Diversity and Inclusion

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1. **Safe Overseas travel**

This Safe Overseas Travel Guidance document aims to raise awareness of potential issues and complications that staff who identify with one or more of the Protected Characteristics may encounter when undertaking overseas travel on behalf of the University.

The University is required to meet the Public Sector Equality Duty - ‘general duty’, which states that HEIs will need to have ‘due regard’ to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity between people who do and do not share a protected characteristic
- foster good relations between people who share a protected characteristic and those who do not share a protected characteristic.

In this guidance, the legislation referred to will primarily be the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15), which provides protection to nine protected characteristics. The Protected Characteristics are listed alphabetically below, outlining the definition of each protected characteristic and the potential risks associated with overseas travel.

The purpose of this guidance is not to deter employees who have one or more protected characteristic from travelling abroad in connection with their employment, but simply to research and consider the potential risks associated with such travel and the steps that can be taken to minimise the risks.

For example, in more than half the world, LGBTQIA+ people may not be protected against discrimination by workplace law.

Follow the [Foreign Commonwealth Office travel advice webpages](https://www.gov.uk/guidance/foreign-commonwealth-office-travel-advice) to monitor for any particular tensions in your destination country.

2. **Protected Characteristics and any associated potential risks**

**Age:**

**Definition**

Refers to a person belonging to a particular age or range of ages

**Associated Risks**

No known potential risks
**Disability:**

**Definition:**

A person has a disability 'if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'.

'Substantial' is defined by the Act as 'more than minor or trivial'.

**Associated Risks:**

Potential risks associated with Disability would depend on the nature of the disability, potential risks could include:

- Accessibility issues in buildings and travel within some countries
- Availability of required prescription medication
- Cultural acceptance of some disabilities in certain countries, for example, recognition and acceptance of mental illness

**Gender Re-assignment:**

**Definition:**

This protects trans people who propose to undergo, are undergoing, or have undergone a process (or part of a process) of having their sex reassigned. A person does not have to be under medical supervision to have the protected characteristic of gender reassignment.

Transgender is an umbrella term for people whose gender identity, gender expression or behaviour does not conform to that typically associated with the sex to which they were assigned at birth.

Further information can be obtained from the University’s Trans Awareness Guidance: [https://www2.warwick.ac.uk/services/equalops/transandgenderreassignment](https://www2.warwick.ac.uk/services/equalops/transandgenderreassignment)

**Associated Risks:**

Identifying with this Protected Characteristic poses a high risk in some countries where they continue to criminalise transgender identity and persecute Trans* people, often violently. Trans* people travelling to these countries may be vulnerable to state violence or hate crimes.

Gender Expression should also be taken into consideration where an individual expresses a gender different to that they were assigned at birth, for example, their hair or clothing.

Trans* individuals should also take into consideration barriers to medical treatment that may exist in some countries. [ILGA website](https://www2.warwick.ac.uk/services/equalops/transandgenderreassignment) can provide further information.

Each year, one in twelve Trans* people in Europe experience a violent hate crime.
Marriage and Civil Partnership:

Definition:

Protection to marriage and civil partnerships only protects people who are married or in a civil partnership from discrimination. It does not protect people who are single, divorced, widowed or have dissolved their civil partnerships.

Protection is only afforded in employment and not in education or the provision of goods and services.

In England and Wales marriage is no longer restricted between a man and women and includes legal recognition for same sex couples, this legal recognition is “civil partnership”.

Associated Risks:

Public affection between heterosexual and homosexual couples is still prohibited in certain countries and punishable by imprisonment or deportation, this includes kissing and holding hands.

There are also few countries who would recognise and legally accept “civil partnerships” between same sex couples, this includes legal recognition for LGBT couples in terms of marriage, adoption, inheritance and insurance rights. Visit the ILGA webpages for further guidance.

Pregnancy and Maternity:

Definition:

Pregnancy and maternity-related discrimination can occur outside of the workplace (for example in education) if a woman is treated unfavourably because:

- of her pregnancy
- she has given birth (within the past 26 weeks) and, in particular, because she is breastfeeding

Pregnancy and maternity-related discrimination can occur in employment if a woman is treated unfavourably because:

- of her pregnancy
- of pregnancy-related illness
- she is on compulsory maternity leave (2 weeks or 4 weeks if she is working in a factory)
- she is exercising her right to take ordinary or additional maternity leave
Associated Risks:

No known risks associated with pregnancy and maternity from an equality perspective, however individuals need to be aware that medical treatments/interventions may differ from UK provisions. Individuals should ensure that they have adequate health insurance. Also beware of any health and safety risks.

Individuals should be aware that whilst breast feeding in public is accepted in most countries, it is worth checking with your destination country.

Race:

Definition:

The definition of race includes:

- colour
- nationality
- ethnic origins
- national origins

Protection on the grounds of nationality is subject to compliance with immigration rules.

Associated Risks:

Racial violence and threats can never be ruled out regardless of the destination of travel. Individuals must familiarise themselves with the Foreign Commonwealth Office travel advice webpages and monitor their destination country for regular updates.

Religion and Belief:

Definition:

The definitions of religion and belief are:

- **religion**: any religion or reference to religion, including a reference to a lack of religion
- **belief**: any religious or philosophical belief or reference to belief, including a reference to a lack of belief

Religion or belief should be taken to mean the full diversity of religious and belief affiliations within the UK, including non-religious and philosophical beliefs such as atheism, agnosticism and humanism.
Associated Risks:

There are certain territories where atheism, blasphemy or denouncement of a particular religion carries the death penalty. Threat of violence towards people with a particular religion or belief can never be ruled out when travelling – even in Europe.

Sex or Gender:

Definition:

Sex is a protected characteristic under the Equality Act 2010. It protects men (being a man) and women (being a woman) from discrimination.

Associated Risks:

Whilst this is the case in the UK under the Equality Act legislation in some countries females still do not have the same rights as their male counterparts.

Sexual Orientation (LGB - Lesbian, Gay, Bisexual):

Definition:

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

Associated Risks:

Sexual acts between people of the same sex is criminalised in 70 countries, and punishable by death in 8 countries. That means 40 per cent of the world’s population live in countries where gay, lesbian, bisexual and Trans* people can be imprisoned, just for being themselves.

Over 400 million people live under laws which punish same-sex relationships with torture or even the death penalty. Some countries continue to criminalize homosexuality and persecute LGB people, sometimes violently. Further information can be found on the ILGA website.

This extends to legal recognition for Lesbian, Gay and Bisexual (LGB) couples such as marriage, adoption, inheritance and insurance rights.
3. **Safe Travel Information for the Employee:**

Safe Travel Information is also available via the Diversity and Inclusion webpages (http://www2.warwick.ac.uk/services/equalops) and aims to provide advice and practical support to all employees. A named contact within the Diversity and Inclusion Team is available on this webpage should individuals wish to discuss concerns confidentially or should they not wish to disclose their protected characteristic when considering overseas travel.

Safe Travel information will ensure employees know the procedure if they wish to raise concerns whilst overseas and ensure employees travelling to high risk locations are aware of the potential risks associated with having certain protected characteristics.

By providing prior knowledge of the potential risks and implications to employees it enables individuals to make informed decisions on whether they can accept assignments or raise concerns.

**All of the above should also be extended to individuals who identify with one or more protected characteristics, for example, disability and ethnicity and consideration given to the wider implication of intersectionality (identifying with one or more protected characteristics).**

**Confidentiality and Disclosure:**

A pre-travel *risk assessment* should be carried out by the line manager/senior manager of the individual(s) travelling (usually in co-operation with the individual(s). However this may impact on confidentiality particularly if an individual does not wish to disclose that they identify with one or more of the protected characteristics.

An additional risk assessment (appendix A) is available via the Diversity and Inclusion team where all information will remain confidential and will not be shared with anybody else, *without the individual’s permission*, unless there is potential risk to the individual involved - *this is an optional form*. The Diversity and Inclusion risk assessment form will be checked by the D&I team and any potential risks discussed further with the individual.

If it is felt that any of this information is deemed to be a potential risk, further discussions can be held with the individuals consent and may involve the line manager/senior manager, health and safety and security.

**Diversity and Inclusion optional form available in appendix A**

**Before travel:**

- Discuss confidentiality concerns
- Research the country/countries to which you might be travelling, including a detailed review of the current Foreign and Commonwealth Office guidance
- Be prepared to discuss any questions or concerns
- Think ahead
- Be honest
• Be realistic
• Address issues
• Ensure safety in mind
• If an individual identifies as LGBT check country specific information
• Educate non-LGBT staff on the potential issues – this will ensure there is no inadvertent disclosing of a colleague's identity when travelling together

Employees are responsible for taking care of their own health and safety whilst undertaking work overseas. Should you identify any concerns whilst overseas in relation to identifying with a protected characteristic please raise these concerns with the Diversity and Inclusion team, Health and Safety or your line manager/senior manager.

Familiarise yourself with organisation specific information on:

• Policies
• Diversity and Inclusion training
• LGBTUA+ Supporter Programme
• Staff Network Groups
• Health, Safety and Wellbeing

“Our University Insurance policy does provide some cover for extricating a person from a life threatening situation. However, there is an exclusion if the situation is created by the person committing a criminal act in that country or deliberately exposing themselves to undue peril”

The Cultural context

Cultural adaption is key to any trip being successful, cultural values differ in all countries.

Religious and cultural sensitivities will need to be taken into consideration. For example, the working week in an Islamic country may not be Monday to Friday as you are used to, it could be Sunday to Thursday.

Greeting people will vary from country to country, whilst eye contact is an expectation in some cultures in others this would be seen as rude and impolite.

Expectations around dress code and gender roles may be challenging from an equality perspective.

Check the following expectations before travel:

• What are the cultural differences in working in the host country compared to that you are used to in the UK
• What equality legislation exists in the host country?
o Is the working week the same as the UK?

o Check the expected dress code in the host country

o Social aspects

Social Media - In some countries an individual’s social media accounts may be accessed and so individuals need to be aware that website history, Apps, Facebook and the like could be reviewed and inadvertently put an employee or student in danger.

Further guidance can be found at:

CIPD Factsheet on international culture:
https://www.cipd.co.uk/knowledge/culture/working-environment/international-culture-factsheet

ECU Factsheet on the Equality Act abroad
http://www.ecu.ac.uk/publications/equality-act-abroad/

4. The Business Case - Why do we need to do this?

The University of Warwick has a legal obligation and duty of care to all employees under the Equality Act 2010, whilst carrying out University business, regardless of where they are in the world.

By providing support, advice and inclusive policies for individuals who identify with one or more protected characteristic this will ensure:

- Safety of staff
- Better delivery outcomes
- Development and retention of talented staff
- Improve reputation
- Ensure compliance
- Understand potential risks and challenges individuals may encounter

All University policies should be considerate of Equality, Diversity and Inclusion.

Guidance for Line manager/senior managers and HR Advisors:
• Familiarise yourself with the resources available via the Diversity and Inclusion webpages which will enable you to understand and support employees who identify with one or more protected characteristic

• Discuss any concerns with the individual

• Overseas assignments may not only affect the individual but in the longer term their families. For example, if the child of the employee has a disability what are the provisions in the host country in terms of medical support, availability of prescription medication?

• In the instances where an individual chooses not to accept an assignment due to the potential risks involved, the line-manager/HR Advisor would need to be explicit that this decision would be of no detriment to the employee’s future career development opportunities should they decline a post because of potential risks related to their protected characteristic

• Ensure the employee undertakes a risk assessment as outlined on page 12, taking into account any highlighted concerns.

• Ensure that any individual who is expected to travel overseas is given the opportunity to discuss concerns, are knowledgeable about their destination and sufficiently experienced to assess the potential risks/concerns

• Ensure there is a robust system in place to manage employees who are working overseas

**Further Safe Travel Information is available:**

Diversity and Inclusion webpages: [http://www2.warwick.ac.uk/services/equalops](http://www2.warwick.ac.uk/services/equalops)

Foreign Office Webpages: [https://www.gov.uk/foreign-travel-advice](https://www.gov.uk/foreign-travel-advice)

If after discussion an individual chooses not to accept an assignment due to concerns about their Protected Characteristics and the potential risks associated with this in the destination country, they may not want their wider network of colleagues to know the reasons they declined their assignment. If this is the case it is important for the individual’s decision to be respected, and managers should deal with this sensitively.
5. Additional Guidance

Sexual Orientation and Trans

The additional guidance in this section provides information to individuals who identify as LGBTUA+, Line manager/senior managers and HR Advisors who may be supporting these individuals, when overseas work is required to be undertaken.

The aim of this section is to highlight the risks and issues LGBTUA+ individuals may face in other countries, by:

- Highlighting the experiences of LGBTUA+ employees travelling and working abroad
- Highlighting the potential risks
- Why supporting LGBTUA+ equality is important
- Highlighting the Duty of Care Warwick has to employees under the Equality Act 2010, who are undertaking work on behalf of the University, regardless of where they are in the world
- What support Warwick can offer LGBTUA+ employees while working abroad
- Provide country specific information for LGBTUA+ employees on safe travel
- Top tips on how to ‘Stay Safe’ before, during and after travel

So why can an employee not just keep their sexual orientation or gender identity quiet during their time abroad?

Employers need to be aware that asking an individual to hide their sexual orientation and gender identity/expression is not a small ask. When individuals cannot be themselves and be open about their identity it can make them feel isolated and negative about themselves, causing a negative impact on their mental health and wellbeing.

Challenges could arise when an individual enters a country. For example, where a Trans* person’s gender expression does not match the gender marker on their identification documents, officials may deny entry to the country. Some countries do allow citizens to have a gender-neutral gender marker on their passport.

However when travelling internationally with such identification, problems could arise should the country not accept this.

Individuals should be clear on the support the University can reasonably and realistically offer.
SEXUAL ORIENTATION LAWS IN THE WORLD - OVERVIEW
ILGA, THE INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRAN AND INTERSEX ASSOCIATION
MAY 2017
ILGA.ORG

CRIMINALISATION
72 STATES

- Implemented in 8 States (or parts of)
- Not implemented in 5 States
- Religious-based laws alongside the civil code: 19 States

PROTECTION
83 States
Many States run concurrent protections

- Constitution
- Employment
- Various
- Hate crimes
- Incitement to hate
- Ban on 'conversion therapy'

RECOGNITION
47 States
A small number of States provide for marriage and partnership concurrently

- Marriage: 22 States
- Joint adoption: 26 States
- Partnership: 28 States
- 2nd parent adoption: 27 States

Separate detailed maps for these three categories are produced alongside this Overview map.

The data represented in these maps are based on State-registered information, a World Survey of Sexual Orientation Laws: Criminalisation, Prohibition and Recognition, ILGA (2017), and data from the USA, Canada and Mexico. The map and these maps are available in the nine official languages: English, Chinese, Arabic, French, Spanish, Russian, Hindi, Bengali and Urdu.

Before, During and After Travel:

- Line manager/senior manager/senior manager/employee - discuss any concerns that the individual may have in relation to identifying with one or more protected characteristics

- Ensure the in-country manager is aware of UK policies and the important role of protecting LGBTUA+ colleagues (only to be discussed with the individuals consent)

- Organise a key point of contact in the home and away country that the individual can call to discuss issues or concerns whilst away

- Organise regular conversations so that the individual does not feel alone or isolated whilst working away

- Monitor social and political developments in assignment countries and provide alerts to employees. This should include LGBTUA+ specific developments

Where an employee’s safety or their families safety is compromised, the University will need to be notified as soon as possible to be able to offer support quickly.

The Warwick LGBTUA+ Supporter Programme is a useful tool to also help raise awareness with all staff in departments of the potential issues faced by LGBTUA+ employees and enable them to provide visible support.
## Top tips for safe travel for LGBTUA+ Staff

<table>
<thead>
<tr>
<th>UNDERSTAND THE CHALLENGES</th>
<th>AFFORD EQUAL TREATMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learn more about the challenges LGBTUA+ individuals face internationally and keep up to date with current developments.</td>
<td>Create a framework that prohibits discrimination and harassment on the grounds of sexual orientation and gender identity</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INCLUDE LGBTUA+ SPECIFIC CONSIDERATIONS IN POLICIES</th>
<th>LGBTUA+ TRAINING ON POLICIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure employees receive the support they need</td>
<td>Ensure managers and staff are aware of policies and other LGBTUA+ related topics and support</td>
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</tbody>
</table>

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<tr>
<th>EDUCATE ALL EMPLOYEES ON LGBTUA+ ISSUES</th>
<th>TAILORED, REALISTIC LGBTUA+ INCLUSIVE SUPPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educate and raise awareness on the situation LGBTUA+ employees may face in other countries</td>
<td>Ensure support is available to staff to ensure they can make an informed decision as to whether it is safe to travel</td>
</tr>
</tbody>
</table>

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<tr>
<th>CAREER DEVELOPMENT</th>
<th>CONTACT PERSON</th>
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<tr>
<td>When an individual chooses not to accept an assignment due to the potential risks involved, this should be of no detriment to the employee’s future career development opportunities should they decline a post because of potential risks related to their protected characteristic</td>
<td>Ensure staff travelling overseas know who to contact to discuss issues or concerns. This is in addition to the employee’s line manager/senior manager</td>
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<tr>
<th>EVACUATION PROCEDURE</th>
<th>SEEK FEEDBACK</th>
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<tbody>
<tr>
<td>Ensure there is an evacuation procedure in place in emergency situations</td>
<td>Seek feedback from LGBTUA+ staff and families to learn from their experiences and improve the support offered accordingly.</td>
</tr>
</tbody>
</table>
Glossary of LGBTUA+ Terms

**BI/BISEXUAL** a person who has an emotional, romantic and/or sexual attraction towards more than one gender.

**CIS/CISGENDER** A term used for non-trans people, meaning that a person’s body and gender identity match.

**COMING OUT** when a person first tells others/someone about their sexual orientation (LGBTUA+)

**GAY** a man who has an emotional, romantic and/or sexual attraction towards men. Also a generic term for lesbian and gay sexuality. Some women define themselves as gay rather than lesbian.

**GENDER EXPRESSION** how an individual presents themselves externally, gender related appearance (i.e. their clothing) and behaviour (including mannerisms and interests). A person may have a masculine, feminine or androgynous aspects of their appearance or behaviour.

**GENDER IDENTITY** a person’s internal sense of their own gender, male, female, non-binary, or something else.

**GENDER REASSIGNMENT** this refers to someone who is transitioning. To undergo gender reassignment usually means to undergo some sort of medical intervention, but can also mean changing names, pronouns, dressing differently and living in your self-identified gender. Gender Reassignment is a protected characteristic under the UK Equality Act 2010.

**GENDER RECOGNITION CERTIFICATE** (GRC) a certificate provided to a person after they have transitioned and wish to change their gender on their birth certificate. The certificate has to be applied for and paid for, a panel of medical and judicial representatives will decide if the certificate is awarded, a new birth certificate is then awarded at the same time.

**LESBIAN** a women who has an emotional, romantic and/or sexual attractions towards women.

**LGBTUA+** the acronym for Lesbian, Gay, Bi, Trans, Unidentified, A-sexual

**NON-BINARY** an umbrella term used to describe a person who does not identify as male or female

**OUT** when an LGBTUA+ person is generally open about their sexual orientation or gender identity. This does not mean that anyone else can discuss an individual’s sexual orientation or gender identity.

**SEXUAL ORIENTATION** a person’s emotional, romantic and/or sexual attraction to another person.

**TRANS** an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide range of terms, including (but not limited to) transgender, cross dresser, non-binary gender queer.
Appendix A

Protected Characteristics Risk Assessment Form

<table>
<thead>
<tr>
<th>Full Name (If you do not wish to disclose your name please state ‘prefer not to say’)</th>
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</thead>
<tbody>
<tr>
<td>Preferred Name</td>
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<tr>
<td>Overseas Travel Dates (from/to)</td>
</tr>
<tr>
<td>Location</td>
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</tbody>
</table>

**Note:** The only way you can properly risk assess, and identify ways to limit risk, is if you are fully aware of the potential hazards to which you may be exposed to. Make sure you fully research the destination country you are travelling to, living, working or visiting.

<table>
<thead>
<tr>
<th>Protected Characteristics</th>
<th>Identified potential risks/hazard</th>
<th>Risk Rating (Low, Medium or High)</th>
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<tbody>
<tr>
<td>Age</td>
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<td>Disability</td>
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<td>Gender</td>
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<td>Gender Reassignment</td>
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<tr>
<td>Marriage /Civil Partnership</td>
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<td>Pregnancy/Maternity</td>
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<tr>
<td>Race/Ethnicity</td>
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<td>Religion/Belief or lack off</td>
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<tr>
<td>Sexual Orientation</td>
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</tbody>
</table>

**Risk rating:**

**Low Risk (L)** – Unlikely that harm could arise, the effect would be relatively slight

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

**High Risk (H)** – Harm/risk is high

**Data Protection consent statement:**

The University of Warwick’s Diversity and Inclusion team will use the information provided in this form for the purpose(s) of assessing any risks associated with my travel and will not share or disclose it to any third parties, internal or external to the University of Warwick, unless specifically indicated below. The information provided in this form will be kept securely by the Diversity and Inclusion team for the duration of my travel and will be destroyed on the date of my return.

I explicitly consent to the (University of Warwick’s Diversity and Inclusion team) holding and processing my personal data (provided in this form) for the purposes outlined in the statement above.
I explicitly consent to the University of Warwick’s Diversity and Inclusion team discussing my protected characteristic(s), should there be concerns prior to a trip or should an incident happen and I become at risk in the host country, with the Director of Health and Safety or Head of Campus Security.

Signature of traveller:  ___________________________________________________________ Date signed: 

Discussed with Diversity and Inclusion – Name: ___________________________________________ Date signed: 

For further information regarding: how your information is held, including how we maintain the security of your information, your rights to access information we hold about you, how to update us on any changes to your details or to withdraw your consent for your data to be used for the purposes outlines above then please contact: Claire Algar, C.Algar@warwick.ac.uk
Notes