



DIVERSITY IN THE WORKPLACE

A Sexual Orientation, Gender Identity or Expression
and Sex Characteristics Approach

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DIVERSITY IN THE WORKPLACE

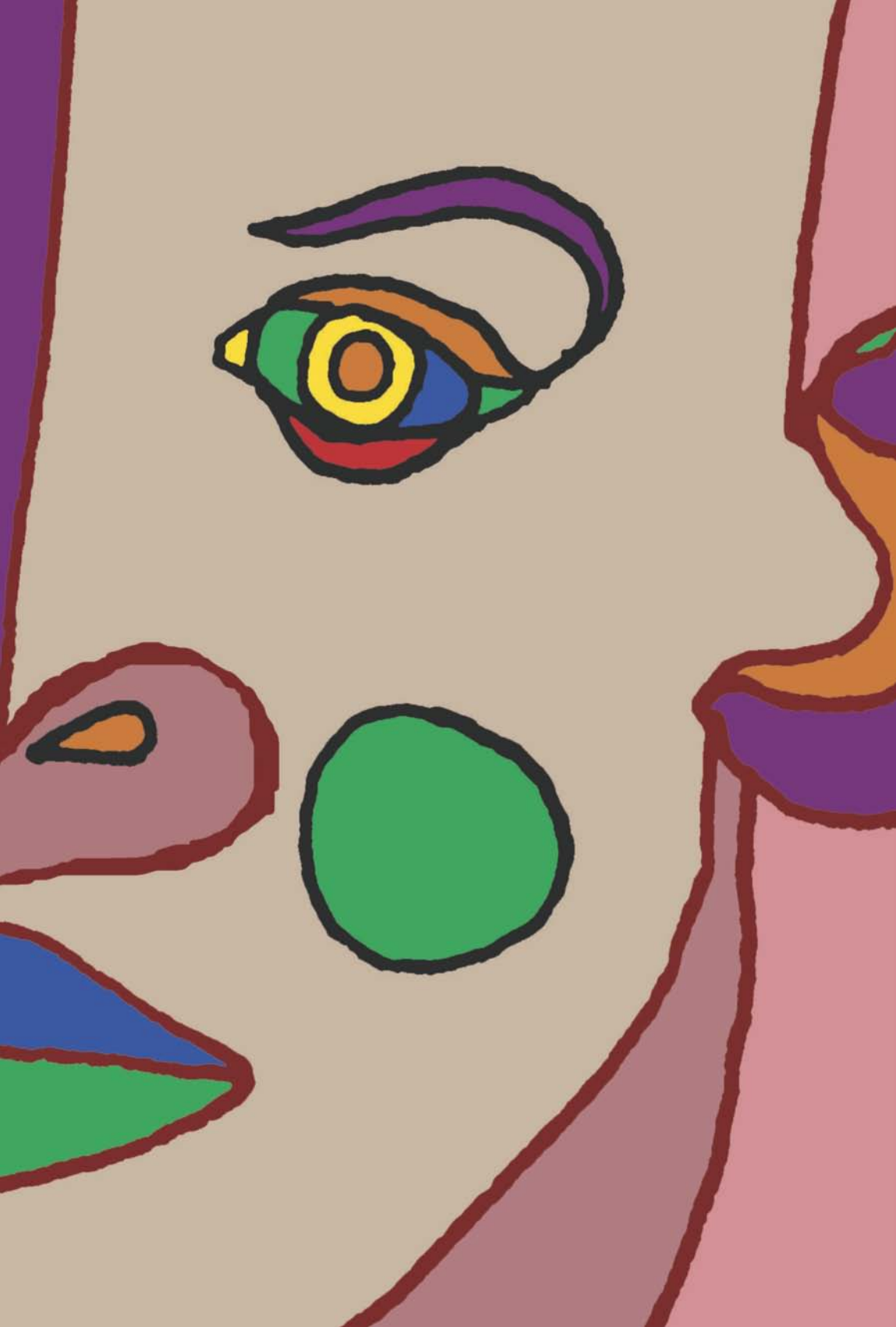
A Sexual Orientation, Gender Identity or Expression
and Sex Characteristics Approach

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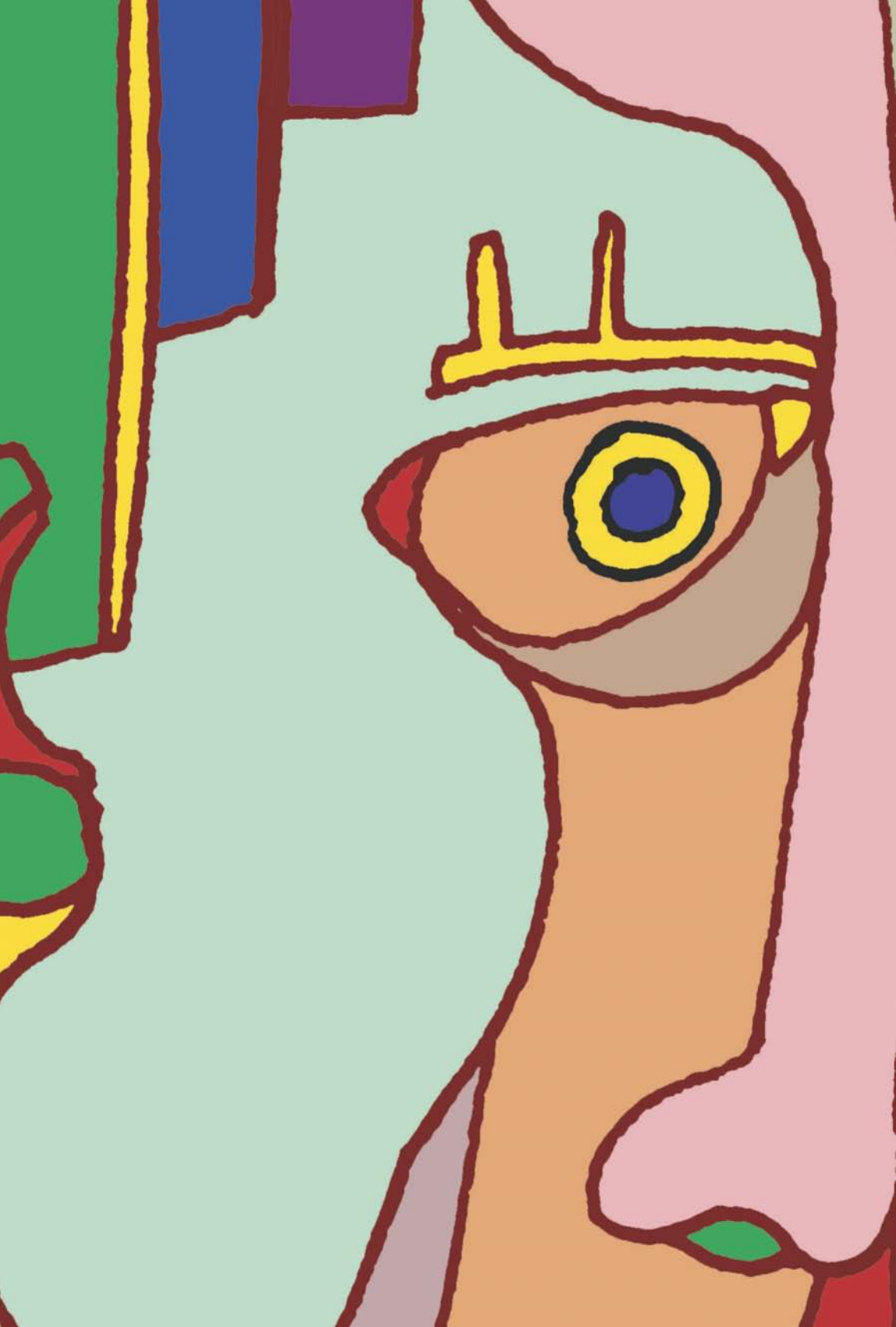


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All stakeholders
(Member states, companies,
chamber of commerce, trade unions, etc.)
need to play their role and contribute
to make the workplace inclusive
and safe for all.

1. Introduction

The Council of Europe standards and mechanisms seek to promote and ensure respect of the human rights of every individual. These include equal rights and dignity of all human beings, including lesbian, gay, bisexual, transgender and intersex (LGBTI) persons: *“Everyone must enjoy the rights enshrined in the European Convention on Human Rights regardless of skin colour, sex, language, political or religious beliefs or origins. The prohibition of discrimination is closely linked to the principle of equality which holds that all people are born and remain free and equal in dignity and rights”* (Article 14 of the European Convention on Human Rights, Council of Europe, 1950)

The civil and political rights enshrined in European Convention on Human Rights are complemented by the European Social Charter, which guarantees fundamental social and economic rights (Council of Europe, 1961, 1996). The rights and principles of this charter include just conditions of work (2), dignity at work (26), protection against social exclusion (30) and the right to safe and healthy working conditions (3).

According to the 2010 Council of Europe Recommendation of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity: “*Member states should ensure the establishment and implementation of appropriate measures which provide effective protection against discrimination on grounds of sexual orientation, gender identity, or sex characteristics in the field of employment and occupation in the public as well as in the private sector. Particular attention should be paid to providing effective protection of the right to privacy of transgender individuals in the context of employment, in particular regarding employment applications, to avoid any irrelevant disclosure of their gender history or their former name to the employer and other employees*” (Council of Europe 2010, Section V. 29, 30).

These measures should cover conditions for access to employment and promotion, dismissals, pay and other working conditions (Art. 1, 3, 4 and 24 of the European Social Charter), including the prevention, combating and punishment of harassment and other forms of victimisation: *“to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct”* (Art. 26.2).

2. Context: Why does it matter?

In the last decades, lesbian, gay, bisexual, transgender and intersex persons have achieved significant advances in terms of legal and social recognition in most countries of Europe. However, there is still a long road to walk in different areas for LGBTI persons to reach real equality in a context of “widespread complacency about the need for LGBTI+ equality measures” (ILGA Europe, 2020). The workplace is one of the arenas where rights on the grounds of sexual orientation, gender identity or expression and sex characteristics (SOGIESC) are at stake in Europe, with some countries having no legislation on the matter. Beyond this lack of legislation, LGBTI persons face different risks of harassment, implicit bias, discrimination, exclusion and unwanted concealment

depending on geographic and social contexts. Some of them are explored in this document. Proposals and best practices are also presented in order to create safe and inclusive workplaces for anyone regardless of sexual orientation, gender identity, or sex characteristics.

Why it is important to talk about sexual orientation, gender identity or expression, and sex characteristics (SOGIESC) in the workplace?

Most adults spend a great part of their daily lives in the workplace. If, in this space and time, the human rights of LGBTI persons are not respected, a number of their basic rights such as the right to work or to a dignified life free of violence will not be recognised.

The Council of Europe considers diversity to be a source of social and personal enrichment. As is stated in Article 14 of the European Convention on Human Rights, the principle of equality and non-discrimination should be granted for anyone. The European Social Charter guarantees employment and working conditions at the core of fundamental social and economic rights. For these reasons, Council of Europe member states should commit to making the workplace a place where diversity can flourish, be recognised and be respected.

**Sexual orientation,
gender identity or expression
and sex characteristics
are private matters.
Why should they be discussed
in the workplace?**

In the workplace, colleagues not only discuss work issues because in many cases they know each other personally and chat about what happens to them outside of their working contexts: *How are your parents? Have you already found a school for your child? What did you do this weekend? Do you have plans for the next vacation?* These are common questions related to our personal life that can arise on any break, in the canteen, at a company dinner or during after work events.

There are people who cannot talk about these issues because this may disclose their sexual orientation, gender identity or expression, or sex characteristics, leading to the risk of harassment or discrimination. They face emotional, psychological, relational and professional consequences for not being able to talk about themselves and their lives in the same way as their cis – and heterosexual colleagues. In addition, informal discussions between co-workers, suppliers and customers are often part of the unwritten rules of a good deal. Small talk about personal life and sharing stories are often conversation starters in order to build good professional environment relationships. However, they expose LGBTI persons to frustration

– by not being able to speak (*don't tell*) and also can arouse colleagues' suspicions (*don't ask*), as LGBTI persons could feel uncomfortable about sharing personal topics. These could have direct impacts on attendance, wellbeing and work performance.

What is the situation of LGBTI persons in the workplace?

T

he biggest obstacle faced by LGBTI persons is access to the labour market, in particular for persons perceived to have a gender expression different from mainstream norms. The Organisation for Economic Cooperation and Development (OECD) reviewed different evidence based on studies to conclude that openly gay female and male applicants are 1.5 times less likely to be invited to a job interview; lesbians are offered a monthly wage that is 6% lower than that proposed to heterosexual women; and the call-back rate for a job offer of an applicant who is a cisgender woman is 50% higher than a trans woman (2019, 32-33).

According to the European Union Agency for Fundamental Rights (EU-FRA), in the workplace, only 21% of LGBTI persons are very open about their sexual orientation, gender identity or sex characteristics and 34% avoid being open at work for fear of being assaulted, threatened or harassed by others (2020).

A survey conducted by L'Autre Cercle, released in 2020, states:

- 25% of LGBTI persons have been the victim of at least one attack in the workplace due to their sexual orientation, gender identity or sex characteristics.**
- 77% of LGBTI persons living with a partner acknowledge that they have voluntarily avoided revealing their sexual orientation, gender identity or sex characteristics in various work situations.**
- 35% state that they are unhappy about not being visible.**

Transgender employees experience discrimination in their work life more often than lesbian, gay, or bisexual individuals: around 30% of LGB persons report having experienced discrimination in their work life over the past two years, this percentage rises to 43% of transgender persons (De Vries et al., 2020).

What discriminations do LGBTI persons face in the workplace?

Dismissal, not getting a job or a promotion, earning less, direct insults, harassment, threats, or aggressions due to perceived sexual orientation, gender identity, or sex characteristics are situations that are directly and easily associated with discrimination at work. Unfortunately, they still take place in many

European countries, even in those with very advanced legal frameworks and social recognition of the human rights of LGBTI persons. There is also a suspicion that the very existence of such developed frameworks could lead to some discriminatory behaviours being hidden more efficiently than in the past, making them harder to detect and prove.

Apart from these extreme situations, there are some everyday discriminatory circumstances such as jokes, rumours, derogatory jibes, implicit biases, intrusive questions or disagreeable remarks or comments and, lately, the concealment of sexual orientation, gender identity or expression and sex characteristics that LGBTI persons often have to face in their workplace.

Just as men are usually unaware of the discrimination situations that many women suffer in the workplace because they do not experience them, people who are not LGBTI are frequently unaware of the experiences of exclusion, discomfort or risk confronted by such persons.

Non-LGBTI respondents to the “Advancing the management of LGBT diversity in the public and private sector” (ADIM) project survey in Portugal and Spain were significantly less likely to recognise these situations than LGBTI workers (ADIM, 2019).

Discriminatory situations are less easily perceived by non-LGBT+ employees

% Very often/quite often



Total non - LGBT+
sample n=7442.

Total LGBT+
sample n=1147.

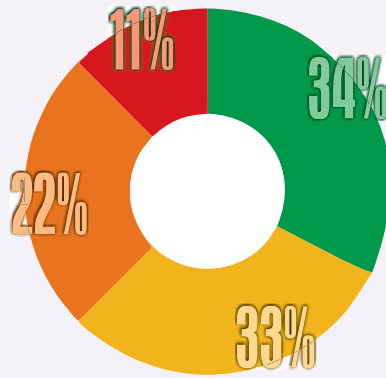
What are the consequences of an unfriendly and unaccepting workplace atmosphere in terms of sexual orientation, gender identity or expression and sex characteristics?

Due to previous experiences of exclusion in other everyday situations or in different work contexts, many LGBTI persons anticipate the risk of stigma and prefer not to talk about their sexual orientation, gender identity or expression and sex characteristics at work.

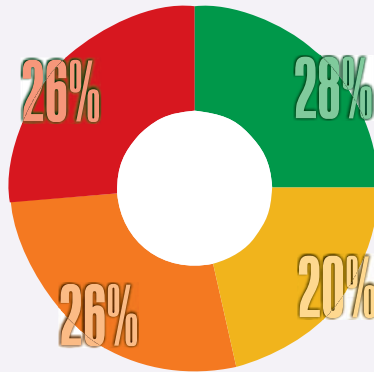
Even though a significant portion of co-workers may be respectful of SOGIESC diversity, the risk of encountering a person openly hostile to LGBTI persons in the same team (even the line manager or someone from another department), makes many LGBTI persons extremely cautious before coming out in their company or organisation.

According to the ADIM survey, many individuals who are openly lesbian, gay, bisexual or transgender in their lives (friends, family, neighbours...) feel obliged to conceal this aspect of their identity in their workplace — that is, they return in the closet every time they go to work. This illustrates the fact that the workplace is usually one of the more hostile environments for LGBTI persons (2019).

PRIVATE LIFE



WORKPLACE



- I am openly visible as LGBT+ (out) with everyone
- I am visible (out) with most people
- I am visible (out) with only some people
- I am not visible as LGBT+ (I am in the closet)

Why do LGBTI persons conceal their sexual orientation, gender identity or expression or sex characteristics?

Most LGBTI persons refer to privacy as the reason for not talking about their sexual orientation, gender identity or expression and sex characteristics in the workplace. At the same time, they have fewer problems when talking about their hobbies, social interests or their social life, without having to refer to their private life.

The other reasons for not coming out at work directly affect opportunities for professional self-realisation and development: avoiding stereotypes or prejudices that are applied to lesbian, gay, bisexual, transgender and intersex persons; having to give explanations; sexual orientation, gender identity or sex characteristics obscuring or being placed ahead of other aspects of one's personality and professional skills (for example, moving from being head of marketing to being "lesbian of marketing"); losing employment opportunities; fear of rejection or isolation; not making colleagues feel uncomfortable and, finally, losing one's job (ADIM, 2019).

Reasons for not coming out at work

→ 54%

It's nobody's business
what I do outside work:
my private life is my own concern

→ 43%

Avoiding rumours → gossip
→ stereotyping about me

32% ←

Having to give explanations

→ 24%

Changing how
I am valued as a professional

21% ←

Closing of doors or lost opportunities
in my professional life

→ 18%

Fear of rejection isolation

14% ←

Not making colleagues feel uncomfortable

7% ←

Fear of losing my job

How does concealment affect LGBTI persons?

If an organisation does not have a clearly inclusive LGBTI employee policy, such persons will probably suffer psychological distress that will certainly impact their work performance. If they cannot talk about their lives, family, friends and loved ones, they will most likely avoid informal meeting places such as the canteen or vending machines for a coffee, after work meetings, company dinners or incentive travels. These are often perceived as outside the workplace moments and atmospheres, however, projects, promotions and other work-related issues are often discussed at such times. Moreover, a person who never takes part in such occasions might be perceived as a "weirdo", "freak", or as having "something to hide". Such a reputation is certainly not an asset for being professionally well valued.

Even being open to some colleagues, but not to all of them, generates constant stress for an LGBTI individual, as such situations imply many difficulties and require dedicating considerable energy to controlling information.

All of these prejudices on the grounds of sexual orientation, gender identity and sex characteristics explain the difficulties for job promotion faced by LGBTI persons and contribute to them having to conceal their identity. They generally end up in less qualified positions than they might otherwise occupy and, subsequently, with reduced salaries compared with what they could otherwise achieve.

Why should employers address diversity on the grounds of sexual orientation, gender identity or expression and sex characteristics?

In 2015, the United Nations (UN) defined 17 Sustainable Development Goals (SDG) to achieve a better and more sustainable future for all in their 2030 agenda. These goals are all interconnected, and in order to leave no one behind, they include LGBTI persons. It is strongly recommended that these SDG be followed by institutions and companies and included in their social reporting. Some major companies have already built their social reporting based on these SDG.

Through the Free and Equal Campaign, the United Nations highlighted five Standards of Conduct for Business in order to tackle discrimination against LGBTI persons, including:

- 1. Respect human rights**
- 2. Eliminate discrimination**
- 3. Provide support**
- 4. Prevent other human rights violations**
- 5. Act in the public sphere**

Respecting everyone's human rights in the workplace is a question of justice. Employers must also take into account legal protection and laws that oblige organisations to prevent discrimination on the grounds of sexual orientation, gender identity or expression and sex characteristics in the labour market. These rights are enshrined by the Council of Europe through the European Social Charter (1961, 1996) and the Recommendation of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (2010) as well as by other European (European Union), national, regional and local legislation.

3. Stakeholders: How can they change the workplace?

All stakeholders should work together to provide a framework and recommendations for LGBTI persons in the workplace through diversity and inclusion actions, describing measures and principles, leading to changed business behaviour. LGBTI persons require the same human rights, not more – or less – than others. Diversity in a team is a benefit, which promotes greater creativity. Roles and responsibilities will be defined below.

3.1 Member states, regional and local authorities

Based on the statement of Article 14 of the European Convention on Human Rights and the rights and principles of the European Social Charter (1, 2, 3, 5, 26, 30), member

states should always bear in mind that people are born and remain free and equal in dignity and rights. Member states should ensure that they provide legal protection for LGBTI persons. According to the OECD report published in June 2020, 53% of OECD countries have inclusive laws (OECD, 2020).

How to achieve this?

- Embedding the European Social Charter into their legislation and/or practice in order to bring the situation in line with the Charter, especially topics related to accessing employment and worker protection.
- Promoting legal reforms to create strong national normative frameworks guaranteeing equal rights for LGBTI persons in the workplace. For instance, ensuring that sexual orientation, gender identity or expression and sex characteristics are clearly identified in the list of discrimination and harassment criteria in working laws and other legal documents.
- Supporting international agreements on equal rights for LGBTI persons in the workplace. For instance, deploying the five LGBTI standards of conduct for business, defined by the United Nations.
- Creating structure for an ombudsperson (Public advocate). Typical duties of ombudspersons include investigating complaints and attempting to resolve them, usually through recommendations.
- Promoting the deployment of international norms /standards, such as the ones suggested by the International Organisation for Standardization (ISO), through their

national organisations. For instance, ISO 26000 on Corporate Social Responsibility has human rights as a core subject.

- Supporting and funding LGBTI organisations / associations in their countries and areas.
- Promoting inclusive economic growth, to ensure employment and financial aid apply equitably across all sectors and social groups.
- Supporting medium /small sized companies and organisations to develop inclusive environment (training, counselling, financing tools, etc.).
- Leading studies to understand how LGBTI persons are discriminated against both economically and in the labour market.
- Providing recommendations for national strategic plans on the issue of managing SOGIESC diversity in the workplace.
- Promoting and supporting funding of trade unions to train all workers in any field on sexual orientation, gender identity or expression and sex characteristics in the workplace and other diversity and inclusion related activities.
- Requiring ministries, local authorities, chambers of commerce, private institutions and civil service training bodies to introduce an awareness-raising and training policy on discrimination on the grounds of sexual orientation, gender identity or expression and sex characteristics in schools, and public and private higher and professional education institutions, in any labour field or area.

- Making education compulsory on anti-discrimination issues and the promotion of diversity with a SOGIESC component in any particular field, with a specific emphasis in universities, management and engineering schools, in order to prepare future managers and human resources teams.

3.2 Businesses | Organisations | Companies

Public and private employers (institutions and businesses) are key players in improving the workplace for LGBTI persons. Their staff include all levels of social diversity. Every company should understand that the sexual orientation, gender identity and sex characteristics of its employees are not a hindrance, but, on the contrary, a source of wealth.

Achieving an inclusive professional environment will lead both to employee wellbeing and higher performance. Employers' organisations should deploy both a diversity policy and an inclusive environment to ensure that their employees feel that they belong to the company or institution. There is a need to enable employees to be motivated and more efficient and to increase talent retention and talent attractiveness.

Setting up an LGBTI-inclusive workplace requires an ongoing, true and dedicated commitment to diversity and inclusion, to address all elements which could lead to discrimination, in organisational systems, policies, strategies, processes, and practices as well as people's conscious and unconscious biases and behaviours. Leadership commitment and behaviours are highly recommended to value diversity and inclusion throughout the

organisations. Once the strategy is defined, as in many other fields, the PDCA (Plan, Do, Check, Act) is an efficient and effective management tool to ensure sustainable progress. It is of the utmost importance to define measures for assessing effectiveness of the diversity and inclusion (D&I) initiatives to address risks, opportunities, impacts and outcomes.

For companies from the profit sector, Corporate Social Responsibility (CSR) has an increasing role and impact on strategy and orientations. Companies need to ensure that their business model gives priority to topics covering all aspects of society, including economic, social, and environmental issues. Corporate responsibility programmes are a great way to raise social topics in the workplace, to make employees proud and promote their company. Company policies impact change in the social sphere. They need to lead by example. Private and public sector-inclusive policies can enable changes in the professional and social spheres. Enhancing examples and role models are key to successful leadership.

International business and institutions play a leading role through their policy values of respect regardless of SOGIESC, when they go beyond national legislative requirements.

How to achieve this?

- **SUPPORT:** Requiring support from top management, with a zero-tolerance message towards discrimination.
- **POLICIES:** Ensuring all internal documents are inclusive for all LGBTI persons, mentioning clearly sexual orientation, gender identity or expression and sex characteristics in their code of conduct and D&I policies.

- **EQUAL TREATMENT:** Ensuring equal rights and treatment for all employees regardless of their sexual orientation, gender identity or expression and sex characteristics, including LGBTI parenting and families. This should be deployed with respect and confidentiality towards LGBTI employees.
- **EQUAL RIGHTS:** Guaranteeing universal access to existing rights and benefits provided by the company, organisation or public body as regards to marriage or parenting (health benefits, insurance coverage, family leave, etc.); communicating regularly and facilitating access to information about these subjects.
- **RIGHT TO PRIVACY:** Creating conditions that guarantee confidentiality of information on sexual orientation, gender identity or expression and sex characteristics.
- **WORKPLACE:** Offering adequate working conditions (i.e.: working from home, part-time) depending on each specific situation.
- **PARENTING:** Ensuring care in the support of LGBTI parenting and their children, taking into account their specificities. Offering identical parental leave to all individuals irrespective of sexual orientation, gender identity or expression and sex characteristics, regardless of the process used to become parent, to give birth and who gave birth.
- **PREVENTION AND SANCTION:** Ensuring that internal regulations and procedures neither discriminate nor facilitate discrimination on the grounds of sexual orientation, gender identity or expression and sex characteristics. They need to be set up with objectivity, transparency and be trackable.

- **MAKE THINGS CLEAR:** Setting up specific policies that outline the employer's position on equal rights on the grounds of SOGIESC, in order to ensure that policies are clear about what is and isn't acceptable behaviour; establishing procedures for dealing with people who violate policies (i.e.: guidance for onboarding Human Resources processes and/or on hiring strategies), and making them known to all.
- **MOBILITY:** Accepting an employee's refusal to move to a country where homosexuality is condemned (i.e.: 72 countries still condemn homosexuality, based on ILGA World "sexual orientation map in the world", published in December 2019) without impact on their career. The same should apply for transgender and intersex persons.
- **REMEDICATION:** Supporting employees who have been victims of exclusion or discrimination in the workplace.
- **GENDER IDENTITY:** Raising awareness about transgender persons. Identifying a knowledgeable contact person to be the recommended person to directly support transgender employees. This person needs to be clearly known to the whole organisation (managers, unions, Employee Resource Groups, etc.) and must be well trained on the subject.
- **PROVIDE SUPPORT:** Ensuring that all employees have access to a medical service which can provide specific support and counselling for LGBTI employees, using external providers when necessary.
- **IMPROVE:** Appointing an expert to support HR to improve existing policies or provide support and advice in writing them. Supporting employees to

prevent sexual harassment and sexist behaviour. This expert should also support implementation of anti-discrimination measures on the grounds of gender identity or expression and sex characteristics.

- **MEASURE:** Measuring progress through KPI (Key Performance Indicator) and sharing best practices, both internally and with peers and other companies, to improve the workplace environment.
- **UNITE:** Encouraging deployment of internal Employee Resource Groups (ERG) specifically related to sexual orientation, gender identity or expression and sex characteristics. For instance, acknowledging the time spent by the employees in this ERG as part of their performance in the annual review, accepting to give hours to employees to be spent on ERG activities.
- **TRAIN:** Implementing internal training, and workshops on raising awareness for managers, staff representatives, employees to help them deconstruct stereotypes of LGBTI persons and challenge bias. A specific focus should be made on middle management, as there is often a weakness in this field.
- **GO PUBLIC:** Integrating the respect of human rights on the grounds of SOGIESC into social reporting, in the same way as other diversity criteria such as gender equality, ethnicity, disability and age. Raise subject awareness of investment players.
- **SPREAD:** Promoting supplier diversity. The aim of supplier diversity is to create an equal marketplace where opportunities are open to all participants regardless of their sex, race, ethnicity and SOGIESC. Calls for tenders should be made in a way that they are solely based on competence, ensuring equal opportunities.

- **CERTIFICATION MARK:** Removing any kind of discrimination from business relationship. This could be done by putting in place a charter with a certification procedure in the supply chain.
- **IDENTIFY:** Conducting social diagnoses and interviews within the organisations to identify potential issues (i.e.: QuickScan from L'Autre Cercle, 2013).

As a concrete example, the LGBTI Charter drawn up by L'Autre Cercle, in 2013, with the support of Accenture, is a commitment signed by 140 companies and organisations in France, as of June 2020. Through national survey in 2017 and in 2019, it shows that LGBTI persons feel better in organisations that signed the Charter than in other organisations. It demonstrates the positive impact of such a commitment.

Which opportunities can bring an inclusive environment?

- Talent retention. Employees will feel more committed to their organisation.
- Increase attractiveness for young talents from Universities and business schools.
- Leverage innovation and creativity during discussions and projects. People feel more comfortable in raising out-of-the-box ideas in a trusting environment.
- Positive impact on branding for organisations who communicate their inclusive Corporate Social Responsibility (CSR) actions to the market and society at large.
- Increase understanding on customer/user needs, thanks to diverse teams.
- Impact in the social external reporting.

3.3 Chambers of Commerce and Employers' Organisations

Industry, business, employers' organisations and Chambers of Commerce help businesses to work together and come up with ways to better market their products and services. They constitute a collective unit, which can enable important business community concerns to be fully addressed. They perform the public speaking role of business community and they collect information relevant to business and trade to their members.

How to achieve this?

- Promoting the creation of European LGBTI Chambers of Commerce, similar to those already existing in the USA (NGLCC), Canada (CGLCC) or Argentina (CCGLAR). In Europe, this activity took off in 2018 when the EGLCC (European LGBTI Chamber of Commerce) was founded as an umbrella organisation by the 4 existing European Chambers, namely East meets West (Austria & CEE region), IGLBC (Italy), SGLCC (Scandinavia) and the GGLBC (Germany). LGBTI chambers of commerce in each country can promote the economic empowerment of LGBTI persons in businesses of all sizes, in all sectors of the economy and in all regions.
- Promoting equality in all business relationships, preventing discrimination on the grounds of sexual orientation, gender identity, or sex characteristics.
- Connecting other businesses with the LGBTI business community.

- Supporting LGBTI persons to set up and grow their own businesses in order that they succeed.
- Promoting supplier diversity programs, which acknowledge that progress not only needs to be made within the organisation, but also through the relationship between organisations and their customers / clients, supply chains and the communities they have links to. This action can be recognised as successful Corporate Social Responsibility.
- Recognising best practices (prizes, labels, public presentations...).
- Conducting in depth studies of the positive impacts of workplace diversity on business and institution performance, but at the same time making clear that workplace diversity is not the end but just a phase in increasing the social maturity of the LGBTI community just a stepping stone on the way to recognising the human rights of LGBTI persons.
- Organising lectures, seminars, workshops and other training activities for the benefits of the members.
- Helping to gather data on discrimination on the grounds of SOGIESC, in order to monitor the progress of the level of business inclusion of LGBTI persons. Data is a crucial must-have (as long as it complies with laws related to protection against any misuse of computer data concerning LGBTI persons).
- Promoting role models, showing positive communication, success stories. Examples of role models initiatives can be found in UK, France and Germany.

3.4 Associations and networks of LGBTI persons at work

Affinity groups or Employee Resource Groups (ERG) are major contributors to a more inclusive and safer workplace. LGBTI Employee Resource Groups (ERG) are important tools to ensure an inclusive workplace. They can leverage education and awareness of SOGIESC human rights by developing educational training, and implementing awareness activities all through the year, including IDAHOT (International Day Against HOMophobia and Transphobia on May 17) and LGBTI prides.

How to achieve this?

- Creating a safe environment.
- Appointing a go-to person in case of issues. It could be easier for LGBTI persons to discuss issues together, before discussing with the manager or HR business partner.
- Bringing materials and initiatives to the organisations, to support actions on SOGIESC topics.
- Ensuring that diversity is high on the strategic agenda.
- Promoting awareness among members and other employees about the value of diversity in the workforce.

3.5 Trade Unions or other organisations representing workers

The core mission of trade unions and other organisations representing workers is the application and respect of human rights in the workplace, including the preservation and monitoring of human rights of LGBTI persons. Employment legislation and agreements with employers should be inclusive on the grounds of SOGIESC.

Close co-operation with trade unions can be particularly beneficial, when working to ensure an inclusive environment for LGBTI employees across all sectors of a company's activity, particularly in the production and logistics sectors.

In their respective organisation training programs for all their representatives, trade unions should cover LGBTI inclusion, difficulties and awareness of existing laws in the countries in which they operate. Trade unions should be examples of the right thing to do. Trade unions representatives should not reflect their own feeling about the subject, and should be able to share best practices and guidelines internally with their organisation and externally within the companies they belong to.

How to achieve this?

- Abolishing harassment and discrimination based on sexual orientation, gender identity or expression and sex characteristics.
- Monitoring the implementation of measures to prevent any kind of exclusion or discrimination on the grounds of SOGIESC.
- Promoting alignment of all social rights, irrespective of family situation.
- Training members of these unions, and especially workers' representatives, to raise awareness on SOGIESC equality and related topics. This training can be extended to all employees, with the support of public administrations and employers.
- Including rights of LGBTI workers in collective bargaining agreements.
- Establishing channels for LGBTI workers to address unions in the event of being discriminated against on the grounds of SOGIESC.

- Supporting and providing counselling and advice to LGBTI workers who may suffer any kind of exclusion or discrimination.
- Generating SOGIESC resources and reference materials for all workers.
- Using inclusive images and language in their communications.
- Considering discrimination on the grounds of SOGIESC as a cause of health and psychosocial labour risk and preventing workplace harassment for this reason.
- Participating in European and international networks of unions working for LGBTI diversity.
- Applying their entitlement to lodge complaints in the event of violations of the European Social Charter.

3.6 International organisations

Many transnational institutions / organisations have a clear role to play in the good management of LGBTI persons in the workplace, for instance through the issuing of guidance, standards and reliable data. The Council of Europe has a specific SOGI Unit with an explicit focus on employment. Some others are the OECD, UN Independent Expert, European mediator and the European Union Agency for Fundamental Rights (FRA).

How to achieve this?

- Organising yearly United Nations / Council of Europe / National commissioner and minister meetings to address the matter, to update on progress and to define next steps.

- Organising international conferences on the issue with representatives from Member States, exchanging best practices.
- Promoting bilateral/multilateral cooperation and “mentoring” between states on this issue.
- Issuing annual progress assessment report and studies on a regular basis, including actions and future steps.

3.7 Financial institutions

Financial institutions, such as the World Bank, European Central Bank and European Bank for Reconstruction and Development have a mandate to promote socially responsible financing.

How to achieve this?

- Policies should include the requirement for new investment with a boost for an inclusive and safe workplace.

Although not detailed here in this document, schools and universities have a crucial role to play to educate and train students, in order to provide them with self-confidence and trust in themselves, so that they can be open about themselves irrespective of SOGIESC, when they enter the workplace. Unfortunately, too often, students need to go back into the closet when they start their first jobs. Therefore, a close link needs to be established between schools, universities and workplaces.

Civil Society Organisations representing LGBTI persons (ILGA Europe; Transgender Europe - TGEU; Organisation Intersex International Europe - OII; International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organisation - IGLYO) could also play a crucial role by bringing expertise and providing training.

4. Toolkit: What can be done?

- Top management sending a strong positive signal towards diversity.
- Producing and publishing tools, guides and materials to be addressed to all stakeholders, for all employers (businesses, institutions and public sector), addressing the needs of LGBTI persons and specifically for the most vulnerable, such as transgender persons, LBT women, intersex persons, migrants and refugees.
- Benchmarking between organisations can be performed to compare and analyse gaps, establishing gap maps.
- Media campaign to raise awareness.

- Meetings with unions, employers, employees, NGOs, policy makers, politicians, activists, chambers of commerce.
- Conferences, meetings and forums on SOGIESC topics.
- Creating a tool easy to deploy and to access (such as an app), reaching the greatest number of people.
- Developing an assessment tool in order to rapidly ascertain policy inclusivity levels, in order to obtain the best questions for self-assessment and understand where progress should be made.
- Providing consulting services to help organisations define operational action plans to establish a more inclusive workplace for LGBTI persons
- Providing SOGIESC-related training, assisting Member States on the implementation of national programmes, challenges, experience, and monitoring their achievement.
- Sponsoring events or supporting associations such as European Pride Business Network (EPBN), to leverage initiative at European level, as well as national, regional and local LGBTI associations.

5. Conclusion

All stakeholders (Member states, companies, Chambers of Commerce, Trade Unions, etc.) need to play their role and contribute to making the workplace inclusive and safe for all. They should maintain awareness-raising in order to ensure that non-discrimination on the grounds of SOGIESC is kept high on the agenda. Nothing should be taken for granted. Data is required to track progress and issues.

Behavioural changes can only be made through training, training and training of all the stakeholders. Education is key to ensuring that change is sustainable. Coming out in workplace should not be seen as a threat to someone's career, but as an opportunity to be stronger, more authentic and more successful.

By doing so, not only it will benefit the LGBTI persons in the workplace, but also all other persons made vulnerable by discrimination.

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