



MAKING EQUALITY REAL
LGBTI PERSONS AND LABOUR
DISCRIMINATION IN ITALY

Anna Lorenzetti & Giacomo Viggiani



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Chapter 1

LGBTI PERSONS IN THE WORKPLACE IN ITALY: AN OVERVIEW

1. Introduction

At the last national elections in 2013, according to a survey by *Confesercenti*,¹ an association of employers, 6 out of 10 Italians asked the political parties and future lawmakers to deal with the emergency of the lack of jobs in the country. Even the tax cut was in the second place after the job hunting. The data is not surprising: work is the basis of a variety of things, first and foremost a decent standard of living, but also the possibility of engaging in various pleasures and entertainment. Having a good job improves the quality of life and allows people to make plans for the future. Everyone knows how the world crisis of both the market economy and the labour market was triggered by the U.S. subprime mortgage crisis in 2007 and the impact continues to this day.

In this uncertain economic context, LGBTI workers are twice as exposed, because they are workers and because they are LGBTI. In fact, if the economic crisis affects all workers, prejudice and discrimination can affect LGBTI persons more than the others. When asked to consider the issue of sexual orientation, gender identity and intersex conditions in the field of labour, many employers and employees answered that these matters have nothing to do with business. On the contrary, the benefits and usefulness of inclusive policies in terms of greater productivity, a higher level of creativity and enhanced problem-solving skills have been confirmed in international studies and proclaimed by a number of Italian psychologists and sociologists (Lingiardi 2012; Barbagli 2007; D'Ippoliti & Schuster 2013; Lorenzetti & Gusmano 2014). At the same time, a working environment where employees feel unsafe and have to hide who they are is highly degrading and frustrating and can have significant human costs for staff and in terms of general productivity and, therefore, the ability to compete in the market. Furthermore, understanding differences between employees and being positive towards them can increase the attractiveness of a company or a business sector for job seekers. Managing diversity and promoting inclusion is not only an asset for business (Cox & Blacke 1991; Gilbert *et al.* 1999; Barabino *et al.* 2001; Von Bergen *et al.* 2002), but also a requirement in order to recruit the best available staff in the marketplace.

LGBTI employees are not an exception in this sense. Considered as the 'last acceptable prejudice' (Fone 2000, p. 3), the level of discrimination based on sexual orientation, gender identity and intersex status is the ultimate litmus of an inclusive workplace and it also has an impact on potential customers. For example, the Italian private rail transport company, *Nuovo Trasporto Viaggiatori*, offered discounts in January 2016 for everyone willing to take part in *Family Day*, a public event organised against the recognition of same-sex families, organised by a number of Catholic associations and right-wing political parties.² Even if the firm strongly claimed it was merely a commercial offer and other offers were made for the Pride

¹ See the website: www.confesercenti.it/blog/pil-in-calo-confesercenti-altro-che-ripresa-serve-intervento-coraggioso-per-ridurre-la-pressione-fiscale-e-tagliare-le-spese, viewed 10 May 2016.

² See for example the website: www.difendiamoinostrifigli.it, viewed 10 May 2016.

Parade in 2014, the hashtag #*Italofail* spread widely across social media such as Facebook and Twitter, with hundreds of persons posting a photo of their loyalty card cut in two parts. The same happened in 2013, when Guido Barilla, the CEO of the notorious brand of pasta *Barilla*, declared on the radio that he would never have approved a spot containing homosexuals, because he only supported the traditional families.³ As a consequence, the hashtag #*BoycottBarilla* became viral and Guido Barilla was forced to apologise and to recognise a set of antidiscrimination policies.⁴ A same-sex couple in Torino was forced to move to a new apartment in May 2016 after other residents of the apartment building persecuted them for over year. Comments such as ‘Come here, so I can break your face’, ‘We must lock those two up the stairs and beat them to death’, ‘They have to leave, by hook or by crook’ were made and the other tenants tried to force them to leave. Insults and threats were also engraved on the wooden walls in the elevator with a swastika and the phrase ‘Gays get out’. Finally, the couple was also assaulted in front of the building by a number of residents, including a minor. A trial is now pending⁵ and one tenant has recently received a jail sentence for stalking.⁶

However, Italy also offers some of the best practices related to employers – as outlined further in this book,⁷ – such as *Parks – Liberi e uguali*⁸ for example, a network which puts together a number of companies willing to commit themselves to the respect and enhancement of LGBTI employees within the corporate culture. Some companies have also attempted to fill the void left by lawmakers and have enacted internal written non-discrimination policies that explicitly protect LGBT employees, typically offering a level of health insurance coverage to employees’ same-sex domestic partners or leave to get married (abroad). Others have funded or supported local organisations in implementing LGBTI-related projects or have engaged in respectful and appropriate marketing to LGBTI persons and families. For example, *Barilla* itself has completely reshaped its inclusion policy, putting the issue of diversity management at the top of the strategic business agenda. The company now extends health insurance coverage to the families and parents of LGBT employees and organises on a regular basis, for all employees, training courses on discrimination and diversity. From

³ See the website: www.radio24.ilsole24ore.com/notizie/guido-barilla-spot-famiglia-122352-gSLAIqYzV, viewed 10 May 2016.

⁴ La Stampa, 19 November 2014, *A un anno dalle polemiche Barilla diventa l’azienda simbolo dell’impegno per i diritti gay*, www.lastampa.it/2014/11/19/economia/lavoro/a-un-anno-dalle-polemiche-barilla-diventa-la-azienda-simbolo-dellimpegno-per-i-diritti-gay-zv13LuMOG5pvdaG0QhCGRK/pagina.html, viewed 10 May 2016.

⁵ La Stampa, 5th May 2016, *La coppia gay cacciata dal condominio: ‘I vicini dicevano che era colpa nostra’*, <http://www.lastampa.it/2016/05/05/cronaca/i-vicini-dicevano-che-era-colpa-nostra-g8qGQe-zQh82kS0GOYxkn9L/pagina.html>; 9th May 2016, *‘Sì, abbiamo cacciato la coppia gay. Una piccola questione tra inquilini’*, <http://www.lastampa.it/2016/05/09/cronaca/s-abbiamo-cacciato-la-coppia-gay-una-piccola-questione-tra-inquilini-HsvxEbqWhRvZHIGGySmxO/pagina.html>; 4th May 2016, *‘Fuori dal condominio quei due omosessuali’*, <http://www.lastampa.it/2016/05/04/cronaca/fuori-dal-condominio-quei-due-omosessuali-FEOQzLJzXXuZ4tjWW0liHK/pagina.html>.

⁶ Corriere della Sera, 18th May 2016, *Torino, condomini contro coppia gay Botte e insulti: condannato inquilino*, http://www.corriere.it/cronache/16_maggio_18/torino-condomini-contro-coppia-gay-condanna-stalking-86487ecc-1d13-11e6-a8eb-04e4fcf1d7a7.shtml?refresh_ce-cp, viewed 22nd May 2016.

⁷ See Chapter 4, para. 4 ff.

⁸ See the website: www.parksdiversity.eu. For a detail, see the Chapter 4, para. 8.

March 2015, ATAC, the public transport company of the Municipality of Rome, started to provide marriage leave to homosexual employees.⁹

2. Available Statistics

The 2015 Eurobarometer on discrimination shows that almost 60 % of EU citizens see discrimination based on sexual orientation and gender identity as widespread.¹⁰ Notwithstanding this, the statistics on the working conditions of LGBTI persons in the field of labour in Italy are limited and not very up-to-date.¹¹ The special needs of transgender persons are often under-researched and those of intersex persons completely unexplored. While the project *Making Equality Real* tried to fill this gap, it is important to sketch out the studies which have been undertaken so far.

The most important research available is also the oldest and dates back to 2010. The project *Lotta all'omofobia e promozione della non discriminazione sui luoghi di lavoro come strumento di inclusione sociale*, carried out by the Italian NGO Arcigay and co-financed by the Ministry of Labour had three main objectives: 1) providing a first set of quantitative and qualitative data on the specific topic of discrimination against LGBT persons in the field of labour; 2) testing new methodologies of research regarding homo- and transphobia; 3) enhancing the capacity of professionals to identify discriminatory practices at work. The results of the research were published in a volume called *Io sono Io lavoro* in 2011 (Arcigay 2011). The research encompassed two stages. Firstly, an online survey addressed the LGBT community where a method of collecting quantitative data was developed. Secondly, interviews with victims and stakeholders were conducted. The qualitative stage of the research however, was limited to three large cities, one in the north, one in the south, and one in the central Italy (Milano, Catania, and Firenze respectively). With regard to the online survey, in the final analysis, 1,990 responses were considered valid. Even though 1,990 remains a remarkable number and the highest ever achieved by Italian research on the topic, both the geographical

⁹ Romatoday, 29th March 2015, *Atac dà il congedo matrimoniale a dipendenti gay: 'Vittoria civile e politica'*, <http://www.romatoday.it/politica/congedo-matrimoniale-atac-unioni-civili.html>, viewed 15th April 2015. Many homosexual couples, as same-sex marriage is not allowed in Italy, get married abroad. Several private companies have developed inclusive policies which provide marriage leave for LGBTI as reported by the media: FLC CGIL, *L'ISFOL riconosce il congedo matrimoniale al dipendente che ha contratto matrimonio all'estero con persona dello stesso sesso*, 13th February 2015, <http://www.flcgil.it/attualita/l-isfol-riconosce-il-congedo-matrimoniale-al-dipendente-che-ha-contratto-matrimonio-all-estero-con-persona-dello-stesso-sesso.flc>; Corriere della Sera, *Intesa Sanpaolo, sì ai congedi matrimoniali per dipendenti gay*, 24th July 2014, http://www.corriere.it/economia/14_luglio_24/intesa-sanpaolo-si-congedi-matrimoniali-dipendenti-gay-960941ca-1338-11e4-bb47-dc581d38d44f.shtml?refresh_ce-cp; La Nazione, *La vittoria di Elisa: congedo matrimoniale anche per i gay*, 2nd August 2013, <http://www.lanazione.it/pistoia/cronaca/2013/08/02/928628-vittoria-elisa-congedo-matrimoniale-anche.shtml>; ANSA, *Congedo matrimoniale per psicologo gay*, 12th April 2016, http://www.ansa.it/trentino/notizie/2016/04/12/congedo-matrimoniale-per-psicologo-gay_ba55cffa-61fd-4138-b261-5552c9cfa192.html; Il Fatto Quotidiano, *Parma, congedo matrimoniale anche alle coppie omosessuali*, 18th November 2013, <http://www.ilfattoquotidiano.it/2013/11/18/parma-congedo-matrimoniale-anche-alle-coppie-omosessuali/781965/>; Il Messaggero, *Palermo, l'autista gay ottiene il congedo matrimoniale*, 4 October 2014, http://www.ilmessaggero.it/primopiano/cronaca/autista_gay_congedo_matrimoniale_palermo-623634.html; Corriere del Mezzogiorno, *Sergio e Antonio ad agosto sposi. Congedo matrimoniale dalla Gesac*, 16 July 2015, , viewed 10 May 2016.

¹⁰ See http://ec.europa.eu/public_opinion/index_en.htm, viewed 10 May 2016.

¹¹ The first study was published by Chiara Saraceno (2003), in Turin.

distribution and the sexual identity appear out of proportion. With regard to the general results of the investigation, 13% of the respondents declared themselves to have experienced discrimination in the past when applying for a job. Over one quarter said they are “not-out” at work and another quarter, out only to some persons, especially in public bodies. This leads to strict control of personal information and to a twofold strategy of coping (*Identity Management* and *Vocational Choice*). The rate of vocational choice is much lower than identity management, but in those cases the rate of being “out” is much higher. Differences in the fields of labour were also observed. However, this fear of discrimination is not fully confirmed by the data. Apart from discrimination in access to employment, the survey reveals that less than 5% of the respondents experienced any discrimination in their working conditions, including dismissals and pay. Only a small number experienced dismissal (especially transgender persons), while a quarter spoke about unfair treatment. At the same time, about 30% of these episodes of discrimination were not reported to any authority and in more than half of the cases, reporting produced no result.

With regard to the qualitative stage of the research, the interviews confirmed that transsexual and transgender persons have a major possibility of being the victim of discrimination, especially when accessing the labour market, but also by colleagues and employers in their workplace. The exposure of transsexual and transgender persons to recurrent and odious discrimination is made easier when they have undergone a sex change, because identity management is no longer possible. At the same time there is a general confusion over the means that trans persons can use to protect themselves from discrimination at work or to report the discrimination they suffer. Finally, most workers interviewed, even those who have not experienced discrimination, have the perception of a hostile and unfriendly working environment, which reduces the possibility of coming-out or implies self-exclusion from certain tasks.¹²

Another study – *La popolazione omosessuale nella società italiana* – was carried out in 2011 by ISTAT, Italy’s National Statistics Institute, and published in 2012 (ISTAT 2012). It was the first time that the National Institute explicitly addressed this topic in its research and the sample potentially covered the whole population. It is important to note that 15.6% did not answer the question about the sexual identity, despite the use of a technique that fully respected the privacy of the respondents (a separate sealed envelope and the impossibility for the interviewer to check the answers), perhaps due to a fear of being “registered” as homosexual/bisexual/transsexual. The data reveal the 61.3% of persons between 18 and 74 years believe that homosexuals in Italy are very or moderately discriminated against and, 80.3% that transsexual persons are. Seventy three percent totally disagree with the idea that a person should not be hired because they are homosexual, but 41.4% consider it not acceptable for a homosexual person to work as a teacher, 28.1% as a physician, and 24.8% as a politician. Only 59.1% think that having a relationship with a person of the same-sex is socially acceptable and 55.9% state that homosexual persons would be more accepted if they were more “discreet”. Twenty nine point seven percent believe a homosexual should remain in the closet. The study shows homosexual persons take this advice seriously: only 20% are “out”

¹² However, as the following Chapter will explain, the creation of a hostile and unfriendly working environment constitutes a form of discrimination, experienced as harassment.

with their parents and 55.7% with colleagues. Furthermore, when questioned about past discrimination, they answer it involves both education and training, the field of labour and the search for a job. Homosexuality is also the reason for the discrimination experienced by 10.2% of those who seek a home, by 14.3% in their relations with their neighbours, by 10.2% when accessing a health service, a physician, a nurse or similar, and by 12.4% when accessing a public office or a public transport. This hostile climate leads 19.6% to think of moving to another town or area and 13% actually do so. This internal migration usually goes from the south to the north. Being homosexual is more difficult for those living in the southern regions of the country, where old stereotypes are still widespread and the risk of is discrimination higher. In contrast, northern persons, and especially in the central regions are marked as more “open” and progressive. This perception seems confirmed by southern respondents, who are generally more hostile to homosexuality.

A third available study – *Dimensioni inesplorate della discriminazione in Europa: religione, omosessualità e aspetto fisico* – was conducted, one year later, in 2012, by Fondazione Rodolfo De Benedetti (De Benedetti, 2012). Between January and February 2012, the researchers sent over 2,300 fictitious resumes to hundreds of companies offering jobs in Milan and Rome, through the job portals *Monster* and *Job Rapido*. The professional profiles varied from administrative clerk, to receptionist, and to salesperson. Since, unlike the sex of a person, sexual orientation is not a feature of easy and direct observation, the researchers included, in some CVs, periods of work experience at renowned Italian associations or organisations advocating LGBT rights. The rest of the candidates were associated with “neutral” previous work experience. If compared with heterosexual men, homosexual men are 30% less likely to be called for an interview, regardless of whether they are the most qualified for the position. It is rather the opposite: the more qualified they are, the stronger is the negative effect of homosexual identity in the selection process. Ambitious gays are not desirable. In contrast, homosexual and heterosexual women do not show significant differences in callback rates based on alleged sexual orientation. Beauty seems the important variable here. Women, considered not to be beautiful, regardless of whether or not they are gay, are 18% less likely to be called back for an interview. Some interesting data also comes from the statistics of the Ufficio Nazionale Antidiscriminazioni Razziali (UNAR), the Italian Equality Body.¹³ Among the services provided by this public body, there is also the opportunity for victims or witnesses to report any discrimination. In 2014, reports totalled 1,337, 17% more than in 2013, and covered all aspects of the daily life. According to these numbers, denunciations by homosexual persons or regarding homosexuality are at the very bottom of the list and made up only 3% of the total reporting and less than 3% of the reporting related to discrimination in the field of labour. On the basis of this data, some newspapers announced that homosexual persons are the less discriminated against in Italy. However, this is not necessarily true and contrasts with the data of all previous surveys and research. The inconsistency can easily be explained by considering that UNAR is not so well-known in the LGBTI community (and its very own name could be misleading)¹⁴ and that LGBTI persons are not confident in the value and usefulness of reporting, or are not “out”, as will be explained more

¹³ See the website: www.unar.it.

¹⁴ *Ufficio Antidiscriminazione Razziali* literally means *Office Against Race Discrimination*. The origin of this name comes from the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal

fully in the fieldwork. Finally, some data can also be acquired from the support services offered by associations and collected as part of their activity. The non-profit Association *Circolo SAT-Pink* from Verona (in the Veneto Region) has provided a support service for transgender persons from 2011 (the so-called SAT, *Servizio Assistenza Trans*).¹⁵ Data collected shows that trans persons are included in the labour market in a different manner, with different positions and types of contract. Unemployed persons faced a barrier in accessing work and we can assume that the trans condition is important, but it is not the only reason. In fact, trans persons prefer the end of the gender reassignment process as the most suitable point to enter the workplace so they can find jobs and positions which correspond with their elected gender. And, of course, education level must have a significant impact on job possibilities. In general, coming out entails some initial difficulty, for instance in the context of HR management, the use of the appropriate gender can be an issue, although this can be resolved quite quickly. Generally, a more discriminatory attitude towards transwomen compared to transmen can be observed. Most of the users of the Association SAT-Pink work in private companies or have an independent job; public servants and autonomous workers generally don't reveal their condition.

The Association of lawyers and legal scholars *Avvocatura per i Diritti LGBTI – Rete Lenford* offers a legal support service support named *SOS* assistance since its foundation in 2007, even the monitoring activity of service started later.¹⁶ From 1 December 2011, to the 30 April 2012, the *SOS* service was requested by 261 persons, 44% from the northern regions, 20% from the central ones, 20% from the South and islands, and the remaining 8% from foreign countries. Generally speaking, data shows that discrimination at work constitutes 9% of the general help requests received and covers both discrimination on the grounds of gender identity and on sexual orientation. Requests are also made regarding public schools, company benefits, marital leave, the impact on the ability to work in cases of disturbance of gender identity, and in relation to disciplinary procedures.¹⁷

3. The project *Making Equality Real: LGBTI Persons and Labour Discrimination in Italy*

This study represents and reports the core activity implemented within the project, *Making Equality Real: LGBTI Persons and Labour Discrimination in Italy*. The twelve-month project, which has been financed by the ILGA-Europe Documentation and Advocacy Fund (2015), started in July 2015¹⁸ and represents a direct answer to the call of the Commissioner for Justice, Consumers and Gender Equality, Věra Jourová. On the 7th December 2015 she presented at the Employment, Social Policy, Health and Consumer Affairs Council, the Commission's 'List of Actions to advance LGBTI equality' during the period 2016-2019. The document states that while all Member States have already transposed the Framework Directive (Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation), the Commission will continue

treatment between persons irrespective of racial or ethnic origin, which foresaw the establishment of such office. Later, it was expanded to cover all grounds of discrimination, but the original name remained.

¹⁵ See the websites: www.circolopink.it; and www.portalenazionalelgbt.it/liter-di-transizione-dello-sportello-sat-servizio-accoglienza-trans-del-circolo-pink-di-verona, 30 June 2016.

¹⁶ The dedicated email address is: sos@retelenford.it.

¹⁷ A total of 23 requests out of 261 between 01.12.2011 and 30.04.2014 can be found.

¹⁸ For more information, see the website: www.makeequalityreal.eu.

monitoring its implementation in relation to sexual orientation. *Making Equality Real* considered this issue from its very title: is the equality formally guaranteed by the Framework Directive actual and effective? Is the legal protection as real as the “whip of discrimination” experienced by LGBTI workers? By answering these questions, the project aimed to fill the gap left by the previous Italian studies in the field of labour and tried to understand why the protection provided by the Framework Directive is legally but not socially effective in Italy or pursued by LGBTI persons. It also aimed at updating the overview of old reports on the Italian legal framework, which have changed significantly after the Legislative Decree 150 of 1st September 2011 about the simplification of civil procedures was enacted. As far as the target group is concerned, *Making Equality Real* is the first Italian attempt to include intersex persons in research about occupations, so following the example of both the Fundamental Rights Agency¹⁹ and the Council of Europe,²⁰ which have recently published research on the main issues relating to the human rights of intersex persons. Outcomes of these first studies revealed a lack of understanding and awareness with respect of intersex persons’ rights and dignity in the European Union and a lack of understanding (both at individual and institutional level) of the problems they face every day. Very little is known about intersex persons in Italy and none of this limited data is about people’s occupations. *Making Equality Real* is also the first study which distinguishes between the condition of the transman and transwoman, while they generally considered as an *unicum*.

The methodology underpinning the research for this study has been mainly qualitative and began with the collection of available literature and case-law on LGBTI persons’ experience in the field of labour. A desk review drew from various sources and has relied on legal and social and sociological literature; legislative developments of the labour market; collections of relevant case law and documentation of best practices. The review was further complemented and expanded by 144 structured interviews with LGBTI persons, victims of discrimination (N = 117) and experts in the field (N = 27), including lawyers, legal and psychologists practitioners and law enforcement agencies.²¹ The aim of the interviews was to collect data about the characteristics and effects of discrimination suffered by LGBTI persons in the workplace, and about the available remedies. This was achieved through structured questionnaires, one for LGBTI persons and one for professionals were developed. With regard to LGBTI persons, first of all we collected some personal information about the interviewed, in order to draw a map of discrimination disaggregated by geographical origin, age, “out” or “not-out” living condition, education, job sector, etc. Secondly, we asked what they considered as discrimination in the field of labour, if they felt discriminated against in the past and whether they sought any legal proceedings. In relation to the professionals interviewed, after collecting personal background information, we inquired about their idea of discrimination, whether they have ever dealt with such cases in the past and how they resolved them. The “out” or “non-out” condition of clients has also been taken into consideration when assessing the rate of reporting. A specific inquiry has been made about the role of

¹⁹ <http://fra.europa.eu/sites/default/files/fra-2015-focus-04-intersex.pdf>, viewed 10 May 2016.

²⁰ <http://www.coe.int/it/web/commissioner/-/europe-disregards-intersex-people-s-right-to-self-determination-and-physical-integrity>, viewed 10 May 2016.

²¹ The recruitment of experts involved five representatives from the major Trade Unions, eight legal professionals, five staff working for LGBTI or equality organisations, six therapists/counsellors working with LGBTI voluntary organisations and three University researchers.

trade unions and about needs for legal and social changes. The result of this inquiry can be read in the discussion of fieldwork (Chapter 2) and in the recommendations which follow. Depending on the local research needs of each Italian region, we also engaged with LGBTI and non-LGBTI organisations; public authorities; law enforcement agencies; or lawyers or professional experts. The research and the interviews covered all Italian regions, even if some, such as Lombardy, became overrepresented due to the “friendlier” climate. Large cities were compared to both small cities and the countryside. This result, which constitutes data in itself, was foreseen, so we included the related indicators in the questionnaire in advance.

Chapter 2

DISCRIMINATION AGAINST LGBTI WORKERS: THE ITALIAN SCENARIO

1. Methodology

1.1. The recruitment process

The recruitment of interviewees involved a call for interview via website, direct mail and emails sent to courts and LGBTI organisations or associations' members²² and personal contacts of the researchers involved in the study. In particular, trade union professionals, volunteers and personnel of LGBTI Associations and University researchers were recruited primarily, through personal contacts of the researchers, while lawyers were recruited through a call for interview via email.²³

The recruitment of experts involved five representatives from the major trade unions, eight legal professionals, five staff working for LGBTI or equality organisations, six therapists/counsellors working with LGBTI voluntary organisations and three University researchers.

The victims of discrimination were contacted primarily via websites (thanks to the website project form: www.makeequalityreal.eu)²⁴ and to a call for interview. The majority who replied contacted the research staff as they felt the need to support other LGBTI victims of discrimination by sharing their experience, while a smaller number were seeking affirmation that what they had experienced was indeed a form of discrimination and were searching for any remedies which might be available. For this group, the interview and the involvement in the research was of particular significance as they reflected on their experience, conceptualising it as a form of discrimination, sometimes for the first time.

I think that sharing my experience is a way to change things, to express my sense of being a citizen, to help other victims of discrimination find the strength to speak out, to react, and to recognise the discrimination.

(Lesbian woman, 51, Liguria)

1.2. Socio-economic and demographic characteristics of the respondents who are victims of discrimination

²² The call for interview was sent to the LGBTI associations "Lieviti" and "Avvocatura per i diritti LGBTI - Rete Lenford."

²³ The call for interview was sent to the Association "Avvocatura per i diritti LGBTI - Rete Lenford" mailing list.

²⁴ It must be noted that after an interview with the researchers of this project, published on a national newspaper (*D of Repubblica*, the number of contacts through the website increased.

As for the victims of discrimination, the study included persons between the ages of 18 and 67 years²⁵ who identified as lesbian, gay, bisexual man, bisexual woman, transman, transwoman, intersex, and victims of discrimination in the workplace. All the victims were Italian and non-disabled persons.

The study respondents (N = 117) consisted of 43 persons who identified as gay men, 33 who identified as lesbian women, 8 who identified as bisexual men, 5 who identified as bisexual women, 9 who identified as transmen and 16 who identified as transwomen. Only 3 persons identified as intersex..

In general, the participants comprised a great variety of individuals from a wide range of socio-demographic backgrounds, encompassing those who live openly as LGBTI person, and those who do not.

On average, one in three participants are completely open about being LGBTI (32,4 %): two out of three of the respondents, transgender (3 transmen; 14 transwomen); two out of eight, bisexual men (2); one in five, gay men (8); one in five, bisexual women (1); one in five, lesbian women (7); one in three, intersex persons (1).

A total of 117 victims of discrimination were interviewed, making a response rate of 100%. Their mean age was 42.8 years and the majority of participants were between 35-50 years old (N = 53, 45.30%).

The research was conducted in all Italian Regions,²⁶ with a mean of 5.85 interviews per Region, ensuring uniform coverage of the country. The number of interviews per Region was calculated taking into consideration the size and the population of each and the availability of the persons. However, the final number of those interviewed depended on the response the research had in the different geographical contexts.

For the purpose of showing aggregated data, in the present report, the results are presented as divided into North,²⁷ South and the two main islands (Sicily and Sardinia),²⁸ and Central Italy.²⁹

The majority of participants (N = 58, 49.6 % of the respondents) came from North, 27 (23.08 %) from the South and the two big Islands, 32 (27.35 %) from the Central Italy.

1.3. Type of employment of the respondents (victims)

Italy is experiencing a major reform of the labour market and the laws which regulate it, leading to increasingly precarious and insecure working conditions, so exposing LGBTI people to blatant and easier discrimination. For these reasons, the research took into consideration, 1) whether those interviewed worked in the public or the private sector, considering that the former has greater security and stability; 2) whether those interviewed had a permanent job, a fixed term contract, were unemployed, were professional or free-lance.

Regarding the type of employment, two third of workers were employed in the private sector (N = 77; 65.8%) and one third in public administration (N = 40; 34.2%); half of the

²⁵ In the present report, data are presented in aggregated form: 18-34 years; 35-50 years; more than 51 years (51-67).

²⁶ Italy has 19 Regions and two autonomous provinces.

²⁷ Aosta Valley, Liguria, Lombardy, Piedmont, Friuli Venezia Giulia, Trentino-Alto Adige (which is divided in the two autonomous provinces of Trento and Bolzano), Veneto, Emilia Romagna.

²⁸ Basilicata, Calabria, Campania, Molise, Apulia, Sardinia, Sicily.

²⁹ Lazio, Abruzzo, Marche, Tuscany, Umbria.

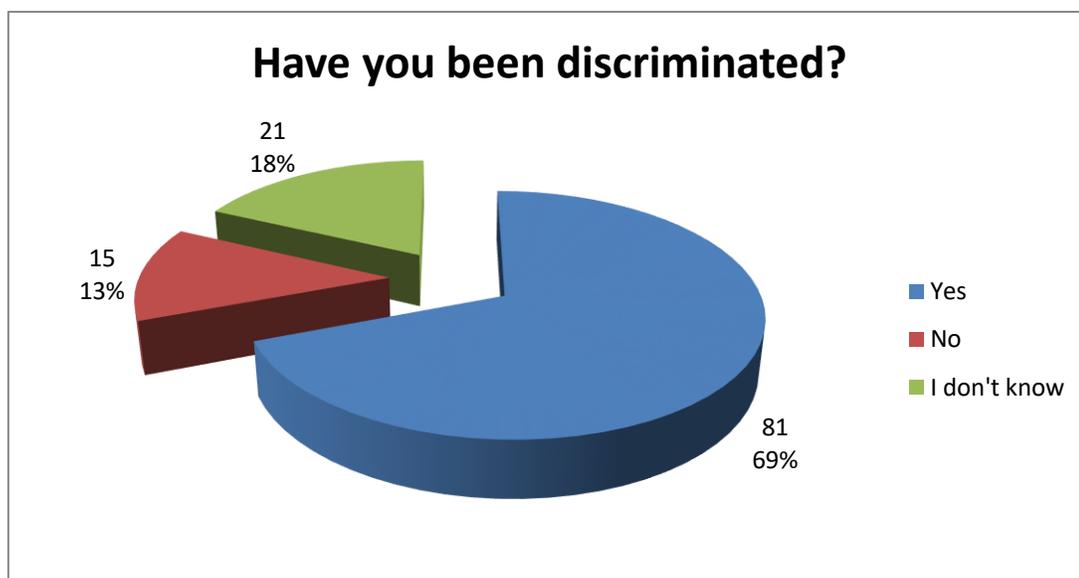
respondents were employees (N = 60; 51.3%), almost a quarter were freelance professionals (N = 28; 23.9%), and a quarter were unemployed (29; 24.8%). Among those who were employed, almost half had had a permanent job (N = 58; 50%), and half a fixed term contract (N = 59; 50.4%).

2. The Results of the Fieldwork³⁰

2.1. The general overview

The study shows that the great majority of the persons reported experiencing some discrimination during their working life.

Among the LGBTI persons interviewed, almost 75 % (N = 88) experienced or were experiencing discrimination in workplace.



Respondents were asked to indicate how often they experienced discrimination. The study population reported significantly high rates of discrimination: 85% (N = 36) among of those persons who are openly LGBTI reported at least one discrimination experience. More than four fifths of all respondents (82%; N = 31) reported that they felt discriminated against more than once, and almost two thirds (68%; N = 24) reported they felt discriminated against more than five times. A smaller proportion (29%; N = 10) of LGBTI persons reported they were victims of sex discrimination on more than ten occasions.

Almost two out of three of total respondents reported at least one experience of discrimination (N = 81; 73%), with half of all victims having experienced more than one episode of discrimination due to their sexual orientation or gender identity and/or expression (N = 56; 48%).

³⁰ Readers are reminded that survey results are reported at a total level, the accuracy resting upon the sample size, margin of error and standard deviation.

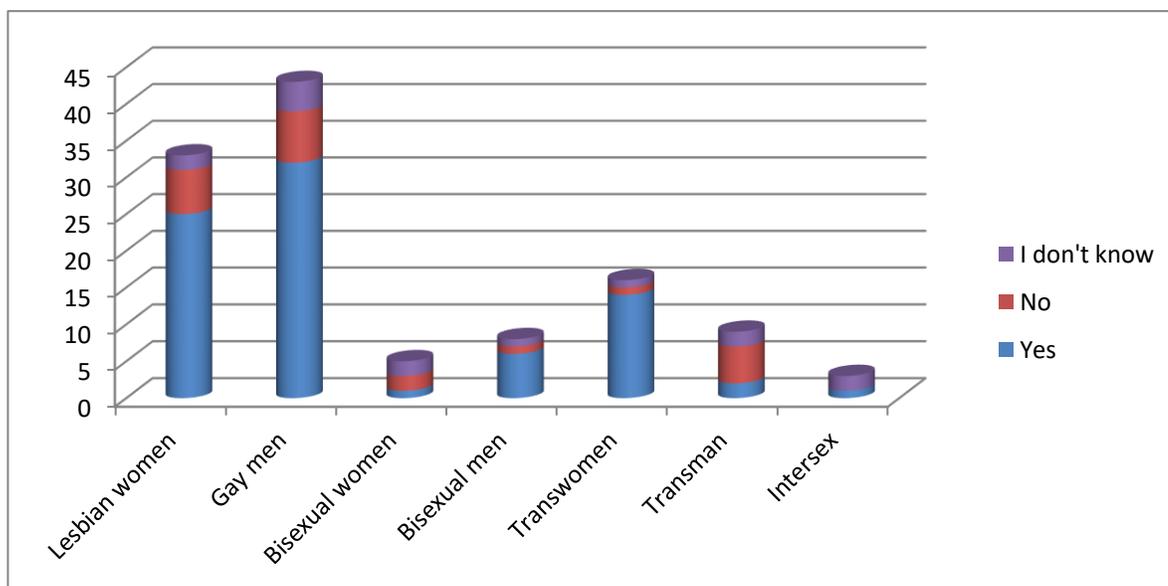
Whereas heterosexual women generally experience gender based discrimination in a framework of misogyny, LB and/or T women experience discrimination in a context that not only discriminates against women but might also be homophobic, bi-phobic and/or transphobic. On the other hand, lesbian women generally will not experience discrimination based on family status or because of parenthood because they often do not have children. However, they may be discriminated against due to a prejudice that they have no family needs.

Often, in general, lesbian women can follow a patriarchal work structure and have a satisfying carrier, more easily than heterosexual women can.

In contrast with other reports which stress that discrimination is exacerbated by being female (FRA, 2013, 11-26), the fieldwork shows that lesbian women are significantly less often victims of discrimination than gay men because of their sexual orientation, while transwomen are more often victims of discrimination than transmen because of their gender identity.³¹

Transwoman reported the highest rates of discrimination (87%), followed by gay and bisexual men (75%).

Have you been discriminated?



Generally, transwomen are more open than transmen perhaps because they cannot hide their condition while gay men are more open than lesbian women.

The link between being open and being victims of discrimination seems clearly to justify the fear of visibility.

³¹ In general, transgender persons are considered without distinguishing between transgender women and transgender men. However, certain differences should be stressed. For this reason, this study traces the relevant difference between FtM transmen and MtF transwomen.

Generally, I pass quite easily because I am masculine and people generally do not think that a “macho man” can be a gay. It is much more common to be “discovered” if you are effeminate. This is maybe the reason why I did not experience any form of discrimination.
(Gay man, 33, Marche)

I don't look *truly* gay. I think this is the reason why I did not experience discrimination. Why should they treat me differently? I seem normal and very *macho*.
(Gay man, 45, Tuscany)

I am not very feminine and my appearance in some way hides my sexual orientation.
(Bisexual man, 39, Tuscany)

Cases of harassment were also very prevalent in this population, 75% of gay or bisexual men reported having been harassed.

Around a half of the respondents think that discrimination based on bisexuality is rare but bisexual men (75%; N = 6) felt more discriminated against than bisexual women (20%; N = 1).

The fieldwork results show high rates of both individual and cumulative discrimination experiences with more than 40% of persons reporting two or more different types of discrimination (direct discrimination, indirect discrimination, harassment, instruction to discriminate) and more than 70% reporting repeated experiences of discrimination in a sort of climax.

During the data analysis, special attention was paid to the difference between the North and South of Italy and between the urban and rural areas.

However, looking at the results by Regional areas, variations are moderate in the percentages of participants that said they have felt personally discriminated against; ranging from around 85% in the North of Italy, to around 65% in the Centre.

Examining Regional results, we can see that discrimination on the grounds of sexual orientation is particularly widespread in many of the Northern Regions.

This does not seem a paradox as most of those interviewed living in the North of Italy stress that they moved from the South or the Centre of Italy to find a place to live which was more inclusive. In addition, these persons are more likely to be aware of discrimination while those interviewed who were living in the South of Italy often are not “out”. It could be argued, of course, that the inability to be out is, in itself, a form of discrimination.

Also, in terms of difference between the urban and the rural areas, variations are rather moderate and not significant. According to the interviews, the respondents who were born in a rural area often moved to an urban area to live somewhere more inclusive. In addition, most LGBTI persons who lived or remained in rural areas are not out and as a result they are less likely to experience direct discrimination. Also in this case, it could be argued, of course, that the inability to be out is, in itself, a form of discrimination.

Carrying out a deeper analysis, we can distinguish between three different layers that influence the results for these questions and answers: 1) General factors that make a respondent more likely personally to experience a form of discrimination and to perceive it, such as being younger rather than older: 28% (N = 12) of respondents aged 18-34 reported discrimination or harassment, compared to 38% of those aged 31-50 (N = 20) and 34% of those aged 51+ (N = 7); 2) Social position: 35% of respondents having a high social position experienced discrimination compared to 21% of those having a lower social position or a fix term contract;

3) Living in an urban area (44%) rather than a rural village (34%) and in the South, Centre or North of Italy.

2.2. Type of employment of the victims and discrimination

According to the results of other research (FRA, 2015, 13), younger respondents are more likely than older respondents to perceive their working environment as intolerant towards LGBTI people.

In the public sector, only a low proportion of respondents consider themselves to be victims of workplace discrimination, despite the fact that a picture of a generally, discriminatory environment emerges from the fieldwork.

It is interesting to see that some types of work (e.g. theatrical; performing arts jobs; fashion professionals) are generally considered more inclusive towards LGBTI persons and respondents consider discrimination to be non-existent towards those working in the theatrical or performing arts professions or in the fashion sector.

I think that discrimination is more likely to happen in traditionally male dominated occupations and industries such as technical jobs, while in fashion we are considered cool and more creative workers. We are definitely welcomed!
(Gay man, 34, Lombardy)

However, this is not the opinion of a professional in the field of performing arts:

When I came out I did it with a public letter in a national newspaper. That day, I was in Rome for an audition and the person auditioning asked me if I was “that” person. Then, she told me that I was really “brave”. When I asked the reason she answered that my public coming out could be a real obstacle for my future career. ‘Who would choose me for heterosexual male and macho roles?’ She said. I found this idea very “funny”, because the audition I was doing was for the part of an autistic young man, without a leg, but I am not autistic and I have both my legs.
(Gay man, 42, Lombardy)

The effect of a stereotype can be identified here in considering that “all” homosexual persons can be good workers in the fashion sector, because they are creative, but they cannot be good actors as they could never be “macho” enough for male’ roles.

Some interesting cases of institutional discrimination were found in football which was an object of particular focus because it is a sector where homosexuality is still taboo.³²

2.3. The moments of discrimination

Participants who said that they were discriminated against during their working life were asked about when they experienced that discrimination; 1) in recruitment and selection, for instance when looking for a work or when applying for a job; 2) at work, e.g. in relation to their career with regard to promotion, in the terms and conditions of work, in the recognition

³² In Italy, football is the most common and famous sport, but it is also work for professional footballers, trainers, referees. Italy has never employed a single openly homosexual professional footballer, trainer or referees and it is a sector where homophobia is emerging as a major problem.

of pay and benefits; in the access to training activity; 3) in redundancy and dismissal.

The general impression is that discrimination can occur throughout the whole working life, often from the moment a person comes out.

2.3.1. Discrimination in recruitment and selection

Discrimination often happens at the moment of applying for a job, as confirmed by this interview:

I am from Sardinia, where I worked as a hairdresser despite a good set of skills, that include a Degree in Economics (*cum laudem*). However, I never get any feedback after applying for job advertisements and after a meeting with the selectors. I think that is because I was quite well known as “homosexual” in our town.

(Gay man, 28, Lombardy)

The problem is that when you are gay the merit principle is not the most important when you apply. Current hiring practices are not free of sexism and they are highly informed by a heteronormative approach.

(Lesbian woman, 35, Campania).

Since I started my real life test, I never have any feedback when applying for a job. I think this can only be because my female name does not correspond to my male identity and to the photo.

(Transman, 34, Lombardy)

Many participants stressed that when applying for a job, they look at the companies’ anti-discrimination policies in a sort of pre-selection of job opportunities, according to inclusion policies towards LGBTI persons.

Regarding access to employment for transgender persons, this social work professional stressed the link between work discrimination and the gender reassignment process.

Between 2012 and 2016 we began monitoring activity in our support service for transgender persons. Data collected showed that trans persons are included in the labour market in a different manner, with different positions and types of contract. Unemployed persons faced a barrier in accessing work and we can assume that the trans condition is important, but it is not the only reason. In fact, trans persons prefer the end of the gender reassignment process as the most suitable point to enter the workplace so they can find jobs and positions which correspond with their elected gender. And, of course, education level must have a significant impact on job possibilities.

In general, coming out entails some initial difficulty, for instance in the context of HR management, the use of the appropriate gender can be an issue, although this can be resolved quite quickly.

Generally, we may find a more discriminatory attitude towards transwomen compared to transmen. Most of our users work in private companies or have an autonomous job; public servants and autonomous workers generally don’t reveal their condition.

(Social work professional, Sat-Pink Verona-Padova)

2.3.2. Discrimination at work

The most common answers were that discrimination took the form of unequal treatment in terms of employment conditions and in the different recognition of family benefits available for same-sex and for different-sex couples.

Regarding the unequal treatment, a gay man recounted:

I was not promoted for five years while the other colleagues had a faster career. When I went and asked for the reasons, my superior told me that it was not my fault. But, being openly gay, I could never coordinate or direct staff because I was too “fragile”. But I am not, definitely. When I objected that I am absolutely not fragile or weak, he answered that I am considered so, being gay, and that people’s impression is all, in a direction role.

(Gay man, 52, Lazio)

A lesbian woman said one of the main problems was the hostile and intolerant environment which was perceived as a barrier to the coming out:

I perceived my workplace environment as intolerant. My colleagues... It is not something they did. But for instance, speaking on the Cirinnà proposal, my colleagues spoke about same-sex couples as “different” from different-sex couples and same-sex parents, in a derogatory manner (‘Two men who want to have a child are not normal’). It is discrimination? That is surely a hostile environment towards LGBTI persons and I perceived it as an obstacle to my openness in the workplace.

(Lesbian woman, 37, Emilia Romagna)

As an employee becomes stressed, a case of unequal treatment can be the type of contract which follows a discriminatory work environment or attitude by employer:

In my case, the unequal treatment followed my outing. One of my colleagues heard a telephone call with my partner and reported to everybody that I was lesbian. In that period, I was not out because I preferred to protect my privacy, and to avoid homophobia in the workplace. Some weeks after that telephone call, they “proposed” (actually, *imposed*) a change in the contract, from full time to part time. I was not happy at all because I had a significant reduction in salary. However, I had to accept it, because I had no other choice. In any case, no-one told me the reason; it was justified in the name of organisational criteria. After some time, the workplace environment became worse and worse, and I couldn’t understand the reasons. Many jokes, many inappropriate comments, much rudeness and bad manners. Then, thanks to a colleague, I understood that the reason was my sexual orientation. But it was too late, because I was fired.

(Lesbian woman, 51, Liguria)

A particular type of discrimination may involve family status:

Because legally, I cannot marry my partner, benefit plans that cover employees’ spouses often exclude my partner. The value of benefits such as health and dental insurance can add up to several thousand Euros a year, so when the company does not provide coverage for my same-sex partner, I am in effect being paid less than a married co-worker making the same salary.

(Gay man, 45, Campania)

Coming out is considered a turning point in the professional life of LGBTI workers. In general, it exposes a pejorative work environment, as witnessed by these participants:

When I came out, I was victim of strategies and practices aimed at forcing me to leave. And it does not matter that before, I was considered a good worker and that the job has nothing to do with sexual orientation (I was a private security officer). Finally, I founded another job and left this firm. Definitely, it was not my place.

(Gay man, 43, Veneto)

However, some positive experiences emerged from the interviews:

One day, a colleague saw me at the supermarket with my girlfriend. We were holding hands. I hoped that word of mouth would not be so fast. But the day after, I was at the very centre of company gossip. I was not discriminated against in the sense of unequal treatment at work. Anyway, I was definitively out. So, I decided to start to share my affairs and my private life as my colleagues normally do, speaking about their partner and children. And in a few weeks, all became “normal”. My colleague asked me how do *we* do and *we* (together) were invited to the Christmas holidays party. I am so happy to be openly lesbian because I do not have to hide a big part of my life.
(Lesbian woman, 37, Piedmont).

In rare cases, coming out corresponds with an improvement in the professional career, as in the case of the following legal professional:

When I came out, immediately I became a hard-nosed, determined, and pragmatic lawyer. Before my coming out I was nice and “good girl” without character and charisma; then, I became the best lawyer in the town. Many men came to my office for legal assistance on divorce or separation proceedings because I was considered as “macho”.
(Lesbian woman, 38, Tuscany)

For transgender persons the most difficult period is surely the transition, and particularly the beginning of transition, as one transwoman confirms:

When you enter into the real life test and you are out as a transgender woman, it is hard. You are considered a “strange” and “unreliable” colleague. In my case, they suddenly changed my tasks and workplace because of the fear that our customers would consider my appearance “not nice” or “not appropriate”. Definitely, I accepted, because it was also the best for me and for the respect of my privacy. But I have to note that they did not ask me anything about my personal feelings and ambitions, just moving me to back office tasks because I am “not nice” and “not appropriate”.
(Transwoman, 52, Veneto)

In general, transgender persons, and especially transgender woman, are most likely to have experienced unequal treatment at work. The main reasons indicated are the impossibility of hiding the trans condition and the frequency of absence from work because of medical treatment. The fieldwork shows that when an employee is about to transition, there are a number of issues that should be considered, including the use of bathrooms or dressing rooms, dress codes, and the use of internal or external ID documents.

Generally, occupation-appropriate clothing is required for everyone. However, the problem emerges as the gender transition process requires violating gender-normative dress codes.

The fieldwork shows that the reality has two sides:

When I transitioned to living as the opposite gender, I wanted to use the clothes, hair styling, facial make up, and jewellery of that gender. My boss permitted me to wear either male clothing or unisex clothing (blouses, flat shoes), despite the fact that we had a male/female dress code. Our clothes should be in accord with the company dress code (a public transportation company) and I could infringe it, but without the possibility of putting on makeup and using jewellery.
(Transwoman, 49, Lazio)

I had been transitioning to become a woman over four years and wore female clothing and make-up. But they continued calling me with my former male name... It is embarrassing and it humiliates me, because it also happened in front of providers and customers.
(Transwoman, 37, Campania)

Some positive experiences can be reported:

I preferred to dress at home without using common dressing rooms and shower rooms. The manager openly told me 'I don't know what to do about the situation' but he promised me that he would do his best and check with Human Resources and ask them what they should do.
(Transwoman, 53, Sardinia)

My transition did not negatively impact on my job performance. On the contrary, I am more at peace and I think that my performance will improve.
(Transman, 38, Piedmont)

2.3.3. Discrimination in dismissal and redundancy

Discrimination against LGBTI persons often happens in the case of dismissal, and particularly in the case of collective dismissal, or in cases of non-renewal of contracts.

What characteristics of workers are taken into account when evaluating the fairness of a dismissal decision? I think gender identity and sexual orientation play a role more than individual merit and irrespective of assigned tasks, and that is not fair. This was my case. I was the only worker who was not given a renewal and I was the only transgender person. Maybe, it is a coincidence, but I don't think so.
(Transgender woman, 28, Sardinia)

2.4. The importance of visibility in the workplace

LGBTI workers may face another type of discrimination that is even more subtle, one that heterosexuals often don't understand: pressure to stay in the closet.

Many persons hide their LGBTI status so as to avoid the malaise and discomfort of a discriminatory work environment. The results of the fieldwork stress a subtle message, paving the working life of LGBTI workers: 'If you wish to keep your job, you must keep who you are and who your family is completely secret, because gays are unwelcome.'

As the interviews confirmed, visibility has a crucial impact on workplace wellbeing.

If my sexual orientation becomes known to my employer, I am sure that my career prospects will be threatened.
(Bisexual man, 29, Abruzzo).

As a teacher, I also have the responsibility to teach through my personal behaviour. I don't want to experience prejudicial treatment and I don't want to come out. This is a sacrifice, sure, but you just have to get used to it.
(Gay man, 31, Marche)

Another worker reported:

I have a big and important food shop in my town and I always fear that suddenly someone will call me “fag”. This could be the end of my activity. Because here, people think that all homosexuals have HIV and no one wants to buy food from a person who has the AIDS. That is way I am not out.
(Gay man, 60, Umbria)

Often, the possibility of maintaining privacy regarding sexual orientation is linked to a number of stereotypes which states that a lesbian woman could only be ugly and mannish and that heterosexual men are macho while gay men are effeminate.

I think the main reason why I did not experience any discrimination is that I pass quite easily. Not only I am not open and I am a pretty feminine girl. But I always “play” with my boss and colleagues.
(Lesbian woman, 27, Marche)

However, the silence on the sexual orientation (or on gender identity) creates significant stress.

In my former job, I did not disclose because I “passed” as heterosexual. However, after one year I had to leave the company because I felt the high stress associated with this “passing”. I did not want to come out because it was a traditional company, inspired by traditional values.
(Lesbian woman, 33, Sicily)

Coming out is often dependent upon how committed the institution appeared to be to the promotion of diversity.

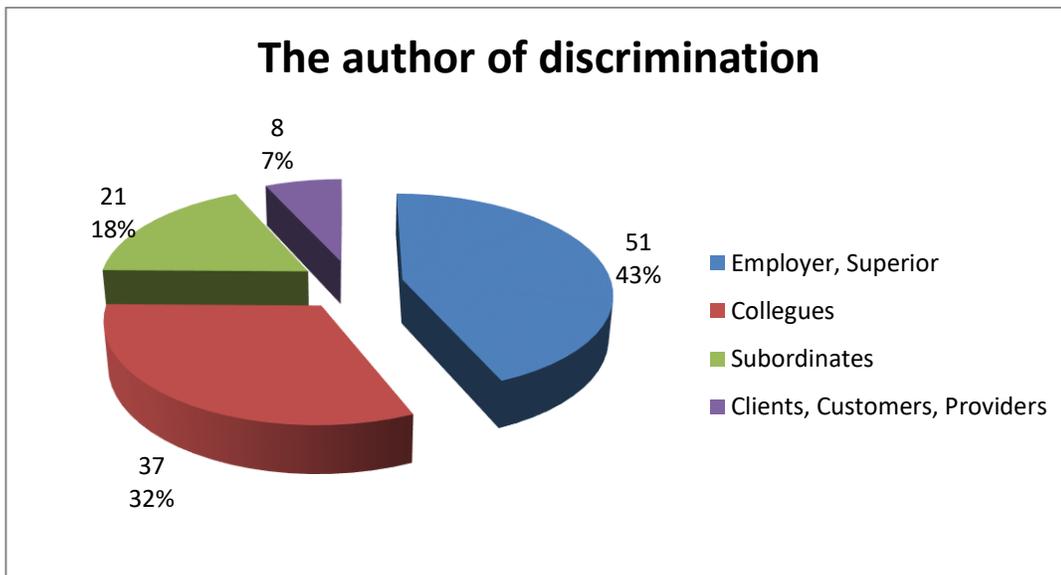
In some cases, the coming out has no impact or may generate a general improvement of workplace well-being, as in the following cases:

When I decided to come out, it was a trauma but I kept quiet in the hope that my colleagues will get tired and lose interest in my sexual orientation. I don’t know the reason why I did. Maybe, I was only tired of being hidden for a so long period.
(Gay man, 47, Aosta Valley)

I find that I started to be treated differently once I came out as homosexual to co-workers. But it was only at the beginning. Then, everything was “normal”... as usual.
(Lesbian woman, 37, Apulia)

2.5. The author of discrimination

Regarding who is doing the discrimination, the fieldwork shows that the author of discrimination can be the employer, or the superior (43%; N = 51), the colleagues (32%; N = 37), the subordinates (18%; N = 21), but also clients, customers or providers (7%; N = 8).



In general, discrimination coming from the line manager is considered worst and harder to manage because the reaction can have greater consequences for the job and impact on working conditions.

It often happens that more than one person is the author of discrimination:

My harassers were the employer, the supervisor, but also the co-workers. I think this was possible because they created an environment where all was possible. My supervisor continued to harass me. He wanted to help me to understand what I was losing (because I like women) and suggested to me to “try”, at least once, with a man.
(Lesbian woman, 31, Tuscany)

My female co-workers did not want to share the bathrooms with me. When I entered they literally escaped. It was a very unpleasant situation and I felt discriminated against. When I sought help from my superior he told me that I should tolerate it, because they were “just” joking, and that I should understand them.
(Lesbian woman, 42, Sicily).

Although the balance of power in the workplace normally lies with the manager over the employee, it is not unheard of for a lesbian or bisexual woman manager to claim to have been bullied by male subordinates, as the example of a common scenario for employers that operate in male-dominated environments shows:

One day, my subordinates made a joke. They took my mobile phone without my permission to post a comment on the status update on his Facebook page saying ‘I am lesbian but I would like to try a true macho. Is there a volunteer?’ I felt so humiliated.
(Lesbian, 47, Calabria)

2.6. The Form of Discrimination

Generally, respondents indicate that discrimination against LGBT means treating someone differently solely because of his or her (real or perceived) sexual orientation or gender identity. This means that discrimination may occur because of others' perception of someone's orientation, whether that perception is correct or not. It may also occur based on an individual's association with someone of a different sexual orientation (the so called "Discrimination by association").

In general, the respondents have an accurate understanding of what discrimination is, including when a person is not hired or promoted, or is fired, or experiences negative employment activity, harassment, or denial of certain benefits, inappropriate comments or generally negative attitudes, because of LGBT.

Examples of sexual orientation discrimination include different treatment, for instance if you are not hired, not promoted, are disciplined, or fired specifically because your boss knows or thinks you are lesbian, gay, bisexual. The same because of gender identity; when someone is transgender.
(Bisexual woman, 37, Lombardy)

A worker stresses the link between sex and gender discrimination:

Discrimination on the basis of sexual orientation is premised on sex-based preferences, assumptions, expectations, stereotypes, or norms. However, I think that sexual orientation is inseparable from and linked to sex and, therefore, that allegations of sexual orientation discrimination inevitably involve sex-based considerations.
(Lesbian woman, 29, Liguria)

Moving to the types and ways in which discrimination is expressed, the data collected suggests that perpetrators exercise discrimination in both a formal and informal way, and direct and indirect forms, but also as harassment or instruction to discriminate.

The forms of discrimination described across interviews includes a wide range of behaviours; the most common forms reported were: being discriminated against in an indirect form or an informal way; being treated differently; being the object of inappropriate comments or jokes.

Many participants said they had experienced negative comments, attitudes, jokes, or an inappropriate language ('Gay are deviants' or 'I could never accept a gay colleague'). In fact, despite the fact that the author of discrimination is not usually physically violent, s/he often harasses in verbal way.

Respondents also described some forms of verbal violence, such as being called negative words or experiencing a generally negative verbal attitude in referring to LGBT persons.

Political correctness is very common for denigrating LGBT persons and creating unequal treatment at work.

Well, inappropriate comments about sexual identity or sexual orientation can still be heard in company meetings. For instance, when someone is openly out, I feel a general hostility towards their presence in the workplace. And I know that I always have to be hidden. Also referring to famous LGBT persons, politicians, such as Ivan Scalfarotto or Nichi Vendola, actors, players or singer, such as Freddy Mercury, the usual comment is 'What do they want? They want to be gay and to have a family?'. But I was wondering whether we can really speak of the LGBTI condition as a generalised

experience. Do I really have something in common with Freddy Mercury, Ivan Scalfarotto or Nichi Vendola?
(Bisexual woman, 37, Trentino-Alto Adige)

The fieldwork revealed that transgender persons are the targets of several types of discrimination: direct, indirect, harassment, sexual harassment and the instruction to discriminate.

Discrimination rarely, has the form of physical assault or physical violence, rather, it is limited to forms of exclusion such as stressed by a transwoman worker in a public medical institution:

When I started my transition, my male colleague asked to move a certain distance from my desk. We were not friends. but we worked together for eight years. Anyway, suddenly, he was scared of me and I could not to explain to him my personal feelings in this situation. It was so hard to share my office with so hostile a person. And our supervisor did nothing to stop this behaviour.
(Transwoman, 47, Lazio)

A transgender person experienced bathroom exclusion, and considered this behaviour a form of indirect discrimination:

I was forced to use multi-use facilities, against my will, for a very long period. My co-worker was not delighted with the idea of permitting me to use the opposite-sex bathroom. I was required to use the restroom of my designated sex at birth after I had begun transitioning.
(Transman, 41, Veneto)

Regarding verbal discrimination, a worker notes:

The language is really powerful. When my superior uses insensitive words against disabled colleagues or clients I immediately think that he could do the same against me because discrimination is an attitude of intolerant persons and I felt discriminated against.
(Lesbian woman, 52, Umbria)

Almost four fifths of the respondents (N = 12) who say they were never discriminated against asserted that casual jokes about LGBTI people are widespread in the workplace, without realising that derogatory language is a way to discriminate. For instance, interviewees regularly hear homophobic remarks such as “*poof*” or “*lezza*”. The majority of the respondents (85%; No. 99) did not realise that this is a form of discrimination, or of harassment creating a hostile environment. However, they agree when we stress that these “jokes” are a form of verbal abuse.

The lack of a reaction may suggest that LGBTI persons who experienced verbal discrimination are more likely to tolerate discrimination and respond in a passive manner as the effect of an interiorised discrimination or homo-, bi-, and transphobia.

2.6.1. Harassment as a form of discrimination

The research demonstrates that more than three quarters (76%; No. 89) of the respondents who experienced discrimination had at least more than one episode of harassment in their

working life, despite the fact that they sometimes did not recognise it as a form of discrimination.

I felt harassed many times during my transition. My colleagues and my superior always asked me personal questions about my body and the transition. But it is a health issue, and I can't be forced to share my condition and feelings. Once, a colleague told me that I really seemed "a true man". I find this expression so humiliating... and I felt harassed."

(Transman, 41, Veneto)

An interesting result of the fieldwork is that harassment is often not included in the definition of discrimination by legal experts and socio-health professionals, who are not aware that harassment is legally considered as a form of discrimination prohibited by the law.

2.7. The Reasons for Discrimination

The participants were asked to report the reasons for discrimination against LGBTI. Their answers indicate that ignorance; conformity; tradition; the (absence of) position of public institutions; the invisibility of LGBTI persons; prejudice; sexism and racism; violence and prevarication as a personal attitude, were all seen as important factors. The position of the Catholic Church, which is still strong in Italian culture and society, is also considered to be one of the main reasons for discrimination against LGBTI persons, despite the recent opening words of the Pope (Francis I).

Also, experts on employment discrimination agree these factors lie behind the invisibility of the LGBTI condition.

One particular case concerns the professors of religion in Catholic Church organisations or in public schools; as in the following cases.

I have to hide my sexual orientation at work otherwise I am sure I will be not be confirmed next year. As I am a temporary worker, I have to pay attention. Compared to my heterosexual colleagues, I risk a lot... They only risk changing their position and moving to another type of task, while I will lose my job because my behaviour could be considered as not conforming to the Catholic Church.

(Gay man, 33, Sardinia)

I had to change my tasks. I didn't lose my job because I don't have a fixed-term-job. However, I was a professor in the public school and now I am janitor, which is not exactly the same... You know, I have a degree in Theology...

What happened?

Some years ago, someone sent an anonymous letter to the Bishop. A set of my Facebook pages were inside. Nothing ambiguous... For instance, there was the name of a girl under the section "engaged to"... I had another name, but it was clear (from the photos) that it was me and that I was lesbian. The worst, is thinking that this was some of my Facebook "friends," the author of the letter...

(Lesbian woman, 35, Emilia Romagna)

2.8. The consequences of discrimination

The current study stresses not only the high prevalence of discrimination but also its consequences in term of illness and segregation, with the indirect effect of a decrease in productivity. Victims of discrimination spoke of being isolated or isolating themselves from social

circles or communities, and experiencing fear. This study also assessed effects of discrimination such as symptoms of depression.

There were no significant differences regarding gender identity or sexual orientation in overall symptoms of discrimination in workplace.

When I came out, I became completely alone at work. I couldn't just go up and have a chat with my male colleagues because the other colleagues would think they also have "become" gay.
(Gay man, 29, Friuli-Venezia Giulia)

The fieldwork shows that discrimination is often associated with the search for a new job with a more inclusive environment and with long term effects.

My homosexuality played a key-role in the decision to leave my former job, due to the stress associated with leading a double life and having to deal with prejudicial attitudes and discrimination in my former workplace.
(Lesbian woman, 39, Umbria)

As a professional notes, 'for most people, work is a central part of their lives.' and discrimination can leave employees 'totally isolated from their co-workers.'

We have to consider that we spend about a third of our life at work and that our well-being can be accounted for by satisfaction with work place well-being. The place of work is therefore an important part of our working life and one which affects our lives. Moreover, workplace and personal lives are not separate entities but instead interrelated domains having a reciprocal effect on each other. A homophobic atmosphere in the workplace can provoke anxiety, depression, and stress related issues. In contrast, well-being generates productivity and therefore profitability and this is of great interest to employers.
(Trade union Professional, Lazio)

The participants who were victims reported a belief that discrimination caused problems with both physical and emotional health. A majority of victims identified an increase in anxiety and stress, suffered depression, or experienced a loss of confidence, and reported that the discrimination had a negative effect on their personal relationships. Very occasionally, some victims of discrimination had contemplated suicide and one person had actually attempted it.

As a result of discrimination one third had attended counselling and undergone medical (psychological or psychiatric) treatment. The victims reported that heterosexism had resulted in them achieving less at work (presenteeism). Only rarely had the victims resigned, while half of the cases had taken sick leave and had decided on a career change; a minority reported that they had been fired.

Most of the victims of discrimination identified at least one negative impact upon their wellbeing as a result of discrimination and many spoke of long-term emotional effects.

The narratives reveal a range of mostly psychological or emotional responses, such as low moods, feelings of depression and feelings of having done something wrong.

Some participants also spoke of difficulties in trusting trade union and difficulties in relationships with co-workers.

Thus, the consequences of discrimination appear to have a powerful effect on workplace wellbeing with the possibility of both victimisation and secondary victimisation.

The fieldwork documents a high prevalence of victimisation in LGBTI victims of discrimination.

2.9. Help Seeking

The fieldwork also analysed whether the participants have sought help because of discrimination against them. In some cases, the first protection came from the superior:

One of our employees told me he felt discriminated against because of the homophobic graffiti in the male toilets. I immediately ordered the removal of them and I sent an email stressing that our company refuses homophobic attitudes, behaviour and persons and that the author would be punished. I also organised a meeting to stress that homophobia will not be tolerated in the workplace and organised a training course on diversity at work.

(Lesbian woman, 55, Lombardy)

Most of the respondents stressed they had rarely talked to anyone about the discrimination at the time they were experiencing it. In line with previous research (ARCIGAY, 2011) friends and family were those most often spoken to (23%; No. 15) while only 5% (Trade union professional, No. 3) and 8% (Internal trade union Representatives, No. 5) victims eventually turned to trade union services for help, or to a lawyer (11%; No. 7). Fifteen percent (No. 10) went to or contacted LGBT Organisation's services.

When my boss scolded me in a very inappropriate manner because of my female clothing I wrote to the HR Manager; but he didn't answer. Then, I wrote to the local Trade Union, and finally I went to a lawyer, and we are deciding the best thing to do.

(Transwoman, 52, Lombardy)

Only rarely do victims report discrimination to the Equality bodies and lawyers; because of a general lack of trust in public institutions.

When I was discriminated against as lesbian, I went to the Counsellor for gender equality (*Consigliera di parità*, which is one of the Italian equality bodies) but she told me that she could not help me because it was not a case of gender discrimination and she could only follow up this latter. Some years later, I discovered that this was completely untrue and that she could help me. Now, the question is: did she know that she could help me and she deliberately didn't want to, or did she ignore this possibility? I don't know what is the worst. Anyway, I didn't have any help.

(Lesbian woman, 36, Piedmont)

This opinion is also confirmed by a trade union professional:

The *Consigliera di parità provinciale* (the Provincial Equality Counsellor) is perceived as weak, inactive, and invisible in its antidiscrimination activities to protect LGBTI persons. An equality body such as this should surely acknowledge its mandate to work against discrimination and for the respect of all regardless of the personal condition which is the reason for discrimination. But, for instance, it has no contact with us and this is a major limitation because systematic and structured cooperation with trade unions is necessary.

(Trade union professional, Lombardy)

Geography and connectedness to a local LGBTI organisation played a crucial role in persons accessing support services. Victims of discrimination who were based in central areas and

had access to the local LGBTI support structures were much better informed of the available support and specialist services than those from other less-central areas or from rural areas, who often pointed to a physical lack of services within their geographical area or lacked knowledge of the specialist services which were available.

The fieldwork also analysed whether the participants have reported episodes of discrimination against them.

Generally, most of the victims in the sample were reluctant to report to the employer, HR managers, family and friends, or trade unions' internal representatives and legal professionals; especially those working in smaller companies, firms, or shops. This would most often be because, either they did not trust trade union professionals, or did not want to cause trouble to their families and friends or have a problem in their workplace.

Among those persons who did complain, two thirds think that it was not useful (75%; No. 48).

During the fieldwork some interviewees referred to an internalised homo- and transphobia. For instance, one interviewee reported: 'My boss didn't want to harass me; his problem was that I was trans' and didn't seek help. Another interviewee reported 'I knew it was *wrong [the discrimination], but I felt so guilty for being trans-gender that I didn't react.*'; Or '*I am not the first nor the last trans to be discriminated against.*'

Thus, they apply a sort of self-restraint in claiming discriminatory attitudes. This was confirmed by a gay legal professional:

As LGBTI persons, we generally live in a very hard process of self-acceptance.

This is a very long and complicated process because often there is a lack of the "normality" of the self. In general, we have to demonstrate our homosexuality to show that we accept ourselves despite the homosexuality.

In some way, this has led to an easier acceptance of the discrimination.

(Legal Professional, Lombardy)

2.10. The under-reporting phenomenon and its reasons

Despite the fact that data collected during the fieldwork shows that discrimination against LGBTI persons in workplace exists, a certain reluctance of victims to report discrimination, to react against it, and to ask for help can be reported.

The general mistrust in the effectiveness of complaints contributes to creating a significant under-reporting of the phenomenon.

The fieldwork showed a significant rate of under-reporting.

Very often victims of discrimination do not trust public institutions. When I propose legal action to them, they answer that nothing will change and that they do not trust in the judicial system or that they do not have enough money.

(Piergiorgio Masi, Lawyer, Tuscany)

Several of the victims of discrimination in the study decided not to report the discrimination to the public authorities or to the trade unions for the following reasons:

- Fear of coming out and shame for being LGBTI

- Lack of trust in public institutions and trade unions and in legal remedies
- Fear of further discrimination based on threat, often following intimidation; Fear of repercussion by the employer or co-workers
- Fear of losing job/hiring
- Lack of knowledge about how or where to report discrimination, about remedies, and about anti-discrimination law
- Emotional reasons
- Lack of consciousness about the discrimination; when it happens the victims do not perceive that they are victim of discrimination
- Lack of evidence

The reasons for not reporting are consistent with those reported in FRA (2015, 48 ff.).

As emerged during the interviews, almost half of the respondents who did not report discrimination said that this was because they felt that the public authorities or the trade unions would not do anything and that ‘nothing would change.’

This limited perception is influenced by cultural factors including the heteronormative approach which typically characterises Italian society, bias against homosexuality and transsexuality, and the general invisibility of LGBTI persons in the workplace. Moreover, a specific aspect related to homosexuality or bisexuality, is the fear that denouncing the discrimination will disclose the sexual orientation of the victim.

As pointed out by a lawyer, visibility plays an important role in the decision to report discrimination:

LGBT persons are not keen to report discrimination because this will contribute to visibility in a social context which can often be homo- trans-phobic.
(Caterina Caput, Lawyer, Lazio)

The fieldwork revealed that often, trade unions suggest that workers experiencing discrimination should resolve the dispute with the employer by using an ADR (Alternative Dispute Resolutions), especially conciliation or transaction instruments.

This represents a problem, because it shows that trade unions only consider the dispute as discrimination against a particular worker, while that worker has been discriminated against because s/he shares a characteristic – e.g. sexual orientation or gender identity – with a specific “group”.³³ By using conciliation, only the specific, single case is resolved and sanctioned, while discrimination against the group, against LGBTI persons, remains untouched and invisible in the public debate. As a result, the perpetrator could continue to discriminate against the same worker or other workers for the same reasons.

As a “justification”, trade union professionals stress they have to satisfy the “ambitions” of the worker and to avoid the judicial expenses and the uncertain outcome of a judicial action. However, in the opinion of a legal expert:

³³ See note 29, Chapter 2.

In general, trade unions are a barrier to the recognition of rights and to combating discrimination. For instance, they prefer a conciliation procedure to get money, as they receive a percentage of the amount paid.

I think it is also because of political choices, of not showing or acknowledging the existence of discriminatory practices in Italy. Recognition would create institutional problems and they prefer to remain silent.

The rules are also ineffective because they are not coordinated with general labour law.

Then, the process takes a long time... After the first level decision it is a struggle against time... You need three years for the appeal.

(Caterina Caput, Lawyer, Lazio)

In relation to the small number of judicial actions which take place, the reasons seem to arise from the scarce knowledge of antidiscrimination law.

There are few judicial actions because the rules are totally unknown even among trade union professionals.

The only knowledge is among legal experts in migration law and minority rights. But legal experts in labour law do not really know these instruments.

Professional training and information are thus considered key factors, including for judges who also often ignore antidiscrimination rules.

For instance, when you start with an antidiscrimination action, the clerk of the court does not know how to classify the case in the Tribunal register.

As a result, there is a non-homogeneous classification between the first (Tribunal) and the second judicial level (Court of Appeal).

It is important to create a new type of action... because the current antidiscrimination action is invisible and classified as gender discrimination under the Equal Opportunity Code (d. lgs. 198/2006) or by another general description (e.g. if it is in the public sector, it will be so classified, for instance).

Another important issue is the position of scholars who surely could help judges in the decisions because the current University training is not adequate.

(Caterina Caput, Lawyer, Lazio)

As for sanctions and the effect of a sentence, a lawyer stresses:

The sanction, states the law, should be “dissuasive.” But what does this mean? What do I have to do, to ensure that the perpetrator will not reproduce the discrimination? We don’t have criteria to apply. In Italy, we don’t have punitive (or exemplary) damages and very often the payment is only symbolic without an effective capacity to change behaviour.

(Lawyer, Lombardy)

The fieldwork also reported that, in the opinion of the victims, public officers and trade union professionals do not know the antidiscrimination rules. They stress the need for special training on this topic for judges, lawyers and trade union professionals.

The shared idea of victims is that experts and legal professionals are still influenced by a heteronormative approach. For instance, during some interviews, the interviewees reported examples of answers for discriminatory behaviour as a ‘*normal approach due to the fear of being harassed by gays.*’

Another important finding emerged from the fieldwork; all the interviewees asserted that there is the need for collaboration between several social and public actors to train legal

professionals (lawyers and judges), trade union professionals, and public officers about discrimination against LGBTI, and to create awareness campaigns for the victims, and, in doing so, use appropriate language.

3. Discrimination based on gender identity

As suggested above, neither Italian nor EU law provide a specific provision prohibiting discrimination against transgender persons. As a result, discrimination against transgender persons is underreported.

Data collected during the fieldwork suggests that there is a common stereotype or prejudice regarding transgender persons, who are erroneously associated with prostitution and only considered as a MtF issue.

This means FtM issues are underreported and invisible. In some ways, this can be an advantage because transman can start their new life without necessarily revealing their previous life. On the other hand, the condition of transmen remains hidden.

An interesting case of discrimination against transgender persons regards workers in the Army. In fact, it seems that the ability to work is considered as compromised in cases of transgenderism. During the fieldwork, a person who is in the Army contacted the military doctor to ask about gender reassignment. The doctor suggested that he should seek advice about the possibility of losing his job, because, as a transgender person, he would be considered to be someone with a mental illness. The interviewer suggested that the person contact OSCAD (the joint office of the *Polizia* and *Carabinieri* who counter discrimination based on sexual orientation and gender identity, and to create a more inclusive and respectful environment) and ask for their help.³⁴

4. Discrimination against Intersex persons

The survey on discrimination against intersex persons faced a barrier and it was only possible to find three persons who self-defined as intersex. The reasons for this difficulty in the recruitment process stems, perhaps, from the general invisibility of the intersex condition and the difficulty of reaching candidates through a website.

The interviews revealed that the most significant problem of intersex is to stop early surgery on genitalia, rather than discrimination in the workplace. We may assume that, perhaps, intersex persons are not so often victims of discrimination because their condition is hidden and invisible.

However, the deep differences in intersexuality do not allow any generalisation of data collected. The three persons involved in the fieldwork were, in two cases, men with the Klinefelter syndrome and one case of a girl with Morris syndrome. The interviews involved persons who had very stable work positions, and therefore perhaps under-represented possible issues of workplace discrimination for intersex persons.

In addition, although the majority of intersex persons may not perceive any form of discrimination in workplace, we can presume that a small number of intersex persons may face serious health problems, with a direct and inescapable effect on work and working conditions. The *pathologised* approach to intersex conditions is surely mirrored in barriers to

³⁴ See para. 8.5, of the present Chapter.

accessing education and professional training, and thus, has implications for job opportunities. However, it may also impose a focus on the protection of health, thereby neglecting or hiding discrimination in access to work as a result of early surgery.

Chapter 3

RECOMMENDATIONS

The fieldwork (Chapter 2) has revealed that discrimination against LGBTI persons does exist. However, the phenomenon is not acknowledged and victims are somehow reluctant to report their experiences. In addition, legal professionals (lawyer and judges) do not receive specific training to deal with discrimination. As a result, victims are not protected as they should be and as the law states.

Discrimination is rarely reported because the law and legal professionals, and trade union professionals are considered unreliable.

Often the discrimination can be considered to be the consequence of reiterated bias and stereotypes regarding sexual orientation and gender identity.

In conclusion, the general recommendation that almost all interviewees suggested is for the creation of joint campaigns and projects aiming at informing, raising awareness and training those who will deal with the victims of discrimination.

Based on the findings of the study the following recommendations are put forward.

For public authorities and public administration:

- Legal Recommendations:
 - Public authorities should aim for a reduction of discrimination against LGBTI persons;
 - Public authorities should consider the possibility of including “rainbow” clauses in public procurement, following the example of green public procurement;

- Good Practices:
 - Public authorities should play a role in introducing good practices. This is particularly important because it could address the needs of victims of discrimination;
 - Public authorities should work closely with other social sector actors – trade unions and association of firms, companies, and LGBTI associations, human rights associations, NGOs – to challenge the actual framework of discrimination against LGBTI persons;
 - Public authorities should encourage “awareness” to tackle discrimination as a social problem and to eliminate invisibility;
 - Public authorities should establish committees to investigate the phenomenon and carry out more research on the issue of discrimination against LGBTI persons;
 - Public authorities should join the Rete RE.A.DY to expand the network of public administrations combating discrimination based on gender identity and sexual orientation;
 - Public authorities should develop and disseminate LGBTI issues through social media, audio-visual materials, publications and other sources of easy-to-comprehend information;

- Public authorities should implement support services and information points on the topic of LGBTI;
- Public authorities should promote non-discrimination policies to counter discrimination based on gender identity and sexual orientation;
- Public authorities should formulate an “LGBTI issues plan” governing issues on LGBTI workers and addressing issues such as timeline, dress, facilities usage for transgender workers and/or the extension of familial benefits for rainbow families;
- Training:
 - Public authorities should train their members and the general public and promote professional training among workers in private companies;
 - Public authorities should provide comprehensive sensitivity training on LGBTI issues for the providers of victim support services and law enforcement officials;
 - Public authorities should organise special training on LGBTI topics for judges, lawyers, trade union professionals and employers, on topics and issues relating to LGBTI and discrimination in the workplace, to remedy the incomplete knowledge on these issues;

For employers (private and public):

- Good Practices:
 - Public authorities and private employers should extend insurance to same-sex partners of workers and for rainbow families;
 - Public and private employers should introduce improvements to workplace organisation, for example, introducing gender-neutral, inclusive language in advertising materials on intake and screening forms, websites, notice boards and in waiting areas, with the purpose of creating a welcoming environment and to send out a positive message for LGBTI workers;
 - Trade unions should consider advertising explicitly that they will protect LGBTI persons against discrimination in the workplace and might consider publicising their services in the wider LGBTI community, e.g. in LGBT magazines, websites and forums;
 - Employers should stigmatise cases of discrimination and promote an internal debate in such cases;
 - Employers should consider the possibility of creating a “performance” index linked to the promotion of diversity and inclusion, which is built into the “appraisal” process used to evaluate individuals' work performance.
- Training:
 - Social and public actors should actively cooperate to train legal professionals (lawyers and judges), trade union professionals, and public officers about discrimination against LGBTI, and to create awareness campaigns for the victims, being mindful to use the correct language;

Especially, in the case of transgender workers:

- The employer should arrange for changes to name and gender in internal informatics systems; in email addresses, ID badges, uniforms, phone directories, websites and internal records;
- The employer should allow transgender workers to contravene gender-normative dress codes and use dress codes according to their perceived gender;
- The employer should recognise and adopt appropriate guidelines for employees in transition and in general, regarding the management of diversity based on sexual orientation and gender identity;
- The employer should permit transgender employees the use of facilities that correspond to their gender identity;

Other specific recommendations provided by the professionals interviewed for this study included:

- Legal Recommendations:
 - Providing stronger legal instruments against discrimination on the grounds of gender identity in workplace;
 - Making the punishment for discrimination and harassment in the workplace severe and effective, while ensuring free legal assistance to the victims;
- Good Practices:
 - Avoiding discriminatory practices on the basis of personal conditions, including sexual orientation and gender identity;
 - Using politically correct language; words should be sensitive and relevant, avoiding the use of a “them and us” approach which is the root of prejudice;
 - Promoting a more significant level of participation of LGBTI persons in local and national policy making, as well as in trade union activities;
 - Establishing monitoring and follow up activities to maximise positive actions in the promotion of diversity and inclusion of LGBTI workers;
 - Disseminating data on discrimination against LGBTI persons, leading to changes in practices and encouraging a new deal for LGBTI persons.

GLOSSARY

Abuse – is the general word for physical, verbal or mental maltreatment.

Abuse, Emotional (see Abuse, Psychological).

Abuse, Mental (see Abuse, Psychological).

Abuse, Psychological – is a form of abuse characterised by a person subjecting or exposing another to behaviour that may result in psychological trauma, including anxiety, chronic depression, or post-traumatic stress disorder.

Abuse, Physical – is abuse involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or bodily harm.

Abuse, Sexual (also molestation) – is the forcing of undesired sexual behaviour by one person upon another, when that force falls short of being considered a sexual assault.

Abuse, Transgender (also Transgender bashing) – is the act of victimizing a person physically, sexually, or verbally because they are transgender or transsexual.

Abuse, Verbal (also verbal attacks) – is a form of abusive behaviour involving the use of language. It also includes abusive words in written form.

Acting, Straight – is a term for an LGBT person who does not exhibit the appearance or mannerisms of what is seen as typical for LGBT persons. The label is typically used by and reserved almost exclusively for gay and bisexual men, but it may also be used to describe a lesbian or bisexual woman exhibiting a feminine appearance and mannerisms. Because the term invokes negative stereotypes of gay persons, its use is often controversial.

Androgyne – Person appearing and/or identifying as neither man nor woman, presenting a gender that is either mixed or neutral.

Asexual – Person who is not sexually attracted to anyone or does not have a sexual orientation or sexual desire.

Best practice – is a term which refers to a method or technique that has consistently shown results superior to those achieved by other means and that, through experience and research, has been proven to lead to a desired result.

Bi-phobia – Hatred, fear, unreasonable anger, intolerance or disgust of bisexuality or bisexual persons.

Bi-gender – a person who moves between feminine/woman and masculine/male gender-typed behavior depending on context.

Bisexual – a person who is emotionally and/or sexually attracted to both males or men and females or women.

Cisgender – a term used to describe non-transgender individuals.

Civil union – see Registered partnership

Cohabitation rights – two persons living together at the same physical address can, in some European countries (and regions), make a legal agreement on a number of practical matters (which vary from country to country). The rights emanating out of cohabitation are limited.

Coming out – the process of telling others his/her sexual orientation or gender identity.

Company doctor – In Italy, is the doctor who is responsible for company workers' wellbeing (literally, *Medico aziendale*). He can verify the symptoms of discrimination in the workplace during the periodic and mandatory health check.

Comparator – is the person who I have to compare with to demonstrate discrimination. It can be a real or hypothetical person.

Complaint – a report communicated in person, by phone, email, or fax, alleging harassing conduct by a DOL employee, or contract employee.

Complainant – a current or former DOL employee, or contract employee who brings notice of harassing conduct to the attention of the agency EEO Manager or other designated DOL staff.

Coping strategy – is a conscious effort to solve a personal or interpersonal problem that will help in overcoming, minimising, or tolerating stress or conflict.

Covering – is the strategy of hiding personal information in order to avoid being recognised as a member of the LGBTI community.

Cross-dressing – to wear clothing typically associated with members of the other sex.

CUG (Comitato Unico di Garanzia, Central Committee of Guarantee) – In Italy, is an institution of public administration which should guarantee the worker's wellbeing. Introduced in 2010, it is composed of trade unions' representatives and employees' representatives.

Different-sex relationship – a relationship containing persons of two different sexes. This term is preferred instead of opposite-sex, as ‘opposite’ is based on the incorrect assumption that there are only two possible sexes and that they are immutable.

Discrimination – unequal or unfair treatment which can be based on a range of grounds, such as age, ethnic background, disability, sexual orientation or gender identity. The European Antidiscrimination Law includes five different types of discrimination; direct and indirect discrimination, harassment and sexual harassment and instruction to discriminate. It covers a set of protected characteristics: sex/gender, race and ethnic origins, age, disability, sexual orientation, religion or personal belief.

Discrimination, Direct – where a person is treated less favorably than others on grounds of his or her sexual orientation or gender identity (or other protected grounds).

Discrimination, Experienced – also called subjective discrimination, is the experience of being discriminated against. Experienced discrimination does not necessarily entail discrimination in the legal sense.

Discrimination, Indirect – where an apparently neutral provision, criterion, or practice would put persons of a particular sexual orientation or gender identity (or other protected grounds) at a disadvantage compared with other persons.

Discrimination, Institutional – the way in which a society and its public institutions are used to benefit one group at the expense of another through the use of language, media, education, economics, etc. with the creation of a dominant mainstream.

Discrimination, Multiple – discrimination based on more than one ground, as in the case of a lesbian, black woman or a disabled, gay man or an old, trans man.

Discrimination, Reverse – is discrimination against members of a dominant or majority group as the result of positive action in favour of members of a minority or historically disadvantaged groups; in antidiscrimination law the term is used to refer to the unequal treatment of members of the majority groups, resulting from preferential policies, intended to remedy earlier discrimination against minorities.

Diversity management – The practice of managing the impact of workforce diversity and the diversity of workers (according to lifestyles and personal characteristics and choices); initiatives undertaken in a Company to include all employees in company activities and team building activity. The goal of diversity management is the creation of team building and workplace wellbeing and to improve the worker's ability to problem-solve, innovate, and cultivate diverse markets.

Drag King/Queen – a person who dresses like a member of the opposite gender, often with the aim to entertain and/or play with sex and gender roles and/or gender expression.

DSD – Initials originally standing for “Disorders of Sex Development”, a medical description of certain types of variations of sexual characteristics regarded by doctors as pathologies. Given that the pathological nature of variations in sex development is contested and considered to be stigmatising for the persons concerned, DSD is sometimes taken to stand for “Differences of Sex Development”.

Empowerment – A management practice of sharing information, rewards, and power with employees so that they can take initiative and make decisions to solve problems and improve services and performance. This concept was introduced by feminist scholars to stress the need for women to take the power and be autonomous in their role in the society.

Female to Male (FtM or F2M; trans-man or transman) – A transgender person born as female who is living as or transitioning to male/man.

DSM 5, Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition – is the 2013 update to the American Psychiatric Association's classification and diagnostic tool for mental disorders.

Gay – colloquial term for a person who feels sexual desire exclusively (or predominantly) for individuals of his/her own sex (homosexual) and/or who is emotionally attracted to men. Gay is sometimes also used as a blanket term to cover lesbian women and bisexual persons as well as gay men. However, this usage has been disputed by a large part of the LGBTI community and gay is therefore only used here when referring to men who are emotionally and/or sexually attracted to men.

Gender – a term used in social sciences which defines the social and cultural phenomena associated with the biological sex of being male or female. The term refers to persons' internal perception and experience of maleness and femaleness, and the social construction that allocates certain behaviours into male and female roles.

Gendernormativity – Practices and institutions that legitimise and privilege those who live in the gender they were assigned at birth. Gendernormativity has a negative impact on intersex and trans persons, persons who do

not identify with a gender, men who are perceived to be more “feminine” than is socially accepted, and women who are perceived to be too “masculine”.

Gender/Sex assignment – Assignment of a gender/sex to a baby on the basis of anatomical features regarded as “female” or “male”, in a societal system built around gender dichotomy.

Gender Dysphoria – the clinical definition of gender identity disorder which expresses negative or conflicting feelings about the sex or gender roles a person is assigned to at birth

Gender Expression – how an individual chooses to express his/her gender (dress, behaviour, appearance). A series of signs, visible to others, associated with belonging to a given gender (woman, man or other, as defined by the individual concerned). This might include, for example, the way a person dresses, speaks and behaves. The concept serves to distinguish how a person feels about their gender identity from what they demonstrate through their outward appearance. According to the American Psychological Association, it is the ‘...way in which a person acts to communicate gender within a given culture; for example, in terms of clothing, communication patterns and interests. A person’s gender expression may or may not be consistent with socially prescribed gender roles, and may or may not reflect his or her gender identity’.

Gender Identity – according to the American Psychological Association, it is the ‘one’s sense of oneself as male, female, or transgender’. When gender identity and biological sex are not congruent, the person may identify as transsexual or as another transgender category.

Gender Identity Disorder – a mental psycho-pathology included in the former Diagnostic and Statistical Manual IV (DSM IV) referring to a gender identity that is inconsistent with one’s biological sex (see **Gender Dysphoria**).

Gender norms – The set of rules that are perceived to be binding as regards ways of feeling, behaving, dressing, etc. according to gender.

Gender Queer (GQ; alternatively non-binary) – a catch-all term referring to persons who challenge gender norms associated with gender binary and cisnormativity and who are not exclusively masculine or feminine.

Gender Questioning – a term referring to persons who are unsure of their sexual orientation or gender identity.

Gender reassignment – the process through which persons re-define the gender in which they live in order to better express their gender identity. This process may, but should not have to, involve medical assistance including hormone therapies and any surgical procedures that trans persons undergo to align their body with their gender.

Gender recognition – process whereby a trans person’s preferred gender is recognised in law, or the achievement of the process.

Gender/Sex Reassignment Surgery (GRS or SRS) – a surgical procedure for changing one’s sex characteristics and to bring the primary and secondary sex characteristics of a trans person’s body into alignment with his or her internal self-perception.

Gender Role – the behaviours, traits, thoughts, and dress expected by a culture to belong to the members of a particular sex.

Gender Variance (or gender variant or gender nonconformity) – a term referring to persons who do not match masculine and feminine gender norms and whose gender identity differs from normative gender identity and the gender roles/norms assigned at birth.

Harassment – is a general term which defines behaviours of an offensive nature, that is unwelcome to the victim, which could be regarded in relation to the victim’s sexual orientation, gender identity/expression and/or as offensive, humiliating or intimidating. It can include spoken words, gestures or the production, display or circulation of written words, pictures or other material. Generally, it is a behaviour intended to disturb or upset, and it is characteristically repetitive. In EU antidiscrimination law, it is considered as a form of discrimination and defined as the condition where unwanted conduct related to the sex (or to the other protected grounds, such as religion and personal belief, disability, sexual orientation, age, race and ethnic origins) of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment, Sexual – is bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favours, unwelcome sexual advances, requests for sexual favours, and other verbal or physical harassment of a sexual nature. In the EU antidiscrimination law, it is considered as a form of discrimination based on sex and defined as the situation where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Hate crime – offences and crimes that are motivated by hate or by bias against a particular group of persons. This could be based on gender, gender identity, sexual orientation, ethnicity, religion, age or disability. Also called bias crime.

Hate speech – refers to public expressions which spread, incite, promote or justify hatred, discrimination or hostility towards minorities.

Heteronormative/Heteronormativity – a norm that takes for granted that there are two separate biological sexes and that we were born into one of them. It refers to cultural and social practices where men and women are led to believe that heterosexuality is the only conceivable sexuality. According to heteronormativity, there are certain behaviours and sex stereotypes that everybody has to follow. The norm also takes for granted that everyone is heterosexual because it is the only way of being “normal”.

Heterosexual – a person who is emotionally and/or sexually attracted to persons of the ‘opposite’ sex. This is based on the assumption or belief that there just two ‘opposite’ sexes.

Heterosexism – the prejudicial attitude or practice of discriminating against homosexuals by heterosexuals. Prejudice against individuals and groups who display non-heterosexual behaviours or identities, combined with the power of the majority to impose such prejudice. Usually used to the advantage of the group in power. Any attitude, action, or practice – backed by institutional power – that subordinates persons because of their sexual orientation.

Homonegativity – a negative attitude toward homosexuality or LGBT persons.

Homophobia – fear of, intolerance and/or hatred, or anger towards homosexuality and/or homosexual persons. Any manifestation, whether acknowledged or not, of discrimination, exclusion or violence vis-à-vis individuals, groups or practices referred to as homosexual.

Homo- Transphobia, Internalised – is the stigmatisation, the negative attitude of LGBTI persons toward their self, leading to a devaluation of the self and resultant internal conflicts and poor self-regard. Typically, it happens as a consequence of the negative perceptions, intolerance and stigmas directed towards LGBTI persons in wider society. The process by which a member of an oppressed group comes to accept and live out the inaccurate stereotypes applied to the oppressed group.

Homosexual – a person who is emotionally and/or sexually attracted to persons of the same sex. Homosexual persons are those who feel a deep-lying emotional, affective and sexual attraction to individuals of “the same gender” and have intimate sexual relations with these individuals. Generally, persons are classified as homosexual on the basis of their gender and the gender of their sexual partner(s). ILGA Europe recommends use of the terms lesbian and gay men instead of homosexual persons. The terms lesbian and gay are considered neutral and positive, and the focus is on the identity instead of being sexualised or pathologised

ICD-10, International Statistical Classification of Diseases and Related Health Problems (Tenth Edition) – is the international standard diagnostic tool for epidemiology, health management and clinical purposes, maintained by the World Health Organization.

Intersex, Intersexed, Intersexual (see also **DSD**) – a person having ambiguous genitalia; a person whose sex characteristics are atypical or at variance with commonly accepted norms. Intersex persons are born with physical, hormonal or genetic features that are neither wholly female nor wholly male; or a combination of female and male; or neither female nor male. Many forms of intersex exist; it is a spectrum or umbrella term, rather than a single category.

Interphobia – Fear of or irrational aversion to intersex persons because their anatomical states do not fall into standard “female” or “male” categories.

Intersex variation – A range of anatomical states which do not fall into standard “male” and “female” categories and can result from chromosomal, hormonal, gonadic or genital variations.

Intimate partner violence (IPV) – is often used synonymously with domestic abuse or domestic violence, but it usually refers to abuse occurring within a couple relation (marriage, cohabitation, though they do not have to live together for it to be considered domestic abuse).

Instruction to discriminate – the order or the instruction to someone to make that person harass or victimise someone else. In the EU Second Generation Directives (2000/43/EC; 2000/78/EC; 2004/113/EC; 2006/54/EC), the instruction to discriminate shall be deemed to be discrimination. The ‘act’ is the instruction or order which caused the discrimination to happen.

Lesbian - a woman who is attracted emotionally and physically to another woman.

LGBTI – acronym for lesbian, gay, bisexual, transgender and intersex persons. Sometimes, the letter “Q” is also included to incorporate queer, or it is written GLBT.

Male to Female (MtF or M2F; trans-woman or transwoman) – A transgender person born as male who is living as or transitioning to female/woman.

Marriage equality – where national marriage legislation also includes same-sex couples – e.g. gender neutral reference to the spouses. Sometimes media outlets and decision makers incorrectly refer to the extension of existing marriage legislation to same-sex couples as ‘gay marriage’. What they really mean is marriage equality; no country has created a marriage law specifically for same-sex couples.

Metrosexual – First used in 1994 by British journalist Mark Simpson, who coined the term to refer to an urban, heterosexual male with a strong aesthetic sense who spends a great deal of time and money on his appearance and lifestyle. This term can be perceived as derogatory because it reinforces stereotypes that all gay men are fashion-conscious and materialistic.

Minority stress – refers to the high levels of stress faced by members of stigmatised minority groups.

Mobbing – is an abuse which typically happens in the workplace, perpetrated by superiors, co-workers, subordinates (in this case, the expression is “bossing”) through intimidation, humiliation, harassment and isolation.

Out – being openly gay, lesbian, bisexual, trans or intersex.

Outing – the public disclosure that someone who is assumed to be heterosexual is actually homosexual, bisexual or transsexual.

Pangendered – A person whose gender identity is comprised of all or many gender expressions.

Pansexual – A person who is sexually attracted to all or many gender expressions.

Passing – is the act of presenting an ‘impression’ of the self to gain acceptance by a social group. For example, a transgender person’s ability to appear as the gender he/she identifies with; a homosexual person who is not out tries to ‘pass’ as heterosexual to gain acceptance.

Positive actions (or affirmative actions) – the promotion of persons based on belonging to non-majority identity groups in the workplace, in educational institutions and other positions in society, sometimes prejudicing the criterion of selection by merit. In antidiscrimination law, positive actions are built into the EU Treaty (art. 157 TFEU) and Second Generation Directives. Typically, in the context of employment, they sometimes refer to the selection of a candidate from an “under-represented” group, so long as he or she is no less than equally qualified compared to another potential candidate that is not from the under-represented group.

Queer – historically a derogatory term for LGBT persons, but adopted as a sexual identity by younger gays and lesbians. It has become an academic term that is inclusive of persons who are not heterosexual, including lesbians, gay men, bisexuals and trans persons. Queer theory challenges heteronormative social norms concerning gender and sexuality, and claims that gender roles are social constructions. Traditionally the term “queer” was an abusive term and therefore, for some, still has negative connotations. Many LGBTI persons however, have reclaimed the term as a symbol of pride.

Queer Theory – an academic theory analysing society’s views and norms.

Rape – is a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration perpetrated against a person without that person’s consent.

Reverse burden of proof – the situation in which the legal burden of proof is (exceptionally) placed on the defendant in a criminal case. The reversal of the burden of proof typically characterised the EU antidiscrimination Directives.

Rainbow Family – collective term for same-sex families or a family with LGBT parents or members, generally with children.

Rainbow flag – A symbol celebrating the uniqueness and diversity within the LGBTI community. The flag has six stripes, each a different colour, ranging from purple to red.

Real life test (or Real life Experience) – is the period of time (6-12 months) in which transgender individuals live full-time in their preferred gender role. The purpose of the real life test is to verify and confirm that the person can live successfully as a member of the desired gender. Usually, it is a compulsory phase in the gender reassignment process and it requires the prescription of hormone therapy. Where the test is considered successful, it can lead to genital reassignment surgery (GRS).

Registered partnership – legal recognition of relationships; not always with the same rights and/or benefits as marriage; synonymous with a civil union or civil partnership.

Same-sex relationships or couples – covers relationships or couples consisting of two persons of the same sex.

Same-sex marriage (see also marriage equality) – the term same-sex marriage does not exist in reality. There is no country which has a specific marriage law solely for same-sex couples. The correct term is marriage

equality, as the aim is to open marriage laws to same-sex couples to give them the same rights as different-sex couples.

Sex – the biological status of a person, categorised as male or female, following a number of indicators of biological sex, including sex chromosomes, gonads, internal reproductive organs, and external genitalia. The legal sex is usually assigned at birth and has traditionally been understood as consisting of two mutually exclusive groups, namely men and women.

Sexual Assault – is a form of sexual violence; any involuntary sexual act in which a person is coerced or physically forced to engage against their will, or any non-consensual sexual touching of a person.

Sexual bullying – any bullying behaviour, whether physical or non-physical, based on a person's sexuality or gender.

Sexual Identity – a component of an individual's identity that reflects their sexual self-concept. It can change throughout an individual's life, and may or may not align with biological sex, sexual behaviour or actual sexual orientation.

Sexual Orientation – refers to each person's capacity for profound affection, emotional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

SOGIE, Sexual Orientation and Gender Identity Expression – After the Yogyakarta Declaration, this acronym replaced the former expression LGBT.

Straight – colloquial term for heterosexual.

Strategic litigation – is the use of court cases as part of a strategy to achieve broader legal and social change. Strategic cases may be settled in the national courts, or, failing that, go to regional or international courts.

Surrogacy – an arrangement in which a woman carries and delivers a child for another couple or for another person.

Trans – Abbreviation used to designate persons whose self-perception of gender, gender identity and/or gender expression differs from the gender assigned to them at birth. The exact content of this concept varies from author to author but at all events, it covers a wide range of sub-categories. It includes, but is not limited to: men and women with transsexual pasts, and persons who identify as transsexual, transgender, transvestite/cross-dressing, androgyne, polygender, genderqueer, agender, gender variant or with any other gender identity and/or expression which is not standard male or female and express their gender through their choice of clothes, presentation or body modifications, including undergoing multiple surgical procedures.

Trans identity – Term devised to contrast with that of "transsexuality" to emphasise that the issue here is identity, not sexuality, and which means possessing a gender identity which does not match the gender assigned at birth and the social expectations associated with that gender.

Transphobia – negative cultural and personal beliefs, opinions, attitudes and behaviours based on prejudice, disgust, fear, anger and/or hatred, towards transsexuality and/or transsexual and transgender persons or based on variations of gender identity and gender expression.

Transgender – an umbrella term referring to anyone whose behaviour, thoughts, or traits differ from the societal expectations for his/her biological sex.

Transition – A process of social (and often but not necessarily bodily) change by which persons abandon the gender roles corresponding to their assigned gender to adopt the gender role of another gender.

Transsexual – a person who lives in a gender role consistent with his/her inner gender identity but in contrast with the social expectations associated with his/her biological sex. It includes pre-operative, post-operative, and non-operative transsexuals. In fact, transsexual persons might intend to undergo, are undergoing or have undergone gender reassignment treatment (which may or may not involve hormone therapy or surgery).

Under-reporting – a failure in data reporting. This is a characteristic of discrimination which often, is not reported, or is reported as less than the actual level or amount taking place; this makes it hard to calculate the actual incidence of crimes.

Victimisation – the process of being victimised or becoming a victim; a specific term describing discrimination that a person suffers because they have made a complaint or been a witness to another person's complaint.

Victimisation, Secondary (or double victimisation) – the process related to further victimisation following on from the original victimisation; in discrimination law this term is used to describe action by an employer, against an employee, in retaliation for involvement in bringing, or supporting, a complaint of discrimination.

Violence, Gender (or Gender Based Violence, GBV) – is violence that is directed against a person on the basis of gender.

Vocational choice – the choice of a job or profession; the decision processes underlying career and job choices.

Workplace – wherever an employee may be found to be engaging in the performance of his or her work duties.

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