



EU Platform of Diversity Charters expert seminar 'LGBTI inclusive workplaces'

25 October 2019

Flemings Selection Hotel Vienna City, Vienna, Austria



*Justice
and Consumers*

Contents

Opening words	2
Sarah Preuschoff, Viennese chamber of commerce, CEO for women in business, young entrepreneurs & diversity units	2
Anu Ritz, European Commission	2
Panel discussion: The challenges for LGBTI people in the workplace & how employers can support employees. Moderator Catia Fernandes, IMS Luxembourg	2
Richard Hargas, Accenture Slovakia.....	2
Kevin Murray, Citi Central Europe	3
Isabelle Pochic, Sandoz, Germany	3
Astrid Weinwurm-Wilhelm, Pride Biz Austria	3
Tilka Klančar, City of Ljubljana.....	4
Tjerk Molenaar, Municipality of Utrecht, the Netherlands	4
Challenges & conclusions.....	4
Trans, non-binary & intersex people: Rights in Europe, access & inclusion in the labour market	5
Presentation of Trans & Intersex Equality Rights in Europe – A Comparative Analysis: Peter Dunne, senior lecturer in law, University of Bristol Law School.....	5
Personal testimony: Alexa Michelle Schwarz	6
The role of leadership for more diverse business. Moderator Ludo Swinnen, East Meets West Business	7
Rosario García Crespo, Nationale Nederlanden, Spain.....	7
Frederic Trierweiler, State Street Bank Luxembourg S.C.A.	7
Julia Valsky, Erste Group, Austria	7
Marco Mazza, IBM Italy.....	8
Challenges & conclusions.....	8

Opening words

Sarah Preuschoff, Viennese chamber of commerce, CEO for women in business, young entrepreneurs & diversity units

“As an organisation, we want to be creative and innovative, and we can only achieve this if we are open and we care. We all care, these organisations we represent today all care; we have to start the process of caring, from the top down and from the bottom up. We are powerful, we have to be one union. It’s important not just to sign the Charter but to live it in our organisations and companies so we can focus on our work, and not have to worry about what we are able to say to our colleagues about our private lives.”

Anu Ritz, European Commission

Welcomed the participants to this LGBTI inclusive workplace seminar and presented the latest Eurobarometer survey that showed improvements in social acceptance for LGBTI people, but nowhere near full acceptance or equality. This is one of the reasons the Commission’s non-discrimination unit has diversity and LGBTI as a focus, and the appointment of a Commissioner for equality is a significant step forward in this regard. “This is why we are here today. Only by working together and learning from each other can we make change and take things further. This is a chance to ask difficult questions and to learn.”

Panel discussion: The challenges for LGBTI people in the workplace & how employers can support employees.

Moderator Catia Fernandes, IMS Luxembourg

Richard Hargas, Accenture Slovakia

First of all, Accenture supports the inclusion of LGBTI people because morally it is the right thing to do. There is also a business case for creating an inclusive workplace. If employees are authentic, they do not have to spend part of their energy on hiding who they are and they can put their full energy into their work. In addition, more diverse teams bring more innovation and increase productivity. Using the business case arguments can be the way to persuade companies that do not support inclusion based on the grounds of morals and values. For example, Accenture conducted research to prove to retail companies that they are losing money because they are not diverse and inclusive enough to provide proper care to all their customers.

The approach to take with (potential) signatories of the Diversity Charter depends on the initiatives being proposed; an internal project may be more appropriate than a big public event, and Charters should support the signatories step by step.

Accenture has a global zero-tolerance policy for discrimination. Families of different types are recognised with equal benefits, even though there is no legal framework for this in Slovakia. Education is an important tool in LGBTI inclusion, particularly in the case of Slovakia where – based on a survey – approximately 60 % of people claim they do not personally know an LGBTI person. Accenture organises workshops on topics such as ‘Transgender’ or ‘Being a parent of an LGBTI child’,

which have attracted a lot of interest. Breakfast with the local Pride network was organised for LGBTI allies to provide interaction with LGBTI colleagues.

These initiatives provide personal experience in standard day-to-day situations, letting people understand the topic in a less abstract, more human way. Visibility is also key: all employees are offered a rainbow lanyard for their badge and stickers for their computers to show they are an LGBTI ally. The company logo on the HQ building in Bratislava was turned to rainbow colours during Pride Month and representatives often publish articles in the media and take part in forums such as this one to spread the message further.

Kevin Murray, Citi Central Europe

The issue has to be driven from the top. Citi began a global employee network programme in 2002 based on affinity groups such as LGBTI, each of them sponsored by a senior member of the company. Members don't have to identify with the group but can simply be interested, and this helps to start conversations and allow internal communities to understand the issue better. The Living Library project invites people to speak on a topic such as discrimination from a personal perspective, and has been a moving and impactful initiative. Citi was the largest company to sponsor the Pride parade in Budapest in 2016, as a way of leading by example, and marched as the principal sponsor of We Are Open, a European organisation promoting diverse and open culture in the workplace. The company hopes to extend this participation to Poland.

Isabelle Pochic, Sandoz, Germany

Diversity and inclusion is essential for Sandoz and means the company has employees who bring a wide variety of experiences, backgrounds and approaches to their work. It allows the company to provide patients and customers with creative and effective solutions, and to attract the best talent. Small initiatives are important, such as distributing stickers to allow people to show their support, meaning there is a safe place for conversation and thereby increasing overall awareness of LGBTI+.

A post on internal social networks can be the message that encourages someone to broaden their perspective and can act as a trigger for a broader discussion. The fact of being out can be a support for others and having C-level executives as sponsors and HR as facilitators enables an environment of psychological safety in the workplace. Bigger events such as raising a flag in front of the divisions' buildings for Pride Month in June on sites worldwide, changing the Novartis and Sandoz logo on social media to rainbow colours and having allies and LGBTI+ employees join the floats in Pride parades further increased the visibility of the LGBTI+ community at Sandoz and Novartis, internally as well as externally.

As questions about LGBTI+ topics become more prominent in society, parents are approaching the company's ERG leaders' group to seek advice and support in relation to their LGBTI+ children.

Astrid Weinwurm-Wilhelm, Pride Biz Austria

The Pride Biz Austria network was founded this year to put an existing common engagement on to a more professionalised level. Its projects include the Meritus award for organisations that champion LGBTI diversity in the workplace; the most recent winner was the Austrian railway operator, a traditional employer of more than 40 000 people. Pride Biz Austria aims to increase understanding and to support organisations whether they are at the start of the process – developing mission statements, getting management on board – or further ahead. A complete roadmap to LGBTI inclusion isn't necessary on the first day: it is more important to involve employees in the process and encourage their engagement than to wait for huge programmes to be rolled out from top to

bottom. In any case, every employee – whether a leader or not – is able to make a difference: in their attitude and how they communicate.

Tilka Klančar, City of Ljubljana

The city's main goal is to change broader social attitudes and it tries to set an example in doing so. It co-finances various LGBTI+ programmes and projects, offers its premises to NGOs for activities, has a unique LGBTI-friendly public bar in the City Hall, and the mayor has been patron of the city's Pride event for almost 20 years. With its LGBTI-friendly certificate, it aims to create a climate that is welcoming to all, both externally and in its own working environment. It has so far handed out 40 certificates to public and private institutions in the city for their work on LGBTI inclusion. Management staff take part in seminars to ensure better understanding of the basic human rights of LGBTI people among employees and create a more inclusive atmosphere.

Tjerk Molenaar, Municipality of Utrecht, the Netherlands

During the recruitment process, the municipality emphasises its position as an inclusive employer, through the images used in its website and communications as well as specific text in each vacancy announcement stressing its values. It also asks its employees to share vacancies within their own communities, so that adverts are seen in more different and widely dispersed places. One of the city councillors is very active in the city – when people see her fighting for rights, they know that the municipality is tolerant and accepting. It helps if politicians in a city are helping the cause, pushing the city in the right direction; if there is no politician or CEO in the organisation who embraces the cause, find colleagues who want to share their story and use it to get support from senior management and set the right example throughout the organisation.

And, as a tip to private companies, make use of the business case for diversity argument: businesses need to understand that you can only really make sales by understanding what a client is thinking, and you can only do that if your own company has people from diverse backgrounds with diverse mindsets.

Challenges & conclusions

- The process of creating an inclusive workplace needs to be both top-down and bottom-up.
- It's important to tell Charter signatories why this is an important issue if they say it's not a business problem. Aside from the moral question, the business case for diversity and inclusion is clear.
- As an organisation you can use your leadership position in the community to show what can be done. In a supply chain, clients can also help as ambassadors.
- Listen and share positive experiences in the media. Visible, brave, approachable role models are necessary in organisations and in society in general.
- Be open-minded and empathetic. Don't struggle too much over the language you use but be aware it might not be inclusive.
- We tend to think in binary, but the rainbow isn't discrete: we should also think about all the colours in between. There are differences between us and this is a benefit.
- The Charters help companies to understand they have global and local responsibilities, to support, engage, motivate and inspire.
- Have resources available for those who want to learn more, and recruit ambassadors who can answer specific questions.
- It's a long road but don't give up. Find allies who are informed and identifiable and who will vocally support you.

Trans, non-binary & intersex people: Rights in Europe, access & inclusion in the labour market

Presentation of Trans & Intersex Equality Rights in Europe – A Comparative Analysis:
Peter Dunne, senior lecturer in law, University of Bristol Law School

The information in Dr Dunne's presentation was based on research carried out with Dr Marjolein van den Brink (2017-2018) and in partnership with 31 national law experts.

Recognition is a gateway to equality. Without explicit recognition, people face discrimination at work and in other areas of life. While some countries allow self-determination of gender based on a declaration, others are struggling with the issue of gender recognition and impose certain conditions on transgender people before their identity is recognised, including sterilisation, divorce and diagnosis of mental illness.

At the EU level, gender reassignment is a protected characteristic. While this is welcome, it would be preferable if European Union non-discrimination law referred to gender identity, gender recognition and sex characteristics. At national level, protections for trans and intersex populations are varied and often unclear. The trans and intersex inclusiveness of the national equality and non-discrimination frameworks can be characterised as a sliding scale: explicitly inclusive, partly explicitly inclusive, and implicit but presumably inclusive. In a large majority of countries, absence from work due to gender confirmation treatment is covered by general sick leave protection, with such absence treated like any other medical condition provided the employee can show a doctor's certificate. There is a fundamental disconnect, however, between the rights that people have under law and their lived reality. This is true in many areas of EU law, but it is particularly the case here. It is difficult to prove discriminatory intent on the part of an employer, and very little case law exists because people do not want to fight such a private battle in public. In Ireland, for instance, there have been two such cases in 20 years – harrowing experiences that lasted many years for the litigants.

Emerging issues to be aware of include:

- Intersex. Children who are operated on at a very early age suffer lifelong impacts on their mental health and bodily autonomy.
- Non-binary. People have very different expressions of their gender; the challenge is for the law to accommodate a more nuanced understanding of gender. Europe's major courts are grappling with this issue; while courts may rule there is some right to be recognised outside binary norms in a handful of countries, governments do not know how to apply it in practice and it remains hard to find a solution politically.
- Male pregnancy. People who are legally male can give birth. Many EU countries, such as Germany, the UK and Netherlands, recognise pregnant men as the legal 'mother' of their child. Sweden is an EU country that permits such individuals to be acknowledged as the 'father' of their child. This has an impact on pregnancy discrimination laws as current legislation is based on the fact that only women get pregnant.
- Transgender children. What happens if they are excluded from future employment because all their diplomas are in the incorrect name or gender? They are outed to prospective employers and put in a very vulnerable position.
- Single-sex facilities. Societies are increasingly faced with this issue, and employers need guidelines. There is a need for proportionate, reasonable conversations on the subject.

Personal testimony: Alexa Michelle Schwarz

Ms Schwarz spoke openly about her transition, and about her coming-out at work. She had started by giving her colleagues small hints, like wearing female jeans on some days or eyeliner and mascara on others. She wore feminine sunglasses and had both her ears pierced. After a while she planned her official coming-out with HR and the management team. When she finally informed her colleagues and came to work as herself, it was not a big surprise for them, rather an explanation of the changes they had witnessed before.

Ms Schwarz has since interviewed large companies to discover what their experience is with transgender persons among their employees, and what actions they are taking to create an inclusive environment for them. The findings are disappointing, with very little good practice reported. While there is much talk about LGB people, there is no focus on TI issues.

Recommendations on making the workplace more inclusive and supportive for people transitioning include:

- Make information on the topic available to employees, especially key personnel such as managers, HR, medical staff and works council. These are the people most likely to be dealing directly with transgender persons.
- Hold mandatory information sessions for key staff, alongside voluntary seminars for other employees.
- Prepare guidelines on how to handle issues: shared facilities, dealing with complaints, adapting IT systems, support for people coming out among colleagues.
- Remember that every experience is different, and transgender people themselves don't always know the right things to say.
- It's not just about one person transitioning, it's a change to everyone around them, which is why education and role models are important. Communication shouldn't be the sole responsibility of the person transitioning.
- Ensure there is a safe space where anyone can ask questions or raise issues.

The role of leadership for more diverse business

Moderator Ludo Swinnen, East Meets West Business

Rosario García Crespo, Nationale Nederlanden, Spain

Without explicitly realising it or doing anything to promote it, the company is already diverse. Its head office in Spain has 350 people of 20 nationalities, diverse in gender and culturally, and the CEO is a woman. The traditional view of family in Spain is changing, and the company has to try to represent, communicate with and serve all those people as clients, as well as making them feel welcome as employees. Having people in the company who see life in different ways means you can reach different people.

The company's diversity programme is still in its early stages, and was triggered because of a new hire: he was gay and said that based on his previous experience, he could only work for a company that was committed to LGBTI diversity. Raising the issue was the first step, followed by achieving buy-in from management and finding allies in the HR director and CEO. The company has since joined [REDI](#), a corporate network to support LGBTI diversity and integration, and to share experiences and knowledge. The fact that the movement initiated from an employee makes it more likely that other employees will feel engaged and work on the issue.

Frederic Trierweiler, State Street Bank Luxembourg S.C.A.

State Street has long had an advanced diversity and inclusion programme coming from the head office in Boston. Rolling out programmes across the group comes from the top with clear guidelines. The Luxembourg branch has implemented management training, weekly meetings, training for middle managers and awareness sessions about being more inclusive, as well as linking with a professional women's network and taking part in and sponsoring Pride and other events. In a small country like Luxembourg, it's easy to get access to high-profile politicians to achieve visibility. Banks are an easy environment to promote diversity in as staff tend to be better educated and more open-minded, but there's a need to look beyond that at what can be done in other more traditional sectors. This led to the creation of a professional network open to individuals and companies, a place to raise awareness and share training material, supporting companies that don't have the time or resources to do it themselves. The company has signed the Charter, but as a small country they can work together in a way other countries cannot.

Julia Valsky, Erste Group, Austria

In 2017, Erste established a business resource group called ErsteColours, a bottom-up process set up by a handful of employees as a way to push the agenda forward. Since then it has experienced strong management support and established a movement within the company. ErsteColours has carried out internal events, ensured that regular bank training includes how to deal with non-traditional families, included an explicit diversity paragraph in job ads, and created an LGBTI contact point for people with concerns or questions, particularly for retail bank employees with questions about how to speak to clients. The company has also engaged in LGBTI topics in markets where it is less easy to speak about than in Austria, such as an advertising campaign in Croatia that featured a very brief image of two men holding hands. This led to an immediate backlash from sections of the public, but also waves of support. Following the controversy, the CEO published a letter in a newspaper explaining and defending the company's belief in equality. Similarly, when violence occurred at a Pride event in Poland, the State Street EMEA manager sent a message to all staff condemning the violence and reaffirming the company's commitment to diversity and inclusion. This

sort of visible commitment to the cause from company leaders is crucial to ensuring a welcoming, inclusive work environment.

Marco Mazza, [IBM Italy](#)

Working for a company that promotes inclusion in the workplace is a privilege. The company carries out a huge range of internal and external activities, including sponsorship, mentoring, badges for allies and staff engagement, but being in Italy still brings issues. Outside IBM, there are many SMEs that do not understand the issue and still don't recognise the D&I policies' potential for their business. The company's country general manager is very supportive, make speeches and is always present, and the local leadership team is also very inclusive and open to all kinds of diversity, but other countries' best practices show that it is important to have out executives that can inspire LGBTI+ employees, and currently in Italy there are none. Around the world, IBM is an example and a foundation for others to come out, but in Italy the message is that coming out outside the big corporations can still be dangerous for your career. There is a need to choose the right words when talking with potential allies and opponents. When talking about sexual orientation, for many people the first reaction is 'what does that have to do with the workplace?' Rewording this term changes the conversation into something everyone can understand.

Challenges & conclusions

- Many people have no idea about LGBTI issues and the fights taking place around the world; it's important to make them aware.
- When you have gay people in your company, new recruits say they feel included, both LGBTI and not.
- You can have strong frameworks, programmes and training, but if you don't believe in what you are doing and empower people to go beyond it, it won't work. Companies must create a culture that is credible and authentic.
- To increase engagement, inclusion has to be visible and part of people's professional objectives in the same way financial goals are included.
- A major challenge is to create a link between younger and older staff on LGBTI issues. Creating networking occasions would facilitate interaction and sharing of expertise.
- Multinationals have very strong diversity programmes that are not often replicated in Eastern Europe – more support is needed from these companies to ensure their message is heard.