

## **PERSPECTIVES ON LGBT+ WORKING LIVES: STAKEHOLDERS, EMPLOYERS AND LGBT+ PEOPLE<sup>1</sup>**

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### **1. Introduction**

Knowing the condition of LGBT+ people in the labour market and investigating discrimination is an intricate issue that involves different actors and several levels of analysis. Discrimination occurs when a person is treated less favourably than other people in a comparable situation, only because they belong to or are perceived to belong to a particular group, and where such treatment cannot be objectively and reasonably justified. It is connected with social justice. So contextual aspects such as protection policies and anti-discrimination measures, as well as practices and organisational norms, relational dynamics and personal experiences should be considered. However reliable data on this topic are difficult to obtain (De Rosa, Inglese, 2018).

The Istat (National Institute of Statistics)-UNAR (National Antidiscrimination Office) project on "Labour discrimination against LGBT+ people and diversity policies implemented in enterprises", started in 2018, aims at filling this gap.

The aim of this article, based on the so far achieved results of the mentioned project, is to provide an integrated understanding of the discrimination phenomenon in the Italian labour market from different perspectives, considering the point of view of stakeholders, enterprises and LGB people in civil union or formerly in union.

The Istat-UNAR project is characterized by a mixed (quantitative-qualitative) research approach, multiple perspective approach (LGBT+ people, employers, stakeholders) and the interaction of experts and LGBT+ associations (De Rosa, Inglese, 2018). It includes the direct collection of information from LGBT+ people (first macro-area) and from employers, particularly enterprises, and the main stakeholders (second macro-area).

The first macro-area of the project aims at providing an insight on the condition of labour discrimination against LGBT+ people in Italy. The project includes three

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<sup>1</sup> This article is the joint work of the authors, however paragraph 1, 3 and 5 are written by Eugenia De Rosa, paragraph 2 by Valeria de Martino, paragraph 4.1 by Nadia Nur, paragraph 4.2, 4.3 and 4.4. by Francesca Scambia.

CAWI surveys based on respondents' self-identification as LGBT+ people, and carried out by a web self-completed questionnaire:

- a. in 2020-2021 a total survey of resident individuals (over 21,000) who, as of 1 January 2020, were or had been in civil union. The main results were published in 2022 (Istat, 2022);
- b. in 2022 a survey on LGB people who have never been in civil union (completed in May 2022);
- c. a focus on trans and non-binary persons which is currently in progress.

The second macro-area of the project included qualitative interviews with stakeholders belonging to different categories, such as professional associations, public administration, equality bodies, trade unions, LGBT+ associations active on the specific theme, LGBT+ workers' networks, employment services and employment mediation, observatories on the subject. Thirty-one stakeholders have been identified among the different actors, they mostly operate at a national level or provide examples of interesting policies<sup>2</sup>. Twenty stakeholders responded to the official invitation letter and agreed to carry out the interview. For the rest, the interview could not be concluded because of various reasons, among them the lack of information on the subject. Interviews were conducted between September 2019 and April 2020; they were recorded, transcribed, reported in pre-organised summary sheets, and synoptically analysed.

The second macro-area included also the implementation of a questionnaire addressed to enterprises with at least 50 employees in the industry and services sector on the topic of the Diversity management (DM) for LGBT+ diversities. In 2019, this questionnaire was included as an *ad hoc* module in the ISTAT surveys "Monthly survey on employment, working hours, wages and labour costs in large enterprises (OCC)" and "Quarterly survey on vacancies and hours worked (VELA)". The *ad hoc* module covered a theoretical sample of about 2000 enterprises, as defined in the design of the VELA host survey, and all the enterprises with 500 and more employees of the host survey OCC1 (about 1500 units). About 80% of all the enterprises involved in the two surveys responded. The main results of the second macro-area were published in 2020 (Istat, 2020).

<sup>2</sup> Stakeholders identified are: AIDP\* (Associazione Italiana Direzione del Personale) CNA\*, Coldiretti, Confagricoltura, Confapi, Confartigianato\*, Confcommercio\*, Confcooperative\*, Confesercenti, Confindustria\*, Confprofessioni, Legacoop, Forum Terzo Settore\*, ANCI (Associazione Nazionale Comuni Italiani) RE.A.DY. (Rete Nazionale delle Pubbliche Amministrazioni Anti Discriminazioni per orientamento sessuale e identità di genere) - Servizio LGBT del Comune di Torino\*, Consigliera Nazionale di parità\*, Coordinatore Nazionale dei Difensori civici, CISL, Coordinamento Diritti UIL\*, Ufficio Nazionale Nuovi Diritti CGIL\*, BE-FRIENDLY (Banca d'Italia)\*, Globe-Mae del Ministero degli esteri e della Cooperazione Internazionale\*, Polis Aperta\*, Edge\* Parks Liberi e uguali\*, Rete Lenford\*, Universitrans, Assolavoro (Ass. Nazionale di categoria delle Agenzie per il lavoro), Centri per l'impiego - ANPAL (Agenzia Nazionale Politiche Attive Lavoro), ONIG\* (Osservatorio Nazionale sull'identità di genere), OSCAD\* (Osservatorio per la sicurezza contro gli atti discriminatori). The asterisk indicates the stakeholders who participated in the research and underwent the interview.

In detail this study is based on the information collected by means of qualitative interviews with stakeholders, the results of the *ad hoc* module on diversity management addressed to enterprises and the results of the first survey targeted to LGBT+ people. The latter involved more than 20,000 (95.2%) people in civil union or formerly in union who live in Italy and declared a homosexual or bisexual orientation in the questionnaire. More specifically this article focuses on perceptions and characteristics of discrimination in employment in Italy; personal experiences; existing policies and tools to fight discrimination and to promote full inclusion; actions considered necessary to promote LGBT+ rights.

## **2. Perception of LGBT+ discrimination at work: stakeholder and LGBT+ people**

The interviewed people conveyed a perception of the Italian context as hostile and discriminatory (Istat, 2022): 71.8% of homosexual and bisexual people in civil union or formerly in union living in Italy believe that gay and lesbian people are highly or fairly discriminated against; 22.8% believe that they are not very discriminated against. Overall, 91.1% believe that trans people or people with non-binary gender identity are highly or fairly discriminated against in Italy.

Interviews with stakeholders provided valuable insights into various aspects of discrimination in the workplace against LGBT+ people. Their perception of the issue is based on the favourable position and knowledge of specific sectors and working environments.

According to them, the working environment has remained partially protected from discrimination due to the existing provisions on the topic. However, trade unions emphasized that bargaining and contracts are hardly inclusive for LGBT+ labourers.

Under-reporting of discrimination phenomena is a reality that affects several working environments there is now a new awareness of the protection of workers against discrimination on grounds of sexual orientation, although it is still a little-known and little-used tool. The majority of the interviewed stakeholders emphasized the need of considering the less tangible aspects of discrimination (e.g. unconscious stereotypes and prejudices, non-inclusive language) as well as macroaggressions (Sue, 2010). These resulted to be very widespread but difficult to capture.

The various Italian economic sectors are quite open to change as emerged in particular during the interviews with some professional associations. The North is more open than the South, in particular in the cities, also due to the presence of young people who are more aware of LGBT+ diversity. On the contrary, in some traditional sectors the leadership of mature managers keeps an approach that creates a less inclusive work environment and as a result coming out becomes more difficult.

LGBT+ associations and Trade unions stressed that the socio-economic status and professional position affect the willingness and possibility of dealing with a dispute with the employer by a discriminated person.

Discrimination is intersectional, professional areas count but also the groups to which people belong, including intersectional discrimination as well as differences within the LGBT+ community. In particular, LGBT+ associations remarked the invisibility of lesbian and bisexual women at work, on the other hand "visibility" of trans people and the little knowledge of intersexuality and non-binarism among the employers.

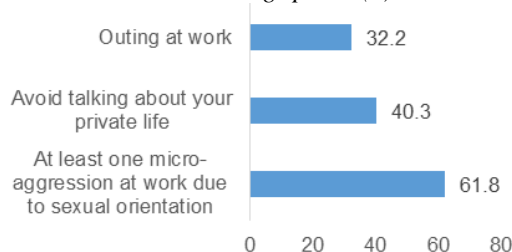
### 3. Working life experiences of LGBT+ people in union or formerly in union

The survey on labour discrimination against LGBT+ people (2020-2021) in civil union or formerly in union living in Italy collected information about their experiences in different spheres of life, focusing on the work environment.

Data show a high participation in the labour market of homosexual and bisexual people in civil union or formerly in union living in Italy (77% were employed and 22.5% have been employed in the past) and a high disclosure at work. This is also due to the profile of this population with a clear majority of men (66.9%) and a relevant share of older people (43.6% are 50 years old and over).

However, in relation to their current/last job (for employed or not employed) 32.2% stated that a person in the working environment had revealed their sexual orientation to others without their consent (Figure 1).

**Figure 1** – Sexual orientation and the working sphere (a). 2020-2021.



(a) This refers to persons in a civil union or formerly in a union, who have declared themselves homosexual or bisexual, who live in Italy and either are employed in Italy or had their last job in Italy.  
Source: Survey on Labour Discrimination towards LGBT+ People (in civil union or formerly in union).

40.3% reported that they avoided talking about their private life in order to hide their sexual orientation, a higher incidence recorded among women (41.5% vs. 39.7% for men). In addition, six out of ten people have experienced at least one form of microaggression at work related to sexual orientation. In general, 26% of

the employed or formerly employed people say that being homosexual or bisexual has been a disadvantage during their working life.

Two main aspects emerge from the data: a strong interaction between gender and sexual orientation and specificity of young people.

As it is for the entire population, also for the homosexuals and bisexuals in civil union or formerly in union living a gender vertical and horizontal segregation in employment is a reality. Indeed women more than men are employed in services as well as in executive or unskilled positions, while men are more involved in managerial positions. Women have usually more care responsibilities and more often have cohabiting children: 19.9% among lesbians and 26% among bisexual women, against values close to 2% for men.

Lesbian and bisexual women are more often discriminated. Among them 40.8% declare having suffered at least one event of discrimination in job search, not necessarily related to sexual orientation (28.3% of men), and gender is the most common reason indicated by women (44.7%) in relation to the last event. As for the employed women, 36.8% experienced at least one event of labour discrimination (33.4% of men), more often they report receiving lower pay and jobs, being refused leave or promotion. Women were also most frequently insulted, including sexually.

Another important aspect highlighted by the data is the specific approach of young people (age 18-34), e.g. higher awareness of their rights. More than six out of ten among the youngest experienced at least a discrimination incident at school/university (46.9% is the total percentage). For more than half of them the last event of discrimination took place in the high school. Sexual orientation is the main discrimination factor (64.5%) followed by the outer appearance (30.7%), the latter reaches 40.2% among the youngest. Younger people report more discriminatory behaviours than the total population in job search. With reference to the last incident, age is the main reported factor of discrimination (21.5%). The job search is thus more reported as a critical stage for younger people, probably because they are more aware of their rights and also because short time has passed from the discrimination incidents.

#### **4. Existing policies, tools and actors**

##### *4.1 Stakeholders*

The perspectives on existing policies and tools for LGBT+ workers' protection differ according to different types of stakeholders.

Professional associations are basically concerned about discrimination in a broad sense, less on the distinction between LGBT+ and non-LGBT+ workers. Particular attention is given to agreements between social partners. The existing

contractual agreements are considered in most cases to be sufficient since they assure equity in pay and they combat harassment and violence in the workplace, although no specific measure targeting LGBT+ workers is identified.

Also, the national and European legislative framework (e.g. the European Directive 78 2000/78/EC, n.216) does not contain explicit rules on LGBT+ discrimination, but implicitly includes the protection of these categories.

Interviews with representatives of the main Italian Labour Unions highlighted a deep concern about the lack of specific references to LGBT+ people in the existing legislative tools. General legislative tools are provided in Italy, however, there is difficulty in bearing evidence on the discrimination suffered, as it is in the case of mobbing and bullying.

It is recognized that inclusive bargaining is on the table but, in the opinion of labor unions, diversity management should develop more and adopt a more effective range of action and instruments, which can be achieved through trade union agreements. At present, bargaining is one of the means of introducing measures to protect workers against discrimination.

Thus Joint Commissions (“Commissioni paritetiche”) and Equal Opportunities Committees within workplaces have an important function in preventing discrimination. However, they should be more empowered and they should target a wider range of discriminations.

The lack of knowledge of the European directive is highlighted both by trade unions and by LGBT+ associations, which also point out that the law serves to avoid discrimination, but it is fundamental to constantly work to raise awareness, starting from institutions.

The Legislative Decree 9 July 2003 is considered a safeguard for workers against discrimination based on sexual orientation, even though little known.

The Cirinnà law is a turning point on the path of LGBT+ rights, also for the sake of visibility. (e.g. a policeman, interviewed as the representative of an LGBT+ association in the armed forces, could choose to celebrate the civil union with his uniform). But for some interviewed it is necessary to go beyond the legislative basis and provide rules not covered by Cirinnà law (for example, as regards children, many companies have equated guarantees for LGBT+ and straight couples).

The law can be an effective tool to avoid collective and social discrimination, however, existing tools are not sufficient and the issue of training has emerged frequently during interviews. But few training and awareness-raising activities and initiatives are carried out by companies.

Another important point raised by associations is the lack of initiatives and measures for specific trans people, which are considered more vulnerable as they

are more visible in the workplace and they require specific attention in order to support the transition.

#### *4.2 Observatories on discrimination*

At the stage of interviewing observatories on discrimination among the stakeholders, they emphasized that just a few cases and disputes on discrimination incidents are reported to judicial authorities, law enforcement agencies, associations and unions dealing with the issue. Therefore, also observatories have not a complete picture of the phenomenon. In addition to that, due to the lack of a specific law on homophobia and transphobia, even when victims report these events to the police, the latter cannot classify them as specific crimes, as OSCAD (Observatory for security against discriminatory acts) reported. So far, in Italy incidents of violence against a person can be classified as discrimination as far as they fall in the categories considered as aggravating factors according to the Law No. 205 of June 25, 1993, the so-called “Mancino Law”. There is no any specific reference to the grounds of either sexual orientation or gender identity; this has an effect also on data, because not any crime of violence can be labelled as against LGBT+ people. These type of crimes fall in the general crimes of violence, and as a result, the dimension of the phenomenon is not well known.

Misreporting and under-reporting are very well known behaviours that together with the absence of a common methodology mislead the information collected by the bodies in charge

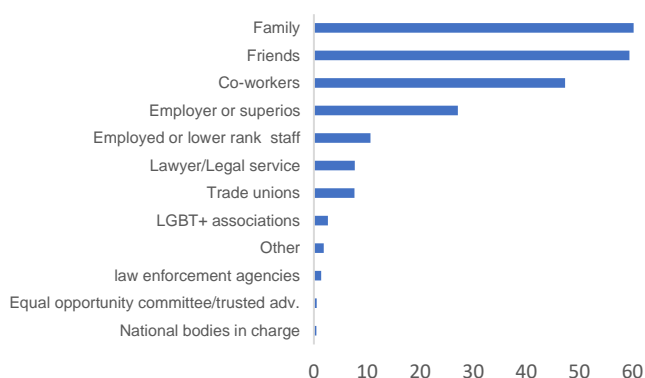
#### *4.3 People in civil union and reporting discrimination*

The issue of both formal and informal reporting was one of the topics in the survey on people in union or formerly in union (Istat, 2022).

In this group, people who suffered a hostile atmosphere at work prefer, in their high majority, to talk about the suffered incidents by means of informal reporting and they talk about it either with co-workers (47.4%) or with superiors (27.1%) within the work environment, and out of it with family members (60.3%) and friends (59.5%). Family and friends are the most preferred environments where people choose to share their discrimination experience.

Formal reporting is hardly performed: Trade unions (7.7%), Law enforcement agencies (1.4%), Equal opportunity committee or trusted advisor (0.5%). These different attitudes are reported in Figure 2.

**Figure 2** – *Hostile climate and reporting by LGBT+ people in civil union (or formerly in union). 2021-2022.*



Source: Survey on Labour Discrimination towards LGBT+ People (in civil union or formerly in union).

#### 4.3 Diversity management policies: stakeholders, employers and workers

According to the interviewed stakeholders Diversity management policies are desirable actions when they not result in a mere formalization of principles, and enterprises themselves can be vehicles of a culture of differences only when public institutions accomplish their duty in providing the necessary framework.

Data from the *ad hoc* module show that Diversity management measures for LGBT+ diversity are still little used by enterprises, though a wide gap divides the largest ( $\Rightarrow$ 500 employees) from the smallest enterprises (50-499). For instance, in 2019 14.6% of the former adopted at least one extra no-mandatory measure, aimed at encouraging the inclusion of LGBT+<sup>3</sup> workers to 4.4% of the latter (5.1% is the total percentage).

The possibility of using toilets, changing rooms, etc. in accordance with the workers' gender identity resulted to be the most adopted measure both by the largest and smallest enterprises (7.8% and 3%).

New measures are not planned in the next future, as only 2.9% of the enterprises that have never adopted DM measures or tools for LGBT + diversity (not provided by law) planned to adopt them in the next three years. To note that training events on issues related to LGBT+ diversity involving the top management (1.3%) and workers (1.2%) are not widespread.

<sup>3</sup> Measures considered are training events for top management and workers on issues related to LGBT+ diversity; initiatives to promote the culture of inclusion and enhancement of LGBT+ diversity; ad hoc measures for transgender workers; permits, benefits and other specific measures for LGBT+ workers.



On the other hand, the adherence to the principles of no-discrimination and inclusion of LGBT+ workers was formalized in one or more internal documents by 15.4% of the whole interviewed enterprises, with a percentage up to 34.1% for those with 500 employees and more.

LGBT+ people are aware that written rights have no immediate effect on daily life and evidence of this was registered in the survey addressed to people in civil union or formerly in union: more than one out of ten (12,5%) stated they did not request marriage leave, even if possible, and about 1 out of three of them “Because my sexual orientation would become public knowledge” and 7% “Out of fear of consequences or threats of retaliation”. It should be noticed that a high percentage was not even aware of this right.

Therefore, as stakeholders noticed, nowadays there are some good practices, but still void on rights especially on the grounds of LGBT+ families, intersex people and very few have guidelines on trans. Their opinion is that public institutions should promote networks and synergies among multiple actors. This is the way to involve also small-medium-sized enterprises in the process of a major inclusion and to work on the field.

##### **5. Denied rights and actions desired by stakeholders and LGBT+ people in civil union or formerly in union**

For both the interviewed stakeholders and people in civil union or formerly in union involved in the Istat-UNAR survey, training and awareness-raising towards a culture of differences, a crucial cultural change towards a more inclusive and respectful-of-differences society both for sexual orientation and gender identity are the main actions to adopt.

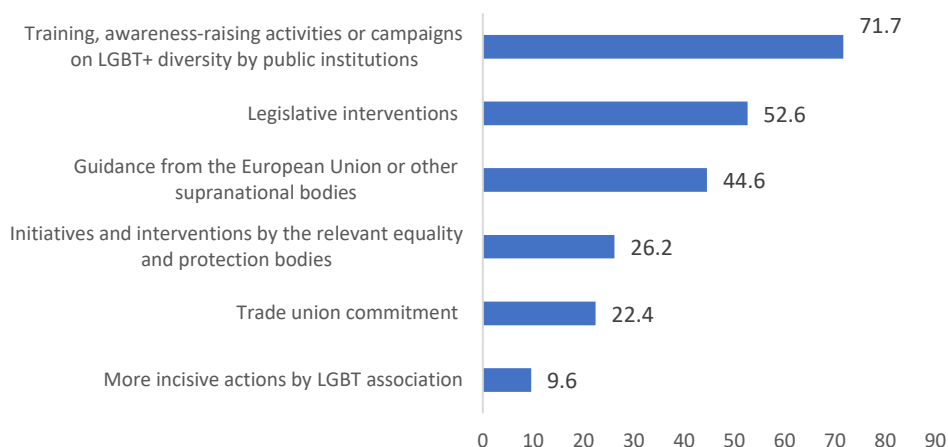
As for the desirable actions in the working environment, the vast majority of homosexual and bisexual people, in civil union or formerly in union living in Italy, believe that training, awareness-raising activities or campaigns on LGBT+ diversity by public institutions are urgently needed to foster the inclusion of LGBT+ people in the working world (71.7%). It is followed by legislative interventions (52.6%) and guidance from the European Union or other supranational bodies (44.6%) (Figure 3).

For most of the stakeholders interviewed the public institution is the main actor to promote a cultural change and they also stress the importance of networking. Some of them highlighted the potential to link the issue of harassment and discrimination to the issue of safety at work, and potentialities of tools already used to combat gender discrimination in the workplace.

For both the stakeholders and LGBT+ people interviewed legislative interventions are seen as a vehicle for a cultural change. In particular they emphasized the urgent need for a law against homophobia and transphobia. 89.1% of homosexual and bisexual people, in civil union or formerly in union were very

favourable, followed by favour of introducing the stepchild adoption, same-sex marriage, allowing same-sex couples in civil union to adopt children, and of introducing greater protection for LGBT+ people at work. This is also related to the specific surveyed group which includes people in civil union alone.

**Figure 3** – *Desirable actions in the working environment (a). 2020-2021.*



Source: *Survey on Labour Discrimination towards LGBT+ People (in civil union or formerly in union).*

However legislative interventions are desirable actions when they succeed in acting on cultural aspects; when they become practices and therefore contribute to the construction of inclusive work contexts, such as facilitating the coming out. Coherently the most frequently indicated measure in the open field of the question refers to the cultural ground and recalls the importance of carrying out education, information and awareness-raising initiatives on LGBT+ issues in schools. Another issue raised concerns the activation of support services/measures (e.g. nursing homes, family homes) for LGBT+ people in a fragile condition and the elderly.

Open answers and remarks enabled to receive information on the less visible and under-represented groups within the LGBT+ community. Some respondents also referred to institutional discrimination and issues linked to the experience of trans people (for example, requesting a simplification of the procedure to change name without surgery and relief from health care costs), intersex people and people with a non-binary identity reporting their experience of institutional discrimination and denied queer rights.

## 6. Conclusion

Knowing the condition of LGBT+ people in the labor market and investigating discrimination requires a multi-level analysis: macro (protection policies and policies to combat discrimination), meso (measures, practices and organizational rules, personnel policies, organizational dynamics) and micro (personal experiences, behaviors and beliefs). Each individual is rooted in relational structures and groups that condition their actions and change over time. Discrimination implies relationality, processuality and subjectivity.

This article highlights potentialities of the information collected by the Istat-UNAR project and provides a first picture.

Overall, there is a partial recognition of LGBT+ rights in Italy and existing protection tools and inclusion measures are only partially satisfactory. Misreporting and under-reporting are widespread. Investing in training and awareness towards a culture of differences and strengthening the role of public institutions is necessary.

A common experience of many interviewees is having hidden their sexual identity at the workplace, as well as being the target of microaggressions based on sexual orientation. Direct and structural discriminations are real.

Gender inequalities in the labour market affect the condition of lesbians and bisexual women and their degree of visibility/invisibility in the workplace with respect to sexual orientation. More in-depth analysis should be able to distinguish between multiple, additive and intersectional discrimination (Bello, 2020).

Another relevant aspect mentioned concerns how a person is perceived by others and the action of gender norms. There is still a patriarchal, heteronormal and cisnormal culture that permeates many organizations, institutions and life contexts.

Although the individual experiences of LGBT+ people collected so far refer to a specific group of people in civil union who for the most part have experienced their insertion into the labour market in a context different from the current one, the data show a greater and different awareness on the part of the youngest, underlining the need to integrate the picture briefly outlined here with the results of the other two surveys planned by the project, and dedicated to LGB people not in civil union and to trans people and people with non-binary gender identity.

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### SUMMARY

Knowing the condition of LGBT+ people in the labour market, defining and investigating discriminatory phenomena is a complex operation that involves different actors and several levels of analysis.

This article is aimed at providing an integrated understanding, from different perspectives, of the discrimination phenomenon in the Italian labour market, starting from the data and information produced within the project conducted by the National Institute of Statistics (Istat), in collaboration with the National Antidiscrimination Office (UNAR) on "Labour discrimination against LGBT+ people and diversity policies implemented in enterprises". The project included qualitative interviews with stakeholders belonging to categories operating mainly at national level; a questionnaire addressed to enterprises with at least 50 employees in the industry and services sector on the Diversity management (DM), three surveys dedicated to different targets of the LGBT+ population (people in civil unions, people not in civil unions, trans and non-binary persons) with the aim of capturing the individual experiences of discrimination at work and in other contexts of daily life by LGBT+ people.

This article considers the point of view of stakeholders, enterprises and LGB people in civil union in Italy on the basis of the surveys conducted so far. In detail, it focuses on perceptions and characteristics of discrimination in employment in Italy; personal experiences; existing policies and tools to fight discrimination and to promote full inclusion; actions considered necessary to promote LGBT+ rights in Italy.

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