

Employment and Workplace Discrimination against LGBTQI People



RESEARCH CONTEXT, AIMS AND OBJECTIVES

Between June 2015 and July 2016, Hättér Society conducted a new research project entitled “Stories beyond the data: Documentation of discrimination in the field of employment” with the support of ILGA-Europe. The objective of the project was to supplement existing (mostly quantitative) data with the results of a new, primarily qualitative research. The main aim of the research is to form the basis of future projects aiming at eliminating employment discrimination against LGBTQI people.

The majority of adults spend several hours at work every day, working with colleagues and clients. It makes a huge difference whether so much time is spent feeling comfortable or constantly threatened. The latter has an impact on someone’s efficiency and health, but also on the mental wellbeing of our society. Our aim was to explore the situation and the discrimination against LGBTQI people and compile a “problem map,” but also to map solutions: to expose how to initiate an inclusive workplace climate in which LGBTQI people are recognized as equal members of the society.

One of the first observations of the problem map is that HR professionals, who play a significant role as bridges between employers / the management structure and employees, often do not recognize discrimination against LGBTQI people. This is why we outline the different aspects of discrimination. A major element of the solution map is that it is more productive for employers and colleagues to endorse

equality and equal opportunities by creating an inclusive workplace climate and applying already existing good practices than relying on legal protections and steps against discrimination.

A FEW FINDINGS

- Almost every third respondent (29%) have experienced harassment because of being LGBTQI at work.
- 62% have heard jokes, scornful and offending remarks about LGBTQI people.
- Unemployment is a serious problem for trans respondents: 46% of them had been unemployed and seeking a job for more than 3 months during the last 5 years.
- While 13% of all respondents told that they had switched jobs or careers because of homo- and/or transphobia experienced at work, this proportion was 80% in the case of transgender respondents.
- The majority (87%) of HR professionals answering the survey knew that no one can be sacked because of their sexual orientation or gender identity, but only 29% (less than one third) were aware that employers were obliged to tackle harassment against LGBTQI employees by their colleagues, and only 18% replied that their employer guaranteed the same benefits for the partners of employees, be they opposite or same sex – even though this is also a legal obligation.
- The majority of HR professionals (75%) agreed that employees who are out as LGBTQI people at work are more satisfied and loyal to the firm.



PROBLEMS IDENTIFIED

- heterosexism, “compulsory” homo- and transphobic jests;
- heteronormativity in internal regulations, HR databases and communication;
- invisibility of LGBTQI people at the workplace;
- underreporting of homophobic and transphobic incidents;
- need to represent the diversity of LGBTQI people, differences between the situation of sub-groups;
- difficulty in getting people involved;
- challenges of changing organizational cultures.

GOOD PRACTICES AND PROACTIVE INITIATIVES IDENTIFIED INCLUDE:

- equal opportunity plans that contain concrete measures and steps and are based on the exploration of the situation of LGBTQI people working for the employer;
- a commitment to support diversity including LGBTQI people that is present in the mission statement, on the website, in recruitment publications and the communication of the management;
- reviewing regulations and databases, including the possibility of listing same-sex partners;
- trainings and events that strengthen an inclusive workplace climate;
- supporting groups of LGBTQI employees and allies;
- explicitly supporting that the same-sex partners of employees participate in events open to employees’ partners (e.g. dinners, family days, etc.).

LEGAL BACKGROUND

Act CXXV of 2003 on equal treatment and the promotion of equal opportunities prohibits discrimination and harassment based on sexual orientation and gender identity in the field of employment. The regulation applies to all employers, regardless of the legal framework of employment (public or private sector, assignment contract, etc.). The employer may not refuse anyone’s application because of the person’s sexual orientation or gender identity, and employees may not be discriminated against in the fields of promotion, vocational training, remuneration and other benefits either.

The benefits guaranteed to the spouse / partner of an employee must also be guaranteed to same-sex partners: employees’ registered partners are to be treated like spouses, while same-sex cohabiting partners like different-sex cohabiting partners.

Employers must respect employees’ gender identity and having accessed legal gender recognition.

It is a legal obligation of employers to tackle harassment and homo- or transphobic climate at the workplace.

Victims of discrimination or harassment in the field of employment may turn to the Equal Treatment Authority or labor courts.

For further information on legal obligations please contact Hátter’s Legal Aid Service.

Further information

Legal Aid Service, Hátter Society
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