

Model of good practice:

Creating appearance inclusive workplaces for people with visible differences

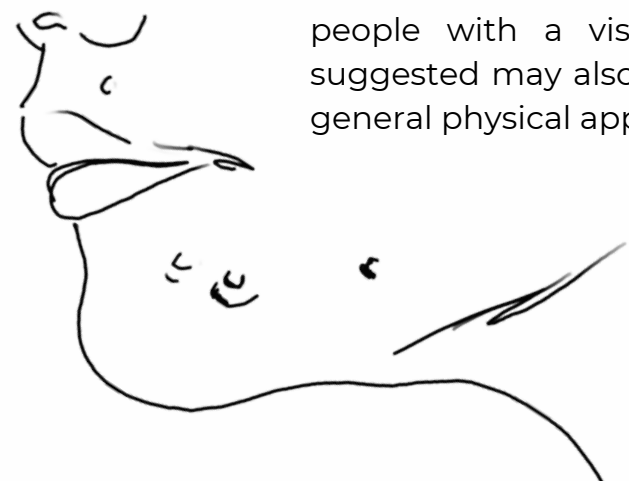


What is visible difference

A 'visible difference' is any condition, injury or side-effect of medical treatment which alters or affects someone's appearance. It is used as an alternative to the word 'disfigurement' which some people with a visible difference prefer not to use. It can include both acquired appearance differences and those present from birth. Although visible difference affects appearance, sometimes it can affect the person in other ways too. For example, some facial visible differences (such as a cleft) can affect the person's speech, hearing or facial expressions, and living with a visible difference can be psychologically challenging. For some, visible difference may fluctuate or change over time; for others, it may remain constant and unchanged. The social experience of visible difference – in terms of the reactions, attitudes and bias of other people towards someone who looks different – can be disabling.

Purpose and scope

This model of good practice for employers has been written to help make inclusive workplace environments in Britain for people with a visible difference as at June 2023. It is designed to give practical guidance only which can be adapted within different contexts, but it is not intended to be comprehensive. Although this model is written with people with a visible difference in mind, some of the guidance suggested may also be useful for reducing the impact of bias based on general physical appearance too.



Some people with more severe visible differences may have rights as disabled people under the Equality Act 2010. In particular, Schedule 1 to the Act provides that an impairment which “consists of a severe disfigurement” shall be treated as a disability provided it is long-term. In that case, as an employer you may have a duty not to discriminate, including a legal duty to make reasonable adjustments at work. Although there may be some points of overlap, this model of good practice is not designed to mirror the scope of these legal duties. If the duty to make reasonable adjustments applies in a particular case, additional or different steps from those discussed here may be needed.

Also be careful to ensure that any steps taken comply with data protection laws and obligations. For example, video or images of a person with a visible difference could amount to special category data for Data Protection purposes which will place certain additional obligations on the control, disclosure and processing of such videos or photos. Data protection is beyond the scope of this note.

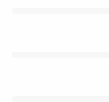
Always take HR and legal advice on individual circumstances.

■ Guiding principles

The good practice suggestions set out below are informed by four guiding principles:

- **Be proactive. Rather than waiting for individual difficulties to occur, employers can take proactive steps to create an appearance-inclusive culture.**
- **Reduce the opportunity for bias – both human and automated - to operate, whether unknowingly or knowingly.**
- **Don't make assumptions. Research shows that the experience of living with a visible difference can vary significantly from person to person, and also over time. Championing the needs and preferences of the individual, and taking into account the context, is key.**
- **Be respectful with language. Some terminology (e.g. the words 'disabled' or 'disfigured') can be difficult for some people. Take your cue from the individual on their preferred terminology.**

Suggestion 1: Audit your policies, procedures and branding



- Decide whether to make a commitment to appearance equality as part of wider equality policies. You may wish to define the extent of this commitment (e.g. do you wish to include tattoos and clothing choices too?) and think about how it will be put into practice. Consider too including a brief diversity commitment in job advertisements.
- Ensure that up-to-date policies are in place and communicated to deal with any instance of bullying or harassment between colleagues.
- Check that your policies are accessible and enable all staff to understand what entitlements to sick leave and sick pay they have (such as when considering having surgery). Encourage a culture where staff feel able to use entitlements in appropriate cases without fear of negative judgment or unfair treatment.
- People with a visible difference can receive intrusive questions and abuse – and potentially even hate crime - from customers and third parties at work. Ensure that you have processes in place to prevent this and to deal with any occurrences, so that the employee and their colleagues know how to handle such a situation calmly and without putting themselves at risk, either physically or emotionally. You may wish to set out measures to prevent repeat occurrences too (for example, prohibiting customers - if possible - who are repeatedly abusive to staff). Consider how such incidents can be reported (whether internally or externally to relevant authorities if appropriate) and what support or counselling can be offered to staff involved (1) . Note that the law on third party harassment may soon change and may place additional obligations on employers (2).
- Audit the images you use to promote your brand for inclusivity, as this may affect how your employees and job applicants perceive the company. Note that the charity Changing Faces runs a campaign for employers to join called Pledge to be Seen which employers can apply to join.

1 There is a more detailed, general guide to preventing workplace harassment published by the EHRC [here](#).

2 At the time of writing, the Worker Protection (Amendment of Equality Act 2010) Bill is currently going through parliament and, if passed, looks set to make employers liable for harassment by third parties in some additional situations. This may require employers to take different or additional steps from those suggested here. Seek legal advice.

3 The charity Changing Faces offers some resources and training materials – including an online Implicit Attitudes Test - about appearance bias specifically [here](#).

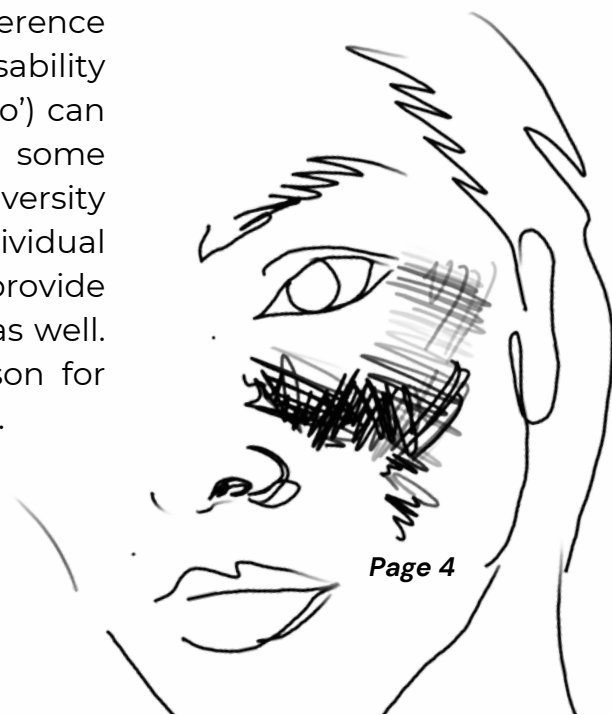
Suggestion 2: Introduce staff training on appearance and/or visible difference equality

- When running staff equality training, consider including a section on appearance and disfigurement equality. Getting buy-in from senior management may help to ensure training is taken seriously.

Suggestion 3: Review job adverts and forms

- Check the proposed wording of your job adverts to ensure they do not disadvantage or deter applications from people with a visible difference. For example, asking for applications from 'smiley' candidates, or for people to be 'the welcoming face on reception' may deter applications from candidates with a visible facial difference. If some kind of description really is needed, focus on attitudes instead e.g. 'committed to helping customers'.
- Health-related questions can only be asked pre-employment in very narrow circumstances (4) . Where needed and permitted, be very careful how any such questions are phrased, bearing in mind the purpose for which the question is being asked. Many people with a visible difference are uncertain whether their difference is a disability in law or unwilling to label it so. Disability tick boxes ('Do you have a disability? Tick yes or no') can cause significant anxiety and uncertainty for some people. For example, if asking for the purpose of diversity monitoring, you could ask whether the individual considers themselves to be disabled, and could provide options for 'prefer not to say' and/or 'don't know' as well. Where appropriate, consider explaining the reason for the question and how the information will be used.

4 There is a government quick start guide about this area of the law [here](#).



Suggestion 4: Plan inclusive recruitment processes



- Train recruiters and interviewers. Acknowledge that some interviewers may feel awkward meeting a candidate who looks different for the first time, but provide strategies to move quickly beyond this (5) and to make the applicant feel comfortable. Training should also discuss the existence and impact of appearance bias (6) (the judgments which people make based on how someone looks). Plan interview questioning techniques in advance to reduce the opportunity for judgments about appearance and other biases to operate (7). Consider having multiple decision-makers interviewing together to help reduce the impact of individual bias.
- If using interviews, consider carefully which interview medium to use. Non-visual interviews (e.g. by telephone or an online 'camera off' interview) can mitigate the appearance bias of interviewers, and may make some candidates feel more relaxed. But non-visual interviews do not suit all candidates with visible differences, including those whose differences have an impact on speech or hearing, and those who feel more confident face to face. Some people with lived experience would like to be offered a choice of interview medium. But some of the HR experts we spoke to warned that it might be easier to form a rapport with the candidates who were interviewed face to face, so offering a choice of interview medium to candidates might disadvantage those who chose a non-visual interview. If providing a choice of medium, training for interviewers about how to assess equally across different mediums, and not to be suspicious of a candidate's reason for preferring a non-visual interview, would be an important safeguard. The nature of the job may impact too, and of course it is important to find a recruitment process which is suitable for people with lots of different types of impairment and circumstance, not just visible difference. In summary, we did not find one clear 'one size fits all' best approach to interview medium because there are lots of competing considerations at play, and taking into account the context is important.
- Outside of careers such as acting, it is rarely warranted to request photographs with job applications(8). But if a candidate with a visible difference chooses to send an unsolicited explanation, photo or brief video of their visible difference in advance of a visual interview, asking for their consent to share this with the interviewing panel beforehand may reduce the potential for awkward reactions and increase the comfort of all involved.

5 The charity Changing Faces has some resources [here](#).

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7 You can find some suggestions about planning interview questions to limit the operation of bias on the CIPD factsheet about recruitment selection methods [here](#).

8 See para 16.42 of the Employment Code of Practice under the Equality Act 2010 [here](#).

One caveat to this is that, if the unsolicited information goes beyond discussing the visible difference, it may not be appropriate to share this with interviewers. If, for example, the familiarisation video proceeds to discuss the individual's experience or suitability for the role, forwarding this to interviewers could unfairly impact the recruitment decision. Where additional information is disclosed, it may be preferable simply to relay the disclosure of a visibly different appearance, rather than all of the content. Note that it is usually not permitted to follow up by asking health-related questions to the applicant during recruitment⁹.

- Be wary of using artificial intelligence to sift applications during recruitment. Depending on the technology and how it is used, there are some concerns and piecemeal evidence (yet to be fully investigated) about whether candidates could be inadvertently sifted out because a CV reveals different life experiences, or because someone's face does not conform to an expected pattern. For example, the Special Rapporteur on the Rights of Persons with Disabilities concluded in his recent UN report that "Artificial intelligence tools are often unable to, or improperly, read the facial expressions of persons with disabilities. That can lead to their exclusion as candidates". Further evidence of unintended consequences of using AI in recruitment comes from a 2021 study conducted by journalists in Germany¹⁰. This found that AI can itself favour candidates based on factors as diverse as whether they are wearing glasses or sitting in front of bookshelves during the interview. Until more is known about this, if using AI in recruitment, ensure that you fully understand both its deliberate parameters and its possible effects. Consider having human safety checks as well. Also be wary of blanket sifting CVs looking for unexplained gaps in employment, in case any gaps relate to visible difference or disability in some way.
- Be alive to the challenge posed by requiring candidates to undergo Automated Video Interviews or to give videoed presentations during recruitment. For some people with a visible difference, this may act as a deterrent to applying, and for others the pressure of being videoed may make it harder to perform well. Also be wary of requiring a job applicant to have their photo taken on interview day. If a photo really is necessary, could candidates be offered the chance to bring a headshot from home instead?

⁹ For summary guidance on when pre-employment health questions can be asked, see [here](#).

¹⁰ Fergus, J. (2021, February 18). A bookshelf in your job screening video makes you more hireable to AI. Input. Retrieved March 21, 2022 from <https://www.inputmag.com/culture/a-bookshelf-in-your-job-screening-video-makes-you-more-hirable-to-ai>. See also research by Cambridge University on this point [here](#).

Suggestion 5: Consider support measures



- Many employers in our study chose to highlight to all staff, irrespective of health condition or disability, the opportunity to request support measures at work. This wider approach can benefit people for a number of reasons (e.g. caring responsibilities) and may be useful to people with a visible difference, many of whom do not self-identify as disabled.
- Beyond this open approach to receiving support requests, it can be very difficult for employers to know whether to offer support to an employee individually relating to a visible difference. Many employers are justifiably wary about starting this conversation for fear of offending the individual, intruding on their privacy, or making unfounded assumptions. These are valid concerns. At the same time, however, many people with a visible difference may be reluctant to start the conversation, even though some of them would benefit from support measures. And it isn't always easy to tell how someone feels, because some people use outgoing social skills as a coping mechanism to hide their discomfort. We suggest that, if the employee chooses neither to request support nor to mention their visible difference to you, it may be appropriate not to raise it unless you become aware of a workplace 'trigger' which suggests the individual may be likely to be disadvantaged, such as:

- **noticing that the employee is uncomfortable about performing a particular aspect of the role where appearance is highlighted, such as having their camera on during Teams calls, or speaking up during a group meeting;**
- **sensing awkwardness or that they are being treated differently by other colleagues in their team;**
- **awareness that the individual has had to explain their condition to colleagues on multiple occasions;**
- **hearing third parties make insensitive remarks to or about the employee's appearance.**



Suggestions about ways for managers to start this conversation can be found in the appendix. Some employers may have access to an occupational health service which may be useful to find out about the individual's position and recommend possible adjustments.

The type of support (if any) which might be relevant depends on the individual's preferences, the employer's context, the job requirements, and the nature of any trigger event. Not everyone with a visible difference will need, or want, support or adjustments. Examples which might be relevant for some situations include:

- **Adjustments to hours, for example, reduction in working hours or flexible hours.**
- **The ability to work from home when needed.**
- **An adjustment to any Teams/Zoom policies, allowing the individual to use "audio" only if desired.**
- **Uniform adjustments (for example, looser clothing, different fabric, long sleeves etc) or adjustments to 'looks' policies (e.g. relaxing a requirement to wear make-up or vice versa).**
- **The ability to bring a photo from home if needed for security pass, or not to have a photo on the website if preferred.**
- **Somewhere quiet to apply topical medication/change dressings if needed.**
- **A locker to keep any medicines needed at work.**
- **Adjustments to duties (including moving to a non-customer-facing role for a period of time if desired).**
- **A mentor/buddy for difficult days.**
- **Time off for medical appointments, psychological therapy, physio and related appointments.**
- **Allowing a job applicant to submit a piece of written work instead of a video self-tape.**
- **Allowing the individual to make contributions in writing in advance of a meeting, rather than verbally in front of others.**
- **Some flexibility on seating arrangements, to ensure the individual feels as comfortable as possible.**
- **The option (at the employee's request) to explain one's condition to colleagues during an information session, so that others can understand the impact it has on them. Some of the charities working in this area are willing to support these information sessions if required.**

In addition to general staff equality training, it may sometimes be appropriate to provide mentoring in private to a member of staff about how to develop an effective working relationship with a colleague who looks different. Should the person's behaviour persist and/or go beyond awkwardness, consider whether formal HR processes are appropriate.

Suggestion 6: Help with return-to-work plans



- If the employee is due to return to work after acquiring a visible difference (perhaps due to an accident or sudden illness), talk to the employee about what, if anything, they would like you to say to colleagues about their return – it is important that the employee approves any messaging. A message could cover things like:
 - How they are feeling now
 - Plans for their return (e.g. whether they will undertake a reduced workload for a while, or get straight back to normal)
 - Whether they want people to ask about what happened, or would prefer not to talk about it.
 - Thanks for well wishes and how they are looking forward to catching up with colleagues.
 - A photo, only if they wish.

The employee may also value the chance to meet up socially with a trusted small circle of colleagues before returning to the office.

Appendix: How to have a conversation about support

Choose somewhere quiet and private, and a time where there are no deadlines looming so the employee is likely to feel relaxed. Some employees can be nervous about being summoned to see a manager or HR, so you may want to give some reassurance about the purpose of the meeting in advance.

Ask simple, open questions and let that person explain in their own words how their visible difference affects them at work and what support (if any) they feel they need. To help the person feel comfortable, it is often a good idea to mirror the language that the individual uses about their condition¹¹. For example

- ‘you mentioned [your health condition/your visible difference / your birthmark] – how does that affect you at work? Is there anything we can do to support you?’

¹¹ See also the section on appropriate language from [Changing Faces here](#).

If the individual hasn't mentioned their condition to you at all, you could introduce the conversation another way. For example, if you have noticed that the person has encountered a difficulty of some kind at work, you could start by asking about that experience, such as:

- 'I wanted to have a chat about how you are finding the team meetings', or
- 'I understand that a customer was rude yesterday. Do you mind sharing with me what happened'?

Listen. What is helpful or difficult for one person, may not be for another.

Beware of placing too much of a burden on the individual. It can be tempting just to ask the individual what adjustments they would like – but they may not know what would be available, and may struggle to answer. It may be appropriate to raise some suggestions for the individual to consider as well, particularly those which are relevant to particular difficulties which the individual has expressed. You may want to give the individual some time to think about possible support measures and to chat it through with a friend before responding.

Consider confidentiality. Who will the conversation be shared with? How will changes be communicated if they affect others, to ensure the individual doesn't feel awkward?

Keep the conversation going. Perhaps set a review date to meet again and see how any adjustments are working out. Arrangements may also need reviewing after any transition e.g. a move to another part of the business.

Bear in mind that it may sometimes be appropriate to seek advice from Occupational Health, or to refer the employee for medical or specialist support externally. Also bear in mind that some visible differences may be combined with other types of symptoms, so remember to consider adjustments there too if appropriate.

Employers may wish to provide interactive training to managers about having conversations about support to embed these principles.