

**WELSH GOVERNMENT HR POLICIES**  
**EQUALITY, DIVERSITY AND INCLUSION**

**Contents**

1. Policy Statement
2. Roles and Responsibilities
3. Legal Background
4. Objectives
5. Equal Opportunities (including Equal Opportunities in Employment, Inclusive Policy Making and Social Model of Disability)
6. Guidance on Discrimination
7. Training

Annex A – Definitions

Annex B – Faith and Belief, Gender Identity and Pregnancy/Maternity - Leave, Dress and Facilities

Annex C – Equal Pay

**Related Policies and Useful Websites/Resources**

Dignity at Work Policy

[Dignity at Work Policy](#)

Civil Service Code

<https://documents.hf.wales.gov.uk/id:A713194/document/versions/published>

Code of Conduct for Staff

<https://documents.hf.wales.gov.uk/id:A749197/document/versions/published>

Terms & Conditions of Service

<https://documents.hf.wales.gov.uk/id:A749222/document/versions/published>

Our Values & Behaviours

[Our values and behaviours \(sharepoint.com\)](#)

Equality, Diversity & Inclusion Workforce Strategy

[Workforce Equality, Diversity and Inclusion Strategy 2021-2026](#)

Social Model of Disability

[Welsh Government definition of the social model](#)

Business Case for Equality & Diversity

<https://www.gov.uk/government/publications/the-business-case-for-equality-and-diversity-a-survey-of-the-academic-literature>

Equality Act 2010

[http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

Equality and Human Rights Commission Codes of Practice on Employment

[Employment: Code of Practice | EHRC \(equalityhumanrights.com\)](http://equalityhumanrights.com/employment-code-of-practice)

ACAS Equality and Discrimination

<http://www.acas.org.uk/index.aspx?articleid=1363>

This policy predates the Supreme Court ruling *For Women Scotland Ltd (Appellant) v The Scottish Ministers (Respondent)*. As an employer, we are working to understand the implications of the Supreme Court ruling on our policies and practices and will be guided by the revised statutory EHRC Code of Practice once it is published. This approach will ensure legal compliance and maintain our duty of care to all employees.

## **1. Policy Statement**

1.1 The Welsh Government values diversity and aims to create an inclusive workplace that facilitates the delivery of Government policies and objectives. The Welsh Government is striving to become an exemplar employer. We are committed to supporting, developing and promoting equality, diversity and inclusion in all of its practices and activities and aims to establish an inclusive culture free from discrimination and based upon the values of dignity, courtesy and respect. Having a workforce that represents the communities we serve will ultimately enhance our thinking and perspective when it comes to representation, lived experience and informed policy making.

1.2 This is an over-arching policy to outline the fundamental principles of our commitment to equality, diversity and inclusion and is supported by specific policies and action plans.

1.3 All our policies are fully inclusive of all staff regardless of age, marriage and civil partnership (both same sex and opposite sex), pregnancy and maternity, race, religion or belief, sex, sexual orientation, whether they have an impairment or health condition, are neurodivergent or use British Sign Language, their gender identity or gender expression. We acknowledge that the terms 'gender identity' and 'gender expression' are not protected characteristics as defined by the Equality Act 2010, however, we believe that Government policy which includes provision for those persons who identify within the 'trans' umbrella (rather than on the basis of binary gender) is a more inclusive approach and one which ensures the Welsh Ministers are in a position to comply with all their statutory duties related to equality and the promotion of well-being

in Wales. If you have any feedback on the inclusivity of this policy, please email [EqualityandDiversityintheWorkplaceTeam@gov.wales](mailto:EqualityandDiversityintheWorkplaceTeam@gov.wales)

1.4 This policy complies with the provisions of the Equality Act 2010 which protects certain groups against discrimination on the grounds of “protected characteristics”. These characteristics are race<sup>1</sup>, sex, disability, sexual orientation, gender identity<sup>2</sup>, age, religion or belief (or lack of it), marriage, including same sex marriage and civil partnership, and pregnancy and maternity.

1.5 The Welsh Government is committed to ensuring fair and equal treatment in all aspects of employment. We are committed to ensuring and promoting equality of outcome and eliminating discrimination, harassment (including sexual harassment) and victimisation in employment. All employees should be treated equally<sup>3</sup>, whoever they are and irrespective of their protected characteristics, working pattern (including part time); caring responsibilities; grade; working location; trade union activities; political beliefs; social or educational background and language preference. All employees should have equality of opportunity in employment, learning and development and career advancement on the basis of their skills, ability, qualifications and suitability for work.

1.6 We recognise intersectionality - that individuals have multiple protected characteristics. We all have an age, gender and sexual orientation for example. People with multiple protected characteristics may face discrimination on multiple levels or encounter increased barriers. The Welsh Government will ensure that intersectionality will be considered in our policies, processes and actions.

1.7 Employees are supported and encouraged to develop to their full potential to deliver high quality services to the people of Wales. We expect employees during the course of their work to behave in a manner which respects the dignity of all colleagues, business partners, contacts, contractors, stakeholders, customers, and members of the public at all times. Promoting and maintaining an inclusive working environment means that colleagues can come to work and be themselves. We want all staff to feel valued and included, and that they can reach their potential no matter what their background.

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<sup>1</sup> Race may include different elements that often merge:

- Race – an umbrella term for the other four aspects
- Colour – like race it tends to overlap, particularly with the concepts of ‘ethnic origin’ and ‘national origin’. Examples include black and white
- Ethnic origin – may include racial, religious and cultural factors which give a group a distinct social identity with a long and shared history. Examples include Sikhs, Jews, Romany Gypsies and Irish Travellers
- National origin – birthplace, the geographical area and its history can be key factors. Examples include English and Welsh.
- Nationality – usually the recognised state of which the employee is a citizen. In other words what it says on their passport if they have one. For example, British citizen.

<sup>2</sup> Our policy and guidance treats ‘gender identity’ as a protected characteristic rather than ‘gender reassignment’ as the term used in the Equality Act 2010.

<sup>3</sup> disabled people may be treated more favourably than a non-disabled person in accordance with [s13 \(3\) provision of the Equality Act 2010](#).

1.8 Throughout this policy we refer to Equal Opportunities, Diversity and Inclusion. Definitions of these terms can be found at Annex A.

## **2. Roles and Responsibilities**

### **2.1 The Board is responsible for:**

- creating an inclusive environment where equality, diversity and inclusion are valued and seen as key to successfully delivering Ministerial priorities and high-quality services to the people of Wales;
- demonstrating a commitment to equality, diversity and inclusion through strong leadership and advancing these principles and practices through leadership communications; and
- setting the strategic and organisational framework to develop talent, promote equality of opportunity in employment and continue to advance our work in this area.

### **2.2 Directors and Deputy Directors are responsible for:**

- demonstrating leadership embodying equality, diversity and inclusion, and embedding these values into the way that their teams work, behaviours and decision-making;
- communicating the importance of equality, diversity and inclusion in achieving business aims and how a diverse workforce will enable us to better understand how our policies and services impact upon the people of Wales; and,
- ensuring managers have the practical skills and knowledge of equality, diversity and inclusion principles to effectively and fairly manage their teams.

### **2.3 Line managers are responsible for:**

- raising awareness of equality issues and ensuring that members of their team are familiar with the chapter on Equal Opportunities in the Welsh Government's Terms and Conditions of Service Code and this policy;
- demonstrating commitment to this policy by promoting equality of opportunity through fair and equal treatment of their staff in all employment matters;
- supporting and encouraging their staff to reach their full potential; and
- taking immediate action where they observe or suspect any discrimination, harassment or victimisation and dealing with any cases reported to them by employees.

### **2.4 Individuals are responsible for:**

- ensuring that they are familiar with the chapter on Equal Opportunities in the Welsh Government's Terms and Conditions of Service Code and this policy and procedures;
- undertaking equality, diversity and inclusion training and refresher training throughout their career;
- considering equality, diversity and inclusion issues throughout their work activities;
- reporting any form of discrimination or harassment to their line manager or another manager within the line management chain and obtaining advice and support which could be from a variety of sources – the HR Case Adviser Team, Respect Mentors, TUS or EAP;
- ensuring that they comply with this policy and procedures (and the codes of practice on employment produced by the Equality & Human Rights Commission) in their dealings with external contacts and members of the public, and their relations with colleagues; and,
- recording and updating, when necessary, their diversity data on the HR Self Service System, if they are content to do so.<sup>4</sup>

## **2.5 Corporate Shared Service Centre is responsible for:**

- providing advice and information to managers and employees on equality, diversity and inclusion;

## **2.6 HR Planning and Delivery Division is responsible for:**

- monitoring equality and diversity data and benchmarking the Welsh Government's performance on equality, diversity and inclusion;
- assessing how the equality policy and any supporting action plans and policies are working in practice, reviewing them annually and considering and taking action to address any issues;
- undertaking equality impact assessments on new and revisions of existing HR policies and processes to ensure that no group of employees is disadvantaged or excluded;

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<sup>4</sup> We are sensitive to the fact that some people would rather not complete diversity forms - either because they fear the information will be misused, or because they consider some of the questions to be highly personal. However, all information is strictly confidential, purely for statistical purposes and to ensure that policies are being applied fairly; it will only be shared with a restricted number of authorised personnel. We will not discriminate against individuals who decide not to complete the form or choose the 'prefer not to say' option. However, we ask that as many people as possible agree to help us measure diversity because it enables us to monitor and report on workforce diversity.

- reviewing the policy and this guidance with trade unions and the diversity networks every two years or sooner if a change in legislation occurs;
- ensuring that recruitment and advertising practices reflect the needs of groups with protected characteristics; and
- supporting HR Business Partners to work with managers to embed equality, diversity and inclusion policies and practices across the Welsh Government.

## **2.7 Role of Staff Diversity Networks**

Staff Diversity Networks give a voice to groups with protected characteristics within the organisation. They offer networking events, a chance to meet colleagues and share issues and ideas, and opportunities for employees to gain or develop new skills. They also provide advice to HR colleagues on the development and impact of employment policy and practice to help avoid negative differential impact and identify opportunities to promote equality. Further information on the Staff Networks can be found on the intranet: <https://wales365uk.sharepoint.com/sites/Intranet-About-Us/sitepages/Diversity-Staff-Networks.aspx>

## **2.8 Role of Trade Unions**

The recognised Trade Unions play a key role in promoting equality, diversity and inclusion in the Welsh Government and more widely. All unions have equality officers, either locally or at a national level, who can provide support to any union member who feels that they are not being treated equally and advice on raising awareness and understanding on these issues.

## **3. Legal Background**

### **3.1 Under Equality legislation it is unlawful to:**

- Discriminate directly against anyone and treat them less favourably than others on the grounds of their protected characteristics. This also includes discrimination based on perception, e.g. a belief that someone is gay or disabled even if this is not actually true.
- Discriminate against someone for reasons relating to their association with a person on the grounds of their protected characteristics, e.g. discriminating against an employee because they have a disabled dependent.
- Discriminate indirectly against anyone by applying a criterion, provision or practice which disadvantages people with a protected characteristic, unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim. The fact that the intention was not to discriminate does not mean that discrimination has not occurred.
- Subject someone to harassment for reasons relating to their protected characteristics. This includes behaviour that an individual finds offensive on these grounds, even if the behaviour is not directed at the individual.
- Subject someone to sexual harassment (unwanted behaviour of a sexual nature).

- Victimise someone because they have made, or intend to make, a complaint or allegation in relation to a complaint of discrimination, harassment or sexual harassment in line with the Equality Act.

3.2 Public authorities in Wales are required to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

## 4. Objectives

4.1 Our aim is to eliminate unlawful discrimination, harassment and victimisation; advance equality of outcome between people who share one or more protected characteristics and those who do not; and foster good relations between people who share one or more protected characteristics and those who do not.

In the implementation of the Equality, Diversity & Inclusion Policy we aim to:

- develop and promote a culture of equality, diversity and inclusion throughout the organisation;
- develop and promote a culture of compassion, dignity, courtesy and respect;
- support all staff, including provision of relevant support relating to protected characteristics;
- work to prevent all forms of discrimination<sup>5</sup> and harassment (including sexual harassment);
- deal with all forms of discrimination consistently and effectively;
- remove any barriers individuals or groups encounter due to their protected characteristics; and
- ensure that this policy influences and informs the culture and behaviour of the organisation.

## 5. Equal Opportunities in Employment

5.1 The Welsh Government is committed to ensuring fair and equal treatment in all aspects of employment. This does not mean treating everyone the same, it means taking into account individual needs.

This policy means that no job applicant or employee will receive less favourable treatment on the grounds of their protected characteristics. The exception is that it is lawful to treat a disabled person more favourably than a non-disabled person, in accordance with [s13 \(3\) provision of the Equality Act 2010](#) .

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<sup>5</sup> Including ableism, ageism, antisemitism, biphobia, homophobia, islamophobia, misogyny, racism, sexism, transphobia, xenophobia (non-exhaustive list)

The Welsh Government seeks to:

- provide equality of outcomes and remove any barriers to all applicants and prospective applicants by ensuring recruitment and selection procedures are fair and non-discriminatory;
- ensure all internal applicants are selected on the basis of their abilities, skills and suitability for the role and grade and are given equal opportunity to progress within the Welsh Government;
- adapt recruitment, selection and all other work practices, including equipment and workplaces, to make reasonable adjustments for disabled and neurodivergent people, BSL users and anyone else who needs it e.g. due to pregnancy, menopause, mental health conditions, caring responsibilities or socio-economic status;
- ensure that all those involved in recruitment understand the principles of equality, diversity and inclusion and how to mitigate against unconscious bias and discrimination, and can put in place reasonable adjustments needed to support applicants through the recruitment process.
- respond sensitively to the religion and beliefs of employees;
- promote flexible working practices for all employees;
- consider and take positive action when appropriate in order to help the Welsh Government workforce at all levels reflect the communities it serves;
- ensure all employees have access to training and development opportunities so that they can realise their full potential and fully contribute to the work of the Welsh Government;
- ensure the content and delivery of all learning and development reflects our commitment to equality of opportunity and fair practices;
- raise employees' awareness of this policy and equality, diversity and inclusion issues through communications and training;
- ensure all employees have access to the Grievance and Dignity at Work procedures so any complaints may be addressed fairly and, where appropriate, remedial action taken; and,
- carry out equality impact assessments on our policies and services.

## **Inclusive policy making**

5.2 The Welsh Government adopts an inclusive approach to policy and guidance development and recognises that equality of opportunity must be embedded through all employment policies, processes, guidance and procedures, for example, recruitment, performance management and promotion.

5.3 Our aim is to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people who share one or more protected



characteristics and those who do not; and foster good relations between people who share one or more protected characteristics and those who do not.

5.4 Whenever we develop or revise our policies and accompanying guidance and procedures, we will consider the impact on various groups of employees and prospective job applicants and take action where we believe they may produce a disproportionate or differential impact on any group. If differential impacts are revealed, we will consider measures to remove or reduce negative impacts and maximise opportunities to promote equality.

5.5 To help us do this, we will engage with a diverse group of stakeholders across the organisation including our staff networks and work in partnership with the trade unions.

### **Social Model of Disability**

5.6 The Welsh Government has adopted the Social Model of Disability and committed to using it in all aspects of our work. That means it should be the basis for how we develop policy and deliver our services, as well as what we do as employers, managers and colleagues of disabled people.

5.7 The Social Model of Disability makes an important distinction between *'impairment'* and *'disability'*. It recognises that people with impairments<sup>6</sup> are disabled by barriers that commonly exist in society. These barriers include negative attitudes, and physical and organisational barriers, which can prevent disabled people's inclusion and participation in all walks of life and their experiences and outcomes in employment and recruitment.

5.8 If we remove barriers then people with impairments should no longer be disabled. This is the only way to ensure equality for staff with impairments.

5.9 Welsh Government's commitment to the Social Model of Disability was reaffirmed by the Executive Committee in December 2019.

5.10 The commitment to base all Welsh Government employment practices on the social model of disability was made publicly in Action on Disability: The Right to Independent Living, published in September 2019 where HR undertook to:

Use the Social Model of Disability to underpin our employment policies and recruitment methods and will share the approach, policies and procedures Welsh Government has put in place to support our disabled employees as part of a wider movement to remove employment barriers for disabled people in Wales.

5.11 Further information on the social model can be found below:

- Watch our [short animated guide to the social model of disability](#)
- Read the [Welsh Government definition of the social model](#)

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<sup>6</sup> Impairments are characteristics of a person. They may or may not be lifelong and they may or may not arise from illness or injury. They may affect a person's appearance and/or the way they function or communicate and/or they may cause a range of difficulties including pain and fatigue.

- Read our language standards. A full guide is available in [Welsh](#) and [English](#). The Executive Committee decided in December that the whole organisation should adopt social model language – this will show you how
- Attend the social model of disability course via the Learning Lab - [Social Model of Disability - Waiting List - Lab \(gov.wales\)](#).

## 6. Discrimination

**6.1 We will not tolerate unjust or unlawful discrimination on any basis, including on the basis of any protected characteristics. Disciplinary action may be taken against any employee who discriminates, bullies, victimises or carries out any form of harassment against another person (whether that person works in Welsh Government, is a customer or member of the public, or is an external business related contact) because of a protected characteristic.**

6.2 Discrimination may be conscious and deliberate, or it may be unintentional. It may occur through an action which the perpetrator perceives to be in an individual's best interest. The law does not take account of motive but concentrates on the impact of the action.

6.3 Stereotyping and prejudice may result in unfair and unlawful discriminatory practices. Therefore, it is important to be aware of our own prejudices and not to act on them. It is equally important to challenge stereotyping and acts of discrimination.

- *Stereotyping* – reflects the generalist assumptions we make about a person or group. It puts people into categories and assumes that everyone in that category behaves in the same way. These generalist assumptions are often based on false or misleading information. Stereotyping does not recognise individual uniqueness or differences.
- *Prejudice* – involves making a pre-judgement about someone before experiencing or fully understanding the true nature of the situation. It stems from an irrational attitude towards some groups of people that can lead to excluding them or treating them unfairly. It produces negative views about different lifestyles, different value systems, standards of behaviour and the value we place on people's right to choose to be different.

### Direct discrimination

6.4 Direct discrimination means treating a person less favourably than others because of a characteristic they have or are thought to have (even if they do not possess it) or because they associate with another person who possesses this characteristic.

6.5 The only form of direct discrimination that may be justified is less favourable treatment on the grounds of age. This is only justifiable if it can be shown that the Welsh Government acted reasonably in managing its business. In law this is known

as “a proportionate means of achieving a legitimate aim”. A legitimate aim might be any lawful decision that an employer makes in running a business or organisation. Being proportionate really means being fair and reasonable including showing that less discriminatory alternatives have been looked at, prior to coming to a decision.

### **Perception discrimination**

6.6 This is direct discrimination against an individual because others think they possess a particular characteristic. It applies even if the person does not actually possess that characteristic.

### **Discrimination by association**

6.7 This is direct discrimination against someone because they associate with another person who possesses a characteristic.

#### **Examples of direct discrimination**

A senior manager does not shortlist a member of staff for promotion to a management role due to believing that a member of the team they would manage is homophobic. As the member of staff is gay, the senior manager thought that they would struggle to gain their respect and manage them effectively. This is direct discrimination on the grounds of sexual orientation.

A pregnant worker at a call centre is disciplined for taking too many toilet breaks, as would any other member of staff, despite their manager knowing that they are pregnant. This is discrimination because of pregnancy and maternity, as this protected characteristic doesn't require the normal comparison of treatment with other employees.

A shopkeeper refuses to serve someone because they are married to a Muslim. This is discrimination by association, on the basis of the customer's association with their spouse.

A project manager is denied a promised promotion after telling the boss that their mother has cancer. The promotion was withdrawn because the boss thought that they would not have time to concentrate on the new job due to caring responsibilities. This is discrimination by association with a disabled person.

A sales representative is 45 but looks much younger. Many people assume that they are in their mid 20s. The rep is not allowed to represent the company they work for at an international meeting because the senior manager thinks that they are too young. This is discrimination on the perception of a protected characteristic (age).

An estate agent refuses to let a property to someone they believe is gay. The individual is not in fact gay, but is being discriminated against on the perception of a protected characteristic (sexual orientation).

## **Indirect discrimination**

6.8 Indirect discrimination means applying a 'blanket' requirement, policy or condition that applies to everyone but which disadvantages employees who share a protected characteristic. This is usually unintentional but no less damaging for that reason. We try to avoid any differential impact by equality impact assessing policies at development stage, and working with our staff diversity networks to ensure that we spot and remove unintended consequences.

### **Examples of indirect discrimination**

Introducing a new rule requiring all employees work at least two Saturdays each month could be indirect discrimination against any employees who are practising Jews, since Saturday is a religious day in Judaism.

A workplace policy prohibiting certain hairstyles, for example banning cornrows or dreadlocks, could be indirect discrimination as it would be more likely to affect certain racial groups than others.

Demanding job applicants hold UK qualifications could be indirect discrimination against people who earned similar qualifications for such a role outside of the UK.

A policy allowing promotion to only employees with a postgraduate qualification could be indirect discrimination. Although the rule applies to everyone, it disadvantages younger people who are less likely to have that qualification (indirect age discrimination).

A workplace policy for all staff banning headwear could indirectly discriminate against those whose religious beliefs require them to cover their head.

A new company policy requiring all staff to do night shifts could indirectly discriminate against someone who needs nightly dialysis for kidney failure (indirect disability discrimination).

Brochures and pamphlets containing information about workplace health and safety in a factory is printed only in English. This could be indirect discrimination as any employees whose first language is not English may be at risk.

Introducing a new shift pattern where employees work fewer but longer shifts could indirectly discriminate against disabled employees whose impairment means that they would be exhausted or unwell working longer hours.

## **Harassment**

6.9 There is no single, established legal definition of harassment. Understanding harassment requires an appreciation that those on the receiving end of certain sorts of behaviour may find it threatening, humiliating or offensive. What might be harmless fun in one context can be very damaging in another. It is not necessary for there to be intent to harm or cause offence for harassment to exist. It is the impact on the recipient or those who are witness to the behaviour that is important. Physical contact can constitute harassment, as can words, spoken and written, images – including those online - jokes, video clips and gestures.

6.10 The definition of harassment adopted by the Welsh Government is:

*“Unwanted conduct affecting the dignity of people in the workplace. It may be based on any protected characteristic(s) of the individual and may be persistent or even in some cases an isolated incident”.*

6.11 The key point is that the behaviour affects the dignity of people. It is unwanted behaviour, which, not encouraged or reciprocated by the recipient or others who are witness to the behaviour, is offensive to them, regardless of whether it was meant to cause offence. Employees who are witness to such behaviour and find it offensive or intimidating may also raise a complaint, even though the behaviour is not directed at them.

## **Sexual Harassment**

6.12 Sexual harassment is unwanted behaviour of a sexual nature. The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

6.13 To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity, whether it was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not

6.14 The definition of sexual harassment adopted by the Welsh Government is:

*“Unwanted conduct of a sexual nature affecting the dignity of people in the course of their work. It may be persistent or an isolated incident. It may take place in a work setting, at a work-related event or online”.*

6.15 Our policy and guidance and procedures on harassment (including sexual harassment) is contained in the [Dignity at Work Policy](#). More detailed information on sexual harassment can be found in the guides here:

<https://documents.hf.wales.gov.uk/documents/fA4660698>

## **Examples of harassment**

A disabled person is claiming harassment against their line manager after being frequently teased and mocked about their impairment. This is harassment.

The disabled person shares an office with another member of staff who too is claiming harassment, even though they are not disabled, as the manager's behaviour has also created an offensive environment for them.

An individual is continually being called gay and offensive homophobic names by a group of employees at work. The individual is straight and not, in fact, gay; furthermore the group know they aren't gay. This is harassment because of perceived sexual orientation.

A male supervisor regularly making derogatory remarks about women to his female member of staff that make her feel insulted - for example saying that their industry shouldn't let women in - is harassment related to a person's sex.

The supervisor making sexual comments about her body, getting very close to her and resting his hand on her arm may make her feel very uncomfortable and intimidated. This is sexual harassment.

The individual could make a complaint that includes both types of harassment.

## **Victimisation**

6.16 This is where an employee is treated less favourably because they intend to or have made a complaint on equality grounds under the Grievance or Dignity at Work policies. An employee who intends to or has acted as a witness in a complaint of discrimination is regarded as being victimised if they are treated less favourably as a result of their involvement.

### **Examples of victimisation**

An individual making a discrimination or harassment complaint against their employer is overlooked for promotion because of the complaint. This would be victimisation.

An employer threatening to dismiss a member of staff because they are going to support a colleague's grievance would be victimisation.

## **7. Training**

7.1 All staff are required to attend our Induction training when they join the organisation, which includes an equality and diversity section. All staff are required to undertake any other current mandatory equality, diversity & inclusion training – these

are listed on the Learning Lab: <https://www.wglearninglab.gov.wales/workspaces> and the “required learning for your organisation” on Civil Service Learning: <https://learn.civilservice.gov.uk/home>.

7.2 There may be additional mandatory training for staff who are line managers and/or undertake recruitment, which is set out in our HR policies and on the Learning Lab. Staff who chair recruitment panels are also required to undertake Panel Chair training.

7.3 Welsh Government also offers other equality and diversity training via the online Learning Lab, including classroom based learning and online learning. There are courses on:

Social Model of Disability; Inclusive Workplaces; Conversations on Anti-racism; Safe Space Conversations; Identifying and Challenging Discriminatory Behaviour; Identifying and Understanding Microaggressions; Understanding and Supporting LGBTQ+ Communities; Menopause Awareness

Training is regularly reviewed and updated so check the Learning Lab regularly. <https://www.wglearninglab.gov.wales/workspaces>.

7.4 Staff are encouraged to keep their learning up to date, for example by undertaking refresher training every five years.

### Definitions

**Equal opportunities** refers to the elimination of unlawful and unfair direct and indirect discrimination of particular groups and promoting equal access, treatment and outcomes that take into account specific needs of individuals.

**Diversity** encompasses visible and non-visible individual differences that includes, but is not limited to, differences protected by anti-discrimination legislation. Appreciating diversity is about valuing differences and recognising that everyone, through their unique mixture of skills and experience, has their own valuable contribution.

**Inclusion** refers to an individual's experience within the workplace and wider society, and the extent to which they feel valued and included. Without inclusion the benefits of diversity (such as creativity, innovation and problem solving) cannot be realised. For Welsh Government, inclusion means:

- authenticity - feeling like you can be your authentic self at work
- belonging - feeling like you belong in your organisation and team
- voice - feeling like you have the opportunity to speak up



### **Faith and Belief, Gender Identity and Pregnancy/Maternity - Leave, Dress and Facilities**

The Welsh Government values the diversity of its employees. It aims to create an environment where all religions and belief systems (and non-religion or non-belief) of employees is respected and treated with equal dignity and fairness. The following assistance is in place to support this aim.

#### **1. Time off for religious observance**

Employees may wish to request to take annual or other leave to participate in festivals, celebrations or ceremonies related to their religion or belief. As with other applications for leave, employees should give as much advance notice as possible to their line manager.

Line managers will consider such requests in the light of workloads and operational requirements. Requests will not be unreasonably refused and the line manager will have to give reasons why time off cannot be granted.

Employees may also wish to pray at certain times of the day. Line managers should allow staff to do this, provided that they have made arrangements in advance and subject to operational requirements and working arrangements. Employees will be required to make up any time lost as a result of religious or belief observance not covered by leave entitlement or working arrangements. Quiet /faith rooms are available in some offices – see section 5 ‘Facilities’ below.

Link to Ramadan Guidance -

<https://documents.hf.wales.gov.uk/id:A51101547/document/versions/published>

Link to [Civil Service Guide to Judaism \(HTML\) - GOV.UK](#)

#### **2. Time off for transitioning**

Absences resulting directly from the process of transitioning will be dealt with as paid special leave. See the [Transitioning Policy](#) for further details.

#### **3. Dress – Religious Dress**

Welsh Government does not have a formal dress code. Employees are welcome to wear in the workplace religious dress or clothing which is part of their belief e.g. sari, turbans, skullcaps, hijab, and clerical collars etc.

Where an employee has to wear protective clothing or uniform, this will be adapted, wherever possible, to enable the employee to wear their religious dress or clothing related to their belief without endangering their health and safety and that of others. Where it is not possible to make such adaptation, the health and safety of the individual and others will take priority and the employee will not be permitted to wear their religious dress or clothing related to their belief, or the particular part of it that presents a health and safety risk. Managers should handle such situations sensitively and

explain why the employee may not wear their preferred dress. The Health & Safety team can be contacted for advice.

#### **4. Dress – Gender identity**

Employees are welcome to wear the clothing of their preferred gender identity. If an employee is required to wear a uniform, they are free to choose the uniform they wear. Where gendered items are part of the uniform, staff can mix and match as they wish. Where non-binary staff require both a “uniform A” and “uniform B”, this will be provided. If an employee is transitioning, they can arrange a new uniform with their manager (or the Corporate Shared Service Centre).

#### **5. Facilities**

A suitable space for prayer or contemplation (not limited to any religion or faith) will be provided for employees where practical.

We provide accessible facilities for disabled staff. We have gender neutral toilets in some of our offices (all single-user toilets are gender neutral) and have committed to extend these across the estate.

We support our trans employees’ right to use the toilets and facilities appropriate to their gender as stated in our [Transitioning Policy](#).<sup>7</sup>

Suitable rest facilities will be provided for employees who are pregnant or who are nursing. Lockable, private rooms are available in some Welsh Government offices. See Nursing Facilities across the WG estate - <https://documents.hf.wales.gov.uk/id:A44179129/document/versions/published>

Further information can be found in our Policy for Pregnant or Nursing Employees- <https://documents.hf.wales.gov.uk/id:A730891/document/versions/published>

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<sup>7</sup> As an employer, we are working to understand the implications of the Supreme Court ruling on our policies and practices and will be guided by the revised statutory EHRC Code of Practice once it is published. This approach will ensure legal compliance and maintain our duty of care to all employees.

### Equal Pay and Job Evaluation

The Welsh Government recognises the principles of the Equality Act 2010 and applies them to pay and other contractual matters and prohibits discrimination where men and women are doing:

- Like work;
- Work which has been rated as equivalent;
- Work that is of equal value.

In applying the principles of the Equality Act, we are committed to promoting equal pay across all pay bands and a pay system that is based on objective criteria, free from bias. Our job evaluation system allows and supports us in meeting legislative requirements.

Job Evaluation for all Welsh Government roles (up to and including SCS3/Director General level) is undertaken centrally, by a small team of Trained Job Evaluation Practitioners, using Civil Service Job Evaluation methodology (JEGS for roles up to and including Grade 6 and JESP for Senior Civil Service roles). The team is responsible for providing assurance and appropriate challenge on the design of organisational structures, including grade-mix and the individual grading of all roles, which is underpinned by the principle of 'equal pay for equal value work'.

The analytical job evaluation system and methodology we use is recognised as a sound basis on which to determine work of equal value and therefore provides a means to ensure that equal pay issues are addressed. Once a pay structure is in place, job evaluation will identify the pay banding of a role, but other issues and considerations may also influence what makes up an individual's reward package.

We publish our diversity pay gaps<sup>8</sup> each year in our Annual Employer Equality Report. <https://gov.wales/welsh-government-employer-equality-reports>

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<sup>8</sup> Whilst both equal pay and the gender gap deal with the difference (disparity) in pay women receive in the workplace, they are two different issues:

Equal pay means that men and women in the same employment performing equal work must receive equal pay, as set out in the Equality Act 2010.

Gender pay gap is a measure of the difference between men's and women's average earnings across an organisation or the labour market. It is expressed as a percentage of men's earnings.

The same principle applies to the other diversity pay gaps, i.e. they are the measure of the difference between the average earnings of staff who do not report a disability and staff who do report a disability; staff who are from a white background and staff who are from another ethnic background; and heterosexual staff and staff who are of another sexual orientation.