicate that there are several types of discrimination on grounds of sexual orientation:



## Direct Discrimination

This arises where one person treats or would treat another less favourably than others on grounds of sexual orientation in the same or similar circumstances. Direct discrimination is unlawful whether it is intentional or not. For instance, dismissing an employee, failing to shortlist a person for or appoint a person to a job, employing a person on less favourable terms and conditions than other employees on grounds of sexual orientation, are all examples of direct discrimination under the Regulations.

### Example 1 - Direct Discrimination:

A female applicant applies for the post of wages clerk. She is well qualified and experienced for the post. After the interview, the employer decides not to appoint her to the post because he suspects that she is a lesbian. This is likely to be direct discrimination against the applicant regardless of whether or not the female applicant actually is a lesbian.


### Example 2 - Direct Discrimination:

The owner of a pub advertises for a “married couple” to manage the business. A same-sex couple in a registered Civil Partnership apply for the post. They are not shortlisted because they are not a “married couple”. The Regulations, as amended following the introduction of Civil Partnerships, state that there is no material difference between marriage and Civil Partnerships. Thus, to reject a same-sex couple in a Civil Partnership because they are not married, would be deemed to be an act of direct sexual orientation discrimination.

## Indirect Discrimination

This arises where a “provision, criterion or practice” has or would have the effect of disadvantaging people of a particular sexual orientation and it cannot be objectively justified. Like direct discrimination, indirect discrimination is unlawful whether it is intentional or not.

Employers should be aware that treating employees and/or applicants less favourably because they are unwilling to disclose details of their personal relationships or because they do not have children has the potential to be indirectly discriminatory on a number of equality grounds, including sexual orientation.



In contrast to direct discrimination, indirect discrimination will not be unlawful if it can be objectively justified. The Regulations indicate that in order to successfully justify such a provision, criterion or practice, it must be shown that applying such a provision, criterion or practice is a 'proportionate means of achieving a legitimate aim'. If a complaint is made against an employer, a tribunal will balance the discriminatory effect of the provision, criterion or practice against the reasonable business needs of the employer.

In order to avoid directly or indirectly discriminating on grounds of sexual orientation, employers should take care that they do not treat job applicants or employees less favourably because of their personal circumstances.

Employers should be aware that treating employees and/or applicants less favourably because they are not married, are unwilling to disclose details of their relationship status or do not have children, has the potential to be indirectly discriminatory on a number of equality grounds including sexual orientation.

Individuals who believe that they have been indirectly discriminated against on grounds of sexual orientation, will not always be required to give detailed statistical evidence in relation to the effect of the practice or policy they are challenging.

Outlined below are one possible example of indirect discrimination. It is designed to alert employers and others to practices and policies which have the potential to be viewed by a tribunal as indirectly discriminatory. It is important to stress, as outlined at the beginning of this guide, that the examples used in this guide should not be read as authoritative statements of the law. It will ultimately be up to a tribunal or court to decide whether or not a policy or practice is indirectly discriminatory.



### **Indirect discrimination - Example**

A female applicant who is a lesbian applies for a high profile job with an international company. She is well qualified and experienced for the post. The employer informs her that part of the recruitment exercise includes an interview with her partner, as partners are considered to play an important social role at work related events. The female applicant refuses to disclose details about her partner on the grounds that the information is private. Shortly afterwards the female applicant is informed that her application has been unsuccessful.

If the employer failed to appoint her because they suspected she was a lesbian, this is likely to amount to direct discrimination on grounds of sexual orientation. If they failed to appoint her because she refused to disclose details about her partner, she may also be able to argue that she has been indirectly discriminated against. She could possibly argue that people who are gay, lesbian or bisexual would be less willing to provide information about their partners than people who are heterosexual.

If a requirement to disclose details of their partners is considered by a tribunal to place lesbians at a particular disadvantage, the employer would have to objectively justify such a requirement.





## Victimisation

This is another form of unlawful discrimination under the Regulations. It occurs when someone is treated less favourably because they have, for instance, complained of or intend to complain of discrimination on grounds of sexual orientation, or intend to give or have given evidence in relation to such a complaint.

As illustrated by example 1 below, an employee who is treated less favourably because he/she has brought an internal complaint alleging discrimination on grounds of sexual orientation, may be entitled to bring a victimisation complaint. A person does not have to have lodged a prior complaint with a tribunal or court in order to gain protection under the victimisation provisions.


Remember, protection against victimisation does not apply to individuals who make allegations of discrimination which are false and not made in good faith.

### Victimisation - Example 1

A male employee is noticed by two work colleagues socialising outside work with friends that his work colleagues know are gay. The next day at work, his colleagues ridicule him, make offensive jokes about gays and threaten to “out” him in the workplace. The male employee complains to his manager about this harassment incident. His manager investigates his harassment complaint and two employees are disciplined on account of their discriminatory conduct.

Some of the male employee's work colleagues are annoyed that the complaint was brought and start to isolate the male employee. They ignore him when he enters the room and refuse to help him with work tasks.





The employee complains again to his manager telling him that he is being victimised by his work colleagues because of his earlier complaint. His manager dismisses his complaint as trivial. He tells him he is being overly sensitive and the reaction of his work colleagues is understandable in the circumstances.

The male employee is likely to successfully bring a victimisation complaint both against the employees who have victimised him and against his employer for failing to take reasonable steps to prevent the victimisation from continuing.

### **Victimisation - Example 2**

A male employee, who is gay, lodges proceedings against his former employer on the grounds that he was dismissed once his employer discovered his sexual orientation. At the tribunal hearing, a female work colleague gives evidence supporting the male employee's version of the events leading to his dismissal.

After the hearing is over, the female work colleague is severely criticised by her line manager for "giving evidence against the company". She is warned her conduct will "not be forgotten and may affect her promotion prospects".

In those circumstances, the female employee could allege that she has been victimised by her employer contrary to the Regulations.



## Harassment

The Regulations specifically prohibit harassment on grounds of sexual orientation. They define harassment as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment can take many forms. It can cover physical conduct, such as a serious assault. Harassment can also be verbal and include jokes, banter, insults, innuendos, nicknames, teasing, name calling or songs. Examples of verbal harassment on grounds of sexual orientation include, referring to gays using female nicknames or pronouns, referring to lesbians using male nicknames or pronouns, implying that someone has Aids because they are gay or lesbian, or threatening to "out" a person. "Outing" a person is when someone discloses to others a person's sexual orientation, against his/her wishes.

Harassment can also take a written form: for example, graffiti, posters, pictures, e-mails etc. It can include condescending, deprecating or bullying behaviour or unfairly criticising another's work performance. Remember a single act, if sufficiently serious, can constitute harassment. Individuals can harass others unintentionally. Harassment can still be unlawful even though the person harassing another did not intend to cause offence or did not specifically direct the offensive conduct at the person alleging harassment. A tribunal will take into account how the conduct in question was perceived by the person alleging harassment. It may also consider whether the conduct in question should reasonably be considered as having violated the person's dignity or having created an offensive environment.

Remember that it is unlawful to harass an individual because of his/her sexual orientation (real or perceived) or because of the sexual orientation (real or perceived) of those related to the individual or with whom the individual associates. It is also important to note that the Regulations apply equally to the harassment of heterosexual people as to the harassment of lesbians, gay men and bisexual people.



### **Harassment - Example 1**

A manager subjects a gay work colleague to a sustained campaign of harassment because of his sexual orientation. In addition to offensive comments about his private life, he continually ridicules and criticises the employee unfairly in front of other staff. Despite complaints to management about the harassment, little action is taken to prevent the harassment continuing. The employee suffers stress and depression as a result of the harassment and goes on long term sick leave. The employee is subsequently dismissed due to his sickness record.

The employee could allege that he has been discriminated against on grounds of sexual orientation and, subject to statutory time limits, bring a complaint to a tribunal against both his former employer and manager.

### **Harassment - Example 2**

A female employee who is a lesbian receives an e-mail from a work colleague which contains a joke about lesbians. The joke implies that lesbians are promiscuous and a danger to children. The female employee is highly offended by the joke. The sending of such an e-mail is likely to amount to harassment regardless of whether or not the employee who sent it intended to cause offence.



## **Discrimination after the working relationship has ended**

Treating a person less favourably, or harassing an individual on grounds of sexual orientation, after the working relationship has ended, can also be unlawful. The act of discrimination must, however, be closely linked to the former relationship. This can arise particularly in relation to references, either written or verbal. Refusing to provide a reference or giving an adverse reference in relation to a former employee on grounds of sexual orientation can amount to unlawful discrimination. Remember, unlawful discrimination can also occur where an employer refuses to provide a reference or gives an unfair reference because the former employee brought a discrimination complaint on grounds of sexual orientation against his/her employer.

### **Discrimination after the working relationship has ended - Example**

A female applicant who is bisexual applies to an organisation for a job. The organisation contacts her former manager and asks for a reference. Her former manager refuses to recommend the female applicant for the job stating she did not 'fit in' because she was bisexual. The actions of her former manager are likely to amount to discrimination on the grounds of sexual orientation.



## Who do the Regulations apply to?

The Regulations prohibit discrimination in the areas of employment and vocational training. The Regulations apply to employees and contract workers who work “wholly or partly” in Northern Ireland. Employees or contract workers who work wholly outside Northern Ireland are only covered in certain circumstances. The Regulations do not extend to other areas such as goods, facilities and services, education.

The Regulations apply to all employers regardless of size.

In addition, they apply to the following areas:

- recruitment & selection;
- terms and conditions of employment;
- promotions, transfers, training and access to benefits;
- dismissal (including redundancy).

The Regulations apply to all employees regardless of how long they have been employed by their employer.

In addition to employers, the Regulations also apply to the following:

- People who hire contract workers;
- Persons with statutory power to select employees for others;
- Partnerships;
- Barristers;
- The police and the armed forces;
- Trade organisations – such as a trade union or a professional body;
- Organisations which confer professional or trade qualifications;
- Providers of vocational training. This includes employers who provide practical work experience for non-employees;
- Employment agencies;
- Institutions of further and higher education which includes universities;
- The Crown which includes government departments & agencies;

- The trustees and managers of occupational pension schemes.

The Regulations also provide protection against discrimination on grounds of sexual orientation to 'office-holders' such as company directors and chairs/members of some independent public bodies.

### **Institutions of Further and Higher Education - Example**

A lecturer at a university runs seminars for students as part of their course work. One of his seminars is attended by a student whom the lecturer knows to be a gay rights activist. The lecturer disapproves of the gay rights movement and makes disparaging comments to the student about his campaigning activities. He ridicules the student in front of the other students at the seminar.

This is likely to amount to discrimination on grounds of sexual orientation. The university may be held liable for the discriminatory actions of its employees. If discriminatory comments were also made by fellow students, then, depending on the circumstances, the university may also be expected to take appropriate action in relation to their conduct.

### **Are transsexuals covered by the Regulations?**

Under the **Sex Discrimination (NI) Order 1976, as amended**

it is unlawful to discriminate against job applicants or employees on the ground that they intend to undergo treatment to change their sex, are undergoing treatment to change their sex or have undergone such treatment.

Transsexuals may however also have rights under the sexual orientation Regulations if they are treated less favourably because of their actual or perceived sexual orientation.





## Are there any exceptions?

### Genuine Occupational Requirement ('GOR')

An employer can treat a job applicant or employee differently on grounds of sexual orientation, if possessing a particular sexual orientation is a genuine occupational requirement ('GOR') for that post. This exception applies when recruiting, promoting, transferring or training persons for a post in respect of which a GOR applies.


The GOR exception is likely only to apply in **very limited circumstances**. Apart from the exception in relation to employment for the purposes of an organised religion, outlined below, the Regulations do not specifically list other circumstances in which a GOR exception could apply.

### Using the GOR exception

Employers must show that being of a particular sexual orientation is a genuine and determining occupational requirement and it is 'proportionate' to apply that requirement in the circumstances in question.

Employers must therefore closely examine the duties of the job in respect of which a GOR exception is claimed. A GOR exception cannot be claimed unless some or all of the duties of the job are covered by the exception. Employers must consider what proportion of the duties of the job must be carried out by a person of a particular sexual orientation. In addition, it must be necessary, as opposed to merely preferable, for the relevant duties to be performed by someone of a particular sexual orientation. It must also be shown that those duties must be carried out to achieve the objectives of the job.

A GOR exception cannot be claimed in relation to particular duties if an employer already has sufficient employees who are capable of carrying out



the required duties and whom it would be reasonable to employ on those duties without undue inconvenience.

Each job for which a GOR exception may apply must be considered individually. It should not be assumed that because a GOR exception exists for one job, it also exists for jobs of a similar nature or in a similar location. The nature or extent of the relevant duties may be different or there may be other employees who could undertake those duties. In addition, even though a GOR exception may apply to a post at a particular time, circumstances may change with the result that, should the post again become vacant, the exemption may no longer apply.

Employers should be aware that grounds such as privacy or decency do not automatically constitute a GOR exception in the area of sexual orientation, nor is there a general exception in relation to employment for the purposes of a private household.

In addition to employers, the GOR exception can, in certain circumstances, be relied on by other bodies or organisations. For example, the prohibition on discrimination does not apply to employment agencies, if the services which they provide relate to employment for which a particular sexual orientation is a GOR. Similarly, providers of vocational training can refuse to offer training where the employment for which the training is to be undertaken is employment for which a particular sexual orientation is a GOR. Institutions of further and higher education can also restrict access to a course if it relates to employment to which a GOR exception would apply.





### **Genuine Occupational Requirement - Example**

A small organisation is formed in order to provide advice and support to members of the gay, lesbian and bisexual community. They decide to recruit a part-time counsellor whose primary role is to provide a counselling service to members of the gay, lesbian and bisexual community. In its advert, the organisation indicates that the successful candidate must be gay, lesbian or bisexual.


The organisation seeks to rely on a GOR exception in relation to the post. It states that there is an identifiable need for the counsellor to be gay, lesbian or bisexual. They claim that due to its size and resources it has no other employees who are gay, lesbian or bisexual who are capable of carrying out the counselling duties in question. In those circumstances, the organisation is likely to be able to rely on the GOR exception.

Below is an example of a situation in which an employer has an unfairly prejudicial view of gay men based on false stereotypical assumptions. In the circumstances outlined below, the employer is unlikely to be able to rely on a GOR exception.

### **Example of where a GOR is unlikely to apply.**

A local community group which organises sporting activities for boys, advertises for a youth worker to help with this work. A male applicant who is gay applies for the job. He is well qualified and experienced for the post.

A member of the recruitment panel is aware that the applicant is gay and informs the other panel members of this fact. The panel write to the applicant and inform him that because the duties of the job involve close



contact with young boys, they cannot consider his application. They argue that it is a general occupational requirement for the post that the successful candidate is heterosexual.

A tribunal is unlikely to uphold the employer's argument that it is a general occupational requirement for the post that the successful candidate be heterosexual.

### **Organised religion exception**

The Regulations also permit differences of treatment on grounds of sexual orientation where the employment is for the purposes of an organised religion; such as a minister of religion, a rabbi or an imam. This exception is unlikely to apply where a person is employed for another purpose, for example, for the purposes of education or healthcare. This exception is therefore unlikely to apply, for example, to the employment of teachers in a faith based school or nurses in a faith based organisation.

Any organisation wishing to rely on this provision will need to establish that the requirement is necessary to comply with doctrines of the religion. Alternatively, an organisation must show that, because of the nature of the work and the context in which it is carried out, the requirement is necessary to avoid conflicting with a significant number of followers' strongly held religious convictions. It should be noted that the general principles which employers should take into account when applying a GOR, as explained above, also apply to this exception.



## **Benefits dependent on married or civil partnership status**

The Regulations apply to the way in which employees have access to work related benefits such as occupational pension schemes, insurance schemes or private healthcare.

One implication of the anti-discrimination rule is that if employers operate schemes which grant benefits to the wives or husbands of married employees, they must now extend these schemes to the partners of employees in registered Civil Partnerships. (Although, employers may still prevent or restrict access to a “married couple” benefit where the right to it accrued or the benefit is payable in respect of periods of service prior to the coming into force of the Civil Partnership Act 2004).

The Regulations do not require employers to extend such schemes to partners in same-sex relationships that are not registered Civil Partnerships where the schemes also exclude partners in other unmarried heterosexual relationships (e.g. where the employee and their partner are in a traditional “common law marriage”).

However, if an employer gives benefits to heterosexual unmarried partners, then refusing to give the same benefits to same-sex partners who are not in registered Civil Partnerships would be sexual orientation discrimination.

For further good practice guidance for employers in this area, see Part 2.

## **What are the legal responsibilities of employers?**

Employers have a responsibility to ensure that they do not discriminate either directly or indirectly on grounds of sexual orientation. The Regulations also make it clear that employers have specific legal responsibilities in relation to the actions of their employees. They state that employers have responsibility for any unlawful discriminatory acts of their employees carried out in the course of their employment, whether or not they knew of the discriminatory acts or approved of them.


Employers can, in certain circumstances, be held liable for the discriminatory actions of employees even though they occur outside the workplace or outside normal working hours. Employers may, for example, be held liable for the actions of employees who harass work colleagues on grounds of sexual orientation at work related social events, such as a staff Christmas dinner. In addition, employers can be held legally responsible for the actions of employees who discriminate on grounds of sexual orientation not just against other employees but also against agency staff.

The Regulations also make it clear that employers can be liable for the discriminatory acts of their agents, for example an employment agency, if the agent acts with the employer's express or implied authority.

Lastly, in certain limited circumstances, employers can be held responsible for a failure to prevent discriminatory actions, such as acts of harassment, carried out by customers or clients against their employees.

### **Defence to Liability**


The Regulations make it clear that employers have a defence to a complaint if they can show they took such steps as were reasonably practicable to prevent employees carrying out unlawful discriminatory actions. What is "reasonably practicable" will depend on the individual circumstances of the case.



The good practice guidance outlined below, gives employers advice on the type of steps they are reasonably expected to take in order to prevent employees unlawfully discriminating against others.

### **Do individual employees have any legal responsibilities?**

Like employers, individual employees should ensure that they do not discriminate either directly or indirectly against others on grounds of sexual orientation. When deciding cases of unlawful discrimination, tribunals have held that individual employees who harass or victimise others can be held personally liable for their actions and be ordered to pay compensation. Therefore, depending on the circumstances of the case, a complaint can be brought against both an employer and individual employees.



## Part 2 - Good Practice Guidance for Employers

### The Business Case

There is a sound business case for adopting good practice measures in order to ensure that job applicants and employees are not discriminated against on grounds of sexual orientation, or indeed, on any of the grounds protected under the equality legislation.

By adopting an inclusive approach in relation to their recruitment and selection practices and procedures, employers widen their recruitment base and thereby attract a wider range of applicants. In addition, an employer that is, and is seen to be, proactive in promoting equality of opportunity is likely to enhance its image in the eyes of its employees, clients, customers and job applicants. This in turn could result in business benefits such as reduced staff turnover and more individuals seeking employment in the organisation.

In contrast, a failure to promote equality of opportunity can have serious repercussions both for employers and employees. Unfair treatment and harassment in the workplace can cause staff to resign or take sick leave due to anxiety and stress. In addition to the effect that this can have on individual employees, it can also impact on staff productivity and morale.

Discriminatory practices can have cost implications in terms of staff time and, if brought to a tribunal, the cost of defending the case and possibly paying compensation. In addition, if staff leave or are on sick leave, there can be cost implications in terms of recruiting or training new staff or as a result of lower productivity levels.



## Good Practice Measures

The Regulations make it clear that employers have specific duties and responsibilities in relation to the way in which members of the gay, lesbian, bisexual and heterosexual communities are treated in the workplace.

The sections below outline good practice recommendations for employers in the following areas:

- **Equality policies, practices and procedures**
- **Recruitment and selection**
- **Harassment**
- **Monitoring**
- **Confidentiality**
- **Positive action**
- **Other employment policies.**

It is important to stress at the outset that adopting best practice measures is not simply about avoiding discrimination. The best practice measures outlined below are designed to help employers adopt a proactive rather than a reactive approach to promoting equality of opportunity in the workplace. The practical guidance aims to help employers recognise and promote diversity and to integrate equality into all of their working policies and practices.





## **Small/Medium sized employers**

It is accepted that small to medium sized employers may have to adapt some of the good practice measures outlined below in light of their own individual circumstances. However, any adaptations made should be fully consistent with this guide's general intentions and be in full conformity with the Regulations.

### **Commitment from management**

Employers should remember that the successful implementation of the following good practice measures requires the commitment of management, particularly senior management. Management must by words and actions demonstrate their commitment to eradicating unlawful discrimination and fully integrating equality of opportunity into the workplace. Adequate resources, in terms of staff, time, funding etc, must also be allocated.

The general good practice recommendations set out below seek to outline some of the practicable steps employers can take to promote equality of opportunity and prevent discrimination in the workplace. They are designed to help employers create a good and harmonious workplace environment in which all employees are treated with dignity and respect regardless of their sexual orientation. They aim to assist employers develop an environment in which employees understand in clear terms what behaviour is and is not acceptable. They also give guidance on how employers can build an environment in which individuals can raise complaints of discrimination without fear of victimisation, and in which individuals can be confident that their complaints of discrimination will be treated seriously and dealt with effectively.





## Equality policies, practices and procedures

There are key equality policies, practices and procedures which it is recommended that employers put in place in order to promote equality of opportunity in the workplace and to help prevent discrimination on grounds of sexual orientation, as well as the other grounds protected by the equality legislation.


It is recommended that employers should:

### **Implement an equal opportunities policy**

- Develop and implement a clear, comprehensive, effective and accessible equal opportunities policy which specifically covers the area of sexual orientation, or
- Check that their existing policy covers the ground of sexual orientation.
- The policy should
  - set out the employer's commitment to the promotion of equality of opportunity in the workplace.
  - make it clear to employees that discrimination on grounds of sexual orientation is unlawful and will not be tolerated in the workplace.

### **Implement a harassment policy and procedure**

- Have a clear, comprehensive, effective and accessible harassment policy and procedure which covers complaints of harassment on grounds of sexual orientation.



By implementing a harassment policy and procedure, employers outline to their employees and others how they can raise complaints of harassment and how these complaints will be dealt with.

### **Consult on policies**


- Consult with the appropriate recognised trade union(s), employee representatives or the workforce when drawing up and implementing an equal opportunities policy and harassment policy and procedure.

### **Communicate policies etc.**

- Effectively communicate their equal opportunities policy, harassment policy and procedure, and all other policies or procedures they may have relating to equal opportunities, to all employees, contractors and agency staff.

This can be done, for example, through staff briefings, contracts of employment, staff handbooks, notice boards, circulars, written notifications to individual employees, equal opportunities training, induction training, management training, training manuals etc.

- Take all available opportunities, especially when recruiting new staff, to ensure that equal opportunities policies, practices and procedures are widely known. No one should be in any doubt about their employer's policy and practice.
- Ensure that equal opportunities policies and procedures are accessible to all employees, particularly disabled employees and/or employees from a minority ethnic background. They should be accessible as regards their format, content and implementation.

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- Make it clear to their agents, for example recruitment consultants, what is required of them with regard to their duties and responsibilities under the Regulations and the extent of their authority.
  - Note their commitment to equality of opportunity on relevant publications (eg, company reports) and particularly in job advertisements.
  - Make their commitment known to all job applicants.

### **Provide training**


- Provide training and guidance to all employees in order to ensure that they understand their responsibilities under the Regulations, other equality legislation and the organisation's equal opportunities policies and procedures.

It is particularly important that this training and guidance is given to all managers, supervisors, personnel and other employees who have key roles in relation to implementing equality of opportunity in the workplace.

- Ensure that all training and guidance is regular, relevant and up-to-date.

### **Allocate responsibility**

- Allocate overall responsibility for their equal opportunities policies, practices and procedures to a member of senior management.
- Incorporate responsibility for ensuring compliance with their equal opportunities policies and procedures into the job descriptions of all employees.

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- Set, as part of the appraisal process, objectives for personnel staff and those with managerial responsibilities in relation to how they have contributed to the implementation of their employer's equal opportunities policies and procedures.
  - Incorporate equal opportunities into business plans and strategies.

### **Deal effectively with complaints**

- Deal effectively with all complaints of discrimination, including those on grounds of sexual orientation.
- Ensure that complaints are dealt with promptly, seriously, sympathetically, confidentially and effectively.

By dealing with complaints in this way, employers are reinforcing their message to their employees that they are committed to promoting equality of opportunity in the workplace and consider complaints of discrimination a serious matter.

- Take all reasonably practicable steps to ensure that individuals who do raise complaints are not victimised because of their complaints.

### **Check disciplinary rules**

- Check disciplinary rules and/or procedures to ensure that unlawful discrimination is regarded as misconduct and could lead to disciplinary proceedings.
- Take appropriate action in relation to employees who discriminate contrary to the Regulations.



## Recruitment and Selection

Employers that already ensure that recruitment is carried out in a systematic and objective manner and use sound selection and promotion arrangements are likely to have to implement few changes as a result of the Regulations. However, as outlined in the good practice recommendations below, there are certain recruitment and selection issues which arise in relation to the area of sexual orientation.


Employers must now ensure that employees do not treat job applicants less favourably because of their actual or perceived sexual orientation. They must also ensure that criteria, practices or procedures used during the recruitment and selection process do not without justification place individuals of a certain sexual orientation at a particular disadvantage. The Regulations apply both to promotions within an organisation as well as external recruitment exercises.

Remember that employers can treat job applicants differently on grounds of sexual orientation if possessing a particular sexual orientation is a genuine occupational requirement for that post.

It is recommended that employers should:

### **Advertising**

- Advertise all vacancies widely.
- Ensure that advertisements are not placed in publications or other announcements which people of a particular sexual orientation are less likely to have access to.
- Subject to the general occupational requirement (GOR) exception, advertisements should not expressly or implicitly indicate that the post is more suitable for people of a particular sexual orientation.

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- Before intending to rely on the GOR exception, employers should closely examine the duties of the job and consider questions such as:
    - What proportion of the duties must be carried out by persons of a particular sexual orientation?
    - Are these duties necessary for meeting the objectives of the job?
    - Is it necessary or merely preferable that they be performed by someone of a particular sexual orientation?
    - Are there sufficient numbers of other employees who are capable of undertaking these duties?

Further information on the GOR exception is provided in Part 1.

- Use, when appropriate, the lawful positive action measures designed to encourage people of a particular sexual orientation to apply for particular work.
- Make their commitment to equality of opportunity known to all job applicants.
- Check that adverts or information to applicants includes an equal opportunities statement which refers to sexual orientation.

## **Selection**

- Instruct selection panel members that they should not ask questions about a candidate's marital status or other personal circumstances, as this may be perceived to be intrusive and imply potential discrimination.
- Instruct selection panel members not to make stereotypical assumptions in relation to an applicant's actual or perceived sexual orientation. Assumptions or decisions should not be made about whether or not an applicant will "fit into" the existing workplace environment.



## Application Forms

- Ensure that application forms only contain questions which are relevant and job related. Do not include irrelevant questions about an applicant's marital status, spouse/partner or other personal circumstances. Such questions can be considered intrusive.
- Be careful not to unlawfully take into account information on an application form which indicates that an applicant has previously worked for or assisted an organisation associated with gay, lesbian or bisexual rights.
- Exercise caution when taking into account information provided in an application form in relation to an applicant's criminal record. Laws relating to gay men have changed significantly over time. It is possible that applicants may have acquired a criminal conviction many years previously in relation to a matter no longer considered unlawful. The criminal conviction may not be relevant in relation to the job or training advertised.

## References

- Make managers, supervisors or others who supply references, aware that all informal or formal references supplied should be fair and non-discriminatory. Managers and supervisors should ensure that their references are not influenced by personal prejudices relating to an individual's actual or perceived sexual orientation.





## Harassment

### **Promoting a good and harmonious working environment**

Employers should promote in a proactive, and not just a reactive manner, a good and harmonious working environment, in which all employees are treated with dignity and respect irrespective of their sexual orientation. If a good and harmonious working environment is not being provided and maintained, employers should take appropriate steps to address the situation.


In addition to the general good practice measures listed earlier, appropriate measures can include prohibiting the display of posters/pictures, graffiti, the circulation of materials, the articulation of jokes, banter, slogans or songs, or other conduct which constitutes harassment on grounds of sexual orientation. All offending material should be removed and all discriminatory conduct should be investigated and appropriate action taken.

Employees should also be informed that they should not harass, or otherwise unlawfully discriminate against, other employees or agency staff on grounds of sexual orientation, during or outside normal working hours or inside or outside the workplace.

### **Dealing with a complaint of harassment**

When investigating alleged incidents of harassment, employers should be aware that for a variety of reasons, individuals may be reluctant to bring a complaint of discrimination on grounds of sexual orientation. For example, they may be worried about raising issues which relate to their sexual orientation and their personal circumstances, as this may have repercussions both inside and outside the workplace.





In addition, as is the situation with other discrimination complaints, an individual may be concerned that his or her complaint will not be taken seriously or that he/she will be victimised if a complaint is brought. It is therefore vital that if a complaint is made, the complaint is not trivialised and is dealt with in a confidential manner.

In order to provide support, advice and assistance to people who believe they have been discriminated against, it is preferable for an employer, where reasonably practicable, to have a designated adviser(s) to whom the individual can speak to in confidence. Designated advisers should receive appropriate training in order to enable them to carry out their roles effectively.

Employers are strongly advised to take action in relation to discriminatory acts which they become aware of, or ought to be aware of, even in the absence of a complaint or in circumstances where an individual is reluctant to name individual harassers. In addition, an employer is also strongly advised to take action if a complaint is raised in a general manner through an employee's trade union.

Tackling harassment in a situation where an employee will not make a formal complaint or where an alleged harasser can not be identified, poses particular problems for an employer. The example below gives some guidance on what an employer can do in those circumstances.




### **Example of possible action where an individual does not want to make a formal complaint of harassment**

An employee uses male nicknames when referring to a female lesbian work colleague. The comments are made to the female employee in front of other employees in the work canteen. It is the third occasion in two weeks that these types of comments have been made to the female employee. The other employees laugh at the nicknames. The incident causes the female employee anxiety and distress.

She mentions this incident and the previous incidents to her supervisor that afternoon but makes it clear she doesn't want to make a formal complaint but simply wants the harassment to stop. She refuses to name the work colleague who harassed her for fear it will make matters worse and that she will be "outed" in the workplace. She also feels unable to speak to the harasser directly about the remarks. She indicates to her supervisor that she will resign if her complaint is made more widely known. Her supervisor refers her complaint to Personnel.

Personnel reassure the employee that the organisation takes a serious view of incidents of this nature. They also seek to reassure her of the support they can offer her. They inform her that, in the absence of a formal complaint, the following action will be taken.


1. All employees are to receive harassment training which will cover the area of sexual orientation. The aim of the training is to ensure that employees understand their responsibilities under the equality legislation and know what is and is not acceptable behaviour in the workplace.
2. Managers and supervisors ensure that all staff have received a copy of the organisation's equal opportunities policy and harassment policy and procedure. These policies and procedures are reinforced at the training sessions.

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3. Managers and supervisors are reminded to remain alert to unacceptable discriminatory behaviour and to deal with it in an appropriate manner.
  4. The employee who was harassed is kept informed of all steps taken by her employer to informally deal with her complaint. She is assured that all matters relating to her complaint will be kept confidential and informed that if she is subjected to any further harassment, she should raise the matter immediately. The employee is also offered the opportunity to attend professional counselling should she require additional support in her situation, and/or speak to a designated adviser in order to get further advice or assistance. The employer continues to monitor all incidents of harassment in the workplace and conducts exit interviews with all leavers.

Further information on dealing with complaints of harassment either formally or informally can be obtained from the Commission or by referring to the Commission's model harassment policy and procedure.

### **Dealing with discriminatory actions by employees, clients or customers**

There is a responsibility on employers to ensure that its employees, clients or customers do not harass other employees because of their sexual orientation, actual or perceived. An employer cannot either refuse to employ an individual or dismiss an individual because its workforce, customers or clientele refuse to accept that individual on grounds of sexual orientation. The prejudices of other employees, clients or customers cannot excuse unlawful discriminatory action.



Employees, clients or customers who refuse to work with or deal with an employee on grounds of sexual orientation should be informed in clear terms that their actions are discriminatory and are unacceptable in the workplace. Measures should be taken to reinforce the employer's equal opportunities and harassment policies and disciplinary action should be taken as appropriate.

### **Example – Customer intolerance**

A male employee who is bisexual works as a care assistant in a nursing home. The residents of the home become aware of his sexual orientation and some of the residents indicate to the manager of the home that they feel uncomfortable with this member of staff taking care of them. They inform the manager that they want him dismissed. The manager agrees to their request and dismisses the employee. The manager's action is likely to amount to discrimination on grounds of sexual orientation.



## Monitoring & Review


There are various measures which employers can take in order to monitor and review their employment practices and procedures in the area of sexual orientation.

It should be noted that although employers are not legally obliged to monitor on grounds of sexual orientation, monitoring in this area, if carried out in a sensitive manner and in appropriate circumstances, can be highly beneficial both to employers and employees.

One benefit of implementing monitoring is that the information collected can help employers review the effectiveness of their equal opportunities policies and practices. Monitoring can help employers assess the impact of their employment policies and procedures on persons of different sexual orientation and evaluate the degree to which they are promoting equality of opportunity in this area. In addition, by monitoring, employers are sending out a clear message to employees or applicants that they consider sexual orientation to be an important equality issue.

It is essential to stress that in order to monitor sexual orientation effectively and use the results of monitoring to their full potential, employers must work towards creating an environment in which employees are not fearful of disclosing their sexual orientation or of raising issues relating to their sexual orientation.

Employers who decide to use the monitoring measures outlined below, must take steps to reassure employees why the information is required and how it will be used. Employees must also be reassured that information given will be treated, subject to statutory requirements, in the strictest confidence and that appropriate safeguards are put in place in order to achieve that.



Employers should be aware that such information is governed by legislation on data protection.

Outlined below are the various forms of monitoring on grounds of sexual orientation which employers can implement. Public authorities should refer to the “Guide to the Statutory Duties” produced by the Equality Commission for further guidance in relation to their responsibilities as regards the collection of data in this area.

### **Quantitative Monitoring**

Many employers in Northern Ireland will already be familiar with quantitative monitoring. For example, employers registered with the Commission carry out quantitative monitoring in relation to the community background of their employees and applicants.

It is open to employers to extend their current quantitative monitoring procedures to cover the area of sexual orientation. Employers may therefore wish to ask employees and/or applicants in their equality monitoring questionnaire to indicate their sexual orientation. However it is recognised that there are particular sensitivities in relation to the area of sexual orientation which can make quantitative monitoring on this ground problematic for employers. Employees and/or applicants may not feel comfortable with disclosing their sexual orientation. They may, for example, fear that the information will not be treated in a confidential manner or that it will be inappropriately used. As a result, they may refuse to answer the monitoring question, which in turn can lead to inaccurate statistics.

However, depending on the size of the organisation, quantitative monitoring can be beneficial in assisting employers audit their recruitment and selection procedures, promotion, transfer, training procedures, etc, in order to ensure they are providing equality of opportunity on grounds of sexual orientation.





## **Qualitative Monitoring**

It is recommended that employers adopt qualitative monitoring techniques on grounds of sexual orientation either in addition to, or as a substitute for, quantitative monitoring. Qualitative monitoring involves directly consulting with persons of a particular sexual orientation or their representatives in order to identify concerns and issues. Measures can include consulting with a focus group within the organisation. This focus group may deal solely with issues surrounding sexual orientation or could also look at other equality issues within the workplace. Other measures include consulting with individual employees or their representatives, issuing anonymous questionnaires so that employees can raise concerns without having to disclose personal details, consulting with external organisations such as the Coalition on Sexual Orientation (CoSO) and the groups they represent (see Part 4).


Qualitative monitoring allows employees and/or others the opportunity to provide feedback to an employer on the impact of the employer's policies, practices and procedures. It can therefore be a useful tool for alerting employers to potentially directly or indirectly discriminatory practices in the workplace. It is also opportunity for employers to inform its employees of the proactive measures it is taking to promote equality of opportunity and prevent discrimination on grounds of sexual orientation.

## **Additional measures**

There are additional measures which it is recommended employers take in order to monitor and review the extent to which they are affording equality of opportunity on grounds of sexual orientation.

Employers should monitor the application of their disciplinary and grievance practices and procedures in this area. In particular, employers should consider whether they have applied their disciplinary policies and procedures in a fair, consistent and non-discriminatory manner.





As regards grievances or complaints of discrimination on grounds of sexual orientation, an employer should monitor the number of complaints made, how they were resolved, what the outcomes were and how long each took to be resolved. Employers should also consider whether there are a greater number of complaints or grievances in certain departments or branches.

Exit interviews can also provide a useful means of monitoring how well an organisation is integrating equal opportunities into the workplace. It is recommended that employers, where reasonably practicable, carry out exit interviews, either in person or by questionnaire, with employees who resign from their employment in order to check whether or not they believe they had been discriminated against on grounds of sexual orientation or any of the other grounds protected under the equality legislation.

## Confidentiality

Employers should ensure that information relating to an employee's sexual orientation is treated, subject to statutory requirements, in the strictest confidence. Managers, supervisors, personnel staff and employees involved in investigating complaints of discrimination should be reminded that information relating to an individual's sexual orientation is private and confidential. This type of information includes details relating to an individual's partner.

Employers should therefore provide clear and specific guidance for maintaining confidentiality in this area and ensure that all necessary practices and procedures for maintaining confidentiality are in place. In order to establish and maintain an atmosphere of trust, employers should also reassure employees that information relating to their sexual orientation will be treated confidentially, subject to statutory requirements.



## Positive Action


The Regulations allow employers and trade organisations to take positive action measures in certain circumstances. Positive action measures are measures which employers and trade organisations can lawfully take to counteract the effect of past or present disadvantage against members of the gay, lesbian, bisexual and heterosexual communities. Employers can take certain measures which specifically target employees and/or applicants on grounds of sexual orientation.

The Regulations stipulate that positive action measures can only be taken by employers in the following two areas:

- The measures must be designed to afford persons of a particular sexual orientation access to facilities for training which would help fit them for particular work.
- The measures must be aimed at encouraging persons of a particular sexual orientation to apply for particular work.

Examples include, in addition to advertising widely, placing advertisements in magazines/newsletters and other forms of public announcement likely to be read by persons of the particular sexual orientation that is disadvantaged. It could also include a statement in adverts that an employer is an equal opportunities employer and that applications are welcome regardless of sexual orientation.

Remember an employer, before taking any of the above positive action measures, must reasonably consider that the measures taken will, in relation to employees or applicants, prevent or compensate for disadvantage linked to sexual orientation.



Although employers, through monitoring, may have statistical evidence on sexual orientation, they do not have to have evidence showing under-representation of a particular sexual orientation before taking positive action. However, before taking positive action, an employer must first believe that employees or applicants have suffered a disadvantage linked to sexual orientation.

Secondly, an employer must reasonably consider that their permitted positive action measures compensate for that disadvantage. The disadvantage in question may be an under-representation of persons of a particular sexual orientation or it could, for example, be evidence of widespread harassment or homophobic attitudes in the workplace.

### **Example – positive action advertising**

Over a space of 12 months, two employees successfully bring to a tribunal, complaints against their employer showing that they have been subjected to serious harassment by their work colleagues on grounds of sexual orientation. They were high profile cases which attracted a lot of media publicity.

Their employer believes that as a result of the cases, it is perceived as having a workforce with homophobic attitudes. The employer also believes that, in consequence, members of the gay, lesbian or bisexual community will be reluctant to apply for jobs within the organisation. It therefore decides that in addition to advertising all jobs widely, the adverts should also appear in the gay press. They also state in their advert that they are an equal opportunities employer and welcome applications regardless of religious or similar philosophical belief, political opinion, race, sex, disability or sexual orientation.



## Other Employment Policies

In addition to the policies and procedures mentioned above, employers should ensure that all other employment policies, practices and procedures, both formal and informal, do not unlawfully directly or indirectly discriminate on grounds of sexual orientation. All employment policies and procedures should be applied in a fair, consistent and non-discriminatory manner. This applies to both existing policies, practices, procedures as well as any new or modified ones.

Employment policies, practices and procedures can cover a wide range of areas. They can include, for example, policies, practices and procedures in relation to:

- induction
- performance appraisal
- promotion and transfer
- training
- access to benefits
- sickness absence
- paternity leave, adoptive leave, time off to take care of a dependant
- grievance and disciplinary procedures
- dismissal and redundancy.

In particular, employers should note the following good practice recommendations:

### **Access to benefits**

Where employers operate “married couple” schemes which grant benefits to the wives or husbands of married employees, they must now extend these schemes to the partners of employees in registered Civil Partnerships. (See Part 1 for a discussion of the law in this area).



## **Work related social events**

If employers organise such events for employees, they should be aware that, if heterosexual partners are invited to these events, to exclude same-sex partners may not only cause offence but may also amount to discrimination. Care should therefore be taken when wording invitations etc that same-sex partners are not excluded or discouraged from attending.



## Part 3 – Making a Complaint

Job applicants and employees have a right under the Regulations not to be discriminated against on grounds of sexual orientation when seeking employment, during the course of their employment and/or in certain circumstances, after they have left an employer's employ.


Employees have a right to work in an environment free from harassment in which they are treated with dignity and respect and can raise complaints of less favourable treatment without being victimised.

### What action can you take?

#### **Job applicants**

Job applicants who believe that they have not been shortlisted for or appointed to a post on grounds of sexual orientation can, in the first instance, contact the employer and seek an explanation as to why they were not shortlisted/appointed. Although an employer at this stage is not legally obliged to provide that information, many employers respond positively to such a request, as providing a clear non-discriminatory explanation for the shortlisting/appointment decision can avoid legal action.

If a job applicant is not satisfied with the reasons given by the employer or in the absence of any explanation, the job applicant can, subject to time limits, lodge a discrimination complaint with an Industrial Tribunal. It is ultimately an Industrial Tribunal which decides whether or not unlawful discrimination has taken place.



Individuals are not legally required to first contact the employer before lodging a complaint with a tribunal. However, provided there is sufficient time to seek information and it is otherwise appropriate, an early explanation from the employer may resolve the situation.

## **Employees**

Employees who believe that they have been harassed at work, not promoted or otherwise treated less favourably on grounds of sexual orientation also have the right to complain about their treatment.

In the first instance, provided there is sufficient time (see time limits below), it is recommended that employees raise their complaint internally, either through their managers, supervisors or personnel staff in order to enable their employer to deal with the matter. Employees who are trade union members can also raise the matter with their trade union; trade unions can be and often are the first point of contact for those experiencing discrimination. Employees should check whether or not their employer has specific policies and procedures in place in relation to the raising of complaints of discrimination. Employees who are dissatisfied with the measures taken to deal with their complaint have the right, subject to time limits, to lodge a complaint with a tribunal.

Complaints of discrimination on grounds of sexual orientation after the working relationship has ended are made to a tribunal, except where the complaint is against an institution of further and higher education. Complaints of this nature against an institution of further and higher education, must be made to the county court.



## Time limits for lodging a complaint

### Tribunal Time Limits

There are very strict time limits for lodging a complaint of discrimination on grounds of sexual orientation with a tribunal. In most cases, complaints relating to discrimination in employment should be made to a **tribunal** within **three months** of the date of the act of discrimination. The tribunal can extend the time limits in exceptional cases, but simply not knowing that there were deadlines is insufficient reason for extension of the deadlines.

Individuals who believe that they have been discriminated against on grounds of sexual orientation should seek advice as soon as possible.

### Example – Time Limits

A male gay applicant is interviewed in relation to a post for which he is well qualified and experienced. On 17 December 2003, he is informed by the employer that he has not been appointed to the post. The applicant suspects that he was not appointed because of his sexual orientation. He knows that one of the panel members is aware of his personal circumstances and suspects that the panel member treated him less favourably because of this.

The applicant has until 16th March 2004 to lodge a complaint with an Industrial Tribunal.

### County Court Time Limits

Complaints against institutions of further and higher education must be made to the **county court** within **six months** of the date the discrimination took place.



## Help and Advice

Individuals who believe they have been discriminated against on grounds of sexual orientation can contact the Equality Commission for free and confidential information and advice. Individuals, for example, can obtain advice on their rights under the Regulations or on how to lodge a discrimination complaint with a tribunal. In certain circumstances, the Equality Commission may provide legal representation to individuals who believe they have been discriminated against contrary to the Regulations.

There are also a variety of groups in Northern Ireland which provide advice and support to members of the gay, lesbian, bisexual and transsexual community. Some of these groups are listed in Part 4.

Individuals who are trade union members may also be able to receive advice and assistance in this area from their trade unions.

Further information in relation to lodging a discrimination complaint, serving a Questionnaire, and tribunal procedures can also be obtained from the Office of the Industrial Tribunal and Fair Employment Tribunal (see Part 4 for contact details).

Individuals who lodge complaints of discrimination on grounds of sexual orientation with a tribunal, can avail of a free conciliation service provided by the Labour Relations Agency. This service is designed to assist both parties to a complaint to reach a resolution of the dispute. Further information on this service can be obtained from the Labour Relations Agency (see Part 4 for contact details).



## Part 4 – Further Information, Advice and Support

For further advice and information, the following organisations can be contacted. This is not an exhaustive list.

### **Equality Commission for Northern Ireland**

7-9 Shaftesbury Square

Belfast

BT2 7DP

Tel: 02890 500600

Fax: 02890 248687

Textphone: 02890 500589

Email: [information@equalityni.org](mailto:information@equalityni.org)

Website: [www.equalityni.org](http://www.equalityni.org)

Typetalk

The Equality Commission provides a range of information and advisory services for employers, employees and the general public.

Other useful publications available from the Commission include:-

- Sexual Orientation Discrimination in Northern Ireland - A short guide
- Sexual Orientation Discrimination - Your Rights
- A Model Equal Opportunities Policy
- A Model Harassment Policy and Procedure

The Commission produces information and advisory materials covering many aspects of equality in Northern Ireland. Further information can be found on the Commission's website at **[www.equalityni.org](http://www.equalityni.org)**.



## **Other Statutory Organisations**

### **Labour Relations Agency**

2 – 8 Gordon Street

Belfast

BT1 2LG

Tel: 028 9032 1442

Fax: 028 9033 0827

Textphone: 028 9023 8411

Email: [info@lra.org.uk](mailto:info@lra.org.uk)

Website: [www.lra.org.uk](http://www.lra.org.uk)

### **Northern Ireland Human Rights Commission**

Temple Court

39 North Street

Belfast

BT1 1NA

Tel: 028 9024 3987

Fax: 028 9024 7844

Email: [info@nihrc.org](mailto:info@nihrc.org)

Website: [www.nihrc.org](http://www.nihrc.org)

### **Office of the Industrial Tribunal and Fair Employment Tribunal**

Longbridge House

20 – 24 Waring Street

Belfast

BT1 2EB

Tel: 028 9032 7666

Fax: 028 9023 0184

Website: [www.industrialfairemploymenttribunalsni.gov.uk](http://www.industrialfairemploymenttribunalsni.gov.uk)



## **Employer Organisations and Trade Unions**

### **Institute of Directors**

4 Royal Avenue  
Belfast  
BT1 1DA  
Tel: 028 9023 2880  
Fax: 028 9023 2881  
Email: [iod.northernireland@iod.com](mailto:iod.northernireland@iod.com)  
Website: [www.iod.com](http://www.iod.com)

### **The Local Government Staff Commission for Northern Ireland**

Commission House  
18-22 Gordon Street  
Belfast  
BT1 2LG  
Tel: 028 9031 3200  
Fax: 028 9031 3151  
Email: [info@lgsc.org.uk](mailto:info@lgsc.org.uk)  
Website: [www.lgsc.org.uk](http://www.lgsc.org.uk)

### **Staff Commission for Education and Library Boards Northern Ireland**

Forestview  
Purdy's Lane  
Belfast  
BT8 7AR  
Tel: 028 9049 1461  
Fax: 028 9049 1744  
Email: [info@staffcom.org.uk](mailto:info@staffcom.org.uk)  
Website: [www.staffcom.org.uk](http://www.staffcom.org.uk)



## **Northern Ireland Committee - Irish Congress of Trade Unions**

3 Crescent Gardens

Belfast

BT7 1NS

Tel: 028 9024 7940

Fax: 028 9024 6898

Email: [info@ictuni.org](mailto:info@ictuni.org)

Website: [www.ictuni.org](http://www.ictuni.org)

## Advice and support groups

### **Coalition on Sexual Orientation (CoSO)**

2-6 Union Street

Belfast

BT1 2JF

Tel: 07788570007

Fax: 028 9031 9031

Email: Admin/general enquiries: [admin@coso.org.uk](mailto:admin@coso.org.uk)

Website: [www.coso.org.uk](http://www.coso.org.uk)

CoSO aims to represent the Lesbian, Gay, Bisexual and Transsexual communities in Northern Ireland on issues around sexual orientation.

Outlined below are the groups which it represents. These groups can be contacted directly for information and advice.

- Belfast Lesbian Line  
Cathedral Buildings  
64 Donegal Street  
Belfast  
BT1 2GT  
Tel: 028 9023 8668  
Website:  
[www.lesbianlinebelfast.org.uk](http://www.lesbianlinebelfast.org.uk)
- Belfast Butterfly Club  
Website:  
[www.belfastbutterflyclub.org.uk](http://www.belfastbutterflyclub.org.uk)



- Belfast Out Resource Centre  
Cathedral Buildings  
64 Donegal Street  
Belfast
- Belfast Pride  
Website: [www.belfastpride.com](http://www.belfastpride.com)
- Cara – Friend  
Cathedral Buildings  
64 Donegal Street  
Belfast  
BT1 2GT  
Tel: 028 9027 8636  
Website:  
[www.cara-friend.org.uk](http://www.cara-friend.org.uk)
- Gay & Lesbian Youth NI  
Cathedral Buildings  
64 Donegal Street  
BELFAST  
BT1 2GT  
Tel: 07729 105175
- Lesbian Advocacy Services Initiative  
c/o Womens Support Network  
109-113 Royal Avenue  
BELFAST  
BT1  
Tel: 028 90 236923  
Email: [lasidykes@hotmail.com](mailto:lasidykes@hotmail.com)

- LGB Branch of UNISON  
c/o Pamela Dooley  
Unit 4  
Fortwilliam Business Park  
BELFAST  
BT3 9JZ  
Tel: 028 90 770813  
Fax: 028 90 779772  
Email: pdooley@unison.co.uk
- Northern Ireland Gay Rights Association  
PO Box 44  
Belfast  
BT1 2GT  
Email: nigra@dnet.co.uk
- Queerspace  
PO Box 160  
Belfast  
BT1 2AU  
Website: [www.queerspace.org.uk](http://www.queerspace.org.uk)
- The Rainbow Project  
2-6 Union Street  
Belfast  
BT1 2JF  
Tel: 028 9031 9030  
Website:  
[www.rainbow-project.com](http://www.rainbow-project.com)
- Traveller and Gay  
Tel: 0781 5099583  
Email: travellerandgay@aol.com



## Great Britain Organisations

### **Lesbian and Gay Employment Rights (LAGER)**

Unit 1G

Leroy House

436 Essex Road

London

NI 3QP

Tel: 02077048066

E Mail: [lager@dircom.co.uk](mailto:lager@dircom.co.uk)

Website: [www.lager.dircom.co.uk](http://www.lager.dircom.co.uk)

### **Stonewall**

46 Grosvenor Gardens

London

SW1W 0EB

Tel: 020 7881 9440

Email: [info@stonewall.org.uk](mailto:info@stonewall.org.uk)

Website: [www.stonewall.org.uk](http://www.stonewall.org.uk)



The background of the top half of the page is a collage of various faces, including children and adults, overlaid with large, semi-transparent gender symbols (male and female). The entire background is a warm orange color.

**Equality Commission**

FOR NORTHERN IRELAND

Equality Commission for Northern Ireland  
Equality House  
7-9 Shaftesbury Square  
Belfast BT2 7DP

Tel: 028 90 500600  
Fax: 028 90 248687  
Text Phone: 028 90 500589  
Email: [information@equalityni.org](mailto:information@equalityni.org)  
Website: [www.equalityni.org](http://www.equalityni.org)  
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