

Lesbian, Gay, Bisexual and Transgender Inclusion in Business

Submission to Department of Foreign Affairs
and Trade National Plan on Business and
Human Rights

GLEN - Gay and Lesbian Equality Network

March 2015

TABLE OF CONTENTS

1. <i>Introduction</i>	3
2. <i>Business Case for Diversity and Inclusion</i>	3
3. <i>LGBT Experiences at Work in Ireland</i>	4
4. GLEN's Workplace Diversity Initiatives	5
5. <i>Recommendations</i>	6
6. <i>Background to GLEN ~ Gay and Lesbian Equality Network</i>	9
7. <i>Bibliography</i>	11

INTRODUCTION

“Innovation and economic growth accrue to those places that can best mobilise humans’ innate creative capabilities from the broadest and most diverse segments of the population, harness indigenous talent and attract it from the outside”.

(Professor Richard Florida, 2006)

GLEN ~ Gay and Lesbian Equality Network ~ welcomes the opportunity to contribute to the development of the National Plan on Business and Human Rights by Department of Foreign Affairs and Trade. GLEN is a Policy and Strategy focused NGO which aims to deliver ambitious and positive change for lesbian, gay, bisexual and transgender people (LGBT) in Ireland, ensuring full equality, inclusion and protection from all forms of discrimination. One of GLEN’s core focuses are promoting human rights, equality and inclusion in the workplace. GLEN is working with a wide range of private and public sector employers to ensure their workplaces are LGBT inclusive.

GLEN strongly welcomes the development of a national plan on business and human rights which promotes LGBT human rights and equality in business. Ireland’s ability to stay competitive and remain a great place to do business relies on its ability to attract and retain diverse talent including LGBT talent.

The Yogyakarta Principles affirm binding international human rights standards with which all States must comply. These principles set out to eliminate the abuse and discrimination of people based on their sexual orientation or gender identity. The principles promote LGBT people’s human rights and equal and full participation in society., Ireland has a strong reputation for the protection and promotion of human rights. Ireland was the first country to include sexual orientation in refugee law in 1996, the inclusion of sexual orientation in the employment Equality Act 1998 and the introduction of the Equal status act 2000. The introduction of such positive legislation based purely on the tenets of human rights and equality has allowed the Irish government to protect and promote the rights of its citizens.

Such progressive legislation has also allowed for the creation of more equal, inclusive and diverse workplaces in Ireland. As a country we have evolved to become a top destination for international companies to do business, the dynamic and diverse workforce being one of the core attractions for many international companies. The protection and promotion of human rights by the Irish government has enhanced Ireland’s reputation and has proved beneficial both economically and socially and has allowed Ireland to become a world leader within the area.

THE BUSINESS CASE

The positive impact of promoting human rights and equality for LGBT people and employers is tangible for business and LGBT people alike. Research consistently shows that LGBT

people who are out in the workplace are more engaged and stay longer in organisations. People are businesses most sustainable resource. Being able to **nurture, attract** and **retain** the talent and skills that are central to enhancing the financial and reputational benefits for business and economy is key. Meeting this challenge has positive implications for economic, social and cultural impacts in Ireland.

The business case for employers to drive LGBT diversity and inclusion are clear:

- Mitigating the risk of bullying and harassment
- Recruiting and retaining the best talent
- Enhancing employee performance
- Building company reputation and winning new business
- Promoting corporate social responsibility

LGBT WORKPLACE EXPERIENCES IN IRELAND

Irish research by GLEN, the European Fundamental Rights Agency and others has indicated that significant numbers of lesbian, gay, bisexual and transgender employees are concerned that disclosing their sexual orientation or gender identity in a workplace context will adversely affect their conditions of work.

- Human Rights and equality at work is the most important equality issue for LGBT people (National Lesbian and Gay Federation, Burning Issues Survey 2010)
- Almost half of Irish LGBT employees conceal their LGBT identity at work (Fundamental Rights Agency 2013)
- 24% of trans people surveyed are unemployed. (Transgender Equality Network Ireland 2013)

Many LGBT people are concerned that being “out” in the workplace will negatively impact on their career progression and will adversely affect their day-to-day relationships with colleagues, clients and customers.

There are significant costs to businesses that are not ensuring their workplace culture and practices are inclusive and respectful of LGBT people’s human rights in terms of attracting and retaining LGBT talent, increasing employee engagement, winning new business and delivering inclusive services and products.

- 1 in 4 respondents reported being harassed at work because of their orientation or gender identity. (TCD 2011)
- 1 in 10 people have missed work as a result. (TCD 2011)

- LGBT people who are not out with anyone in the workplace are 5 times more likely to be dissatisfied with the support they receive from their manager. (Stonewall 2015)
- LGBT employees who are not out with anyone in the workplace are 3 times more likely to be dissatisfied with the training they receive when compared to those who are completely out in the workplace. (Stonewall 2015)

Conversely LGBT employees and employers benefit from inclusive workplaces that protect their human rights. This increases productivity: “Out” employees are 10% more engaged than LGBT employees who are not out (TCD 2014)

GLEN'S WORKPLACE DIVERSITY INITIATIVES DRIVING LGBT INCLUSION

Diversity Champions

GLEN established the Diversity Champions programme -Ireland's network for LGBT inclusive employers two years ago. Members include employers across the public and private sectors employing over 76,000 people. Diversity Champions works directly with employers to build their capacity to be fully inclusive of LGBT people, to translate legislative equality imperatives into truly inclusive workplaces for LGBT people. Methods used include capacity building within Human Resource and Equality functions within enterprises; resourcing and engagement of CEO's and Executive Leaders and leadership; reviewing and enhancing existing policies; internal communications on LGBT equality; supporting the development of LGBT employee networks, and the development and promotion of the business and economic cases for LGBT inclusive workplaces. Diversity Champions has also run a wide range of seminars and events focussing on these issues over the last two years.

The Workplace Equality Index

GLEN recently launched Ireland's national annual LGBT Workplace Equality Index. The Workplace Equality Index is an essential way to measure organisation's efforts to tackle discrimination and create an inclusive workplace that protects and promotes lesbian, gay, bisexual and transgender employees human rights for the workplace.

Open and free for all employers in Ireland, the Index will challenge Ireland's employers to improve their workplaces for lesbian, gay, bisexual and transgender staff. The Index will become a key measure of an organisation's commitment to human rights, equality and diversity generally. High performing employers will receive an award as recognition of their leadership. The results will be widely publicised giving LGBT and ally employees and consumers the information to choose inclusive companies and products.

The Index will benchmark companies on key mainstreaming issues:

- Equality and Diversity Leadership
- LGBT Inclusive Policies and Practices
- Diversity Culture
- LGBT Visibility
- Diverse Business

Experience from our international partners in the UK and Australia shows that the Workplace Equality Index drives increased engagement and awareness from employers and employees on LGBT human rights, equality and inclusion in the workplace.

The Workplace Equality Index is a robust framework for employers in the private and public sector to monitor their progress on LGBT inclusion and improve year on year. The Workplace Equality Index allows business align their organisations with international human rights best practice in the workplace.

The Workplace Equality Index is also designed to support public sector and state owned/controlled organisations to achieve its positive duties by participating in the Index and aligning its practices with international LGBT inclusive best practice standards.

RECOMMENDATIONS

THE STATE DUTY TO PROTECT HUMAN RIGHTS

States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.

RECOMMENDATION

- Encourage business to promote human rights, equality and inclusion of LGBT employees, clients, service users and/or customers.
- Business can achieve best practice on LGBT inclusion and more broadly human rights by engaging and supporting diversity initiatives and networks.
- Refer business to GLEN's LGBT workplace resources such as; Diversity Champions Employer Programme; and the Workplace Equality Index.
- Support and promote GLEN to drive LGBT human rights, equality and inclusion in business.
- Monitor steps taken by business to promote LGBT inclusion in the workplace.

THE STATE-BUSINESS NEXUS

States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies such as export credit agencies and official investment insurance or guarantee agencies, including, where appropriate, by requiring human rights due diligence.

RECOMMENDATION

GLEN strongly welcomes the introduction of Positive Duty under the Irish Human Rights and Equality Commission Act as an opportunity for state owned or controlled organisations to ensure their organisations respect the human rights of LGBT people and are LGBT inclusive.

- Encourage business and enterprise owned or controlled by the State to ensure their organisations are LGBT inclusive.
- Direct State owned or controlled business to engage with GLEN's Workplace Diversity Initiatives
- Encourage organisations which have not taken steps on LGBT diversity and inclusion to-date to join Diversity Champions Employers Programme.
- Encourage these organisations to achieve its positive duties by participating in the Workplace Equality Index, a best practice framework for employers to gauge, monitor and move their organisation to LGBT inclusive best practices.
- Include a human rights and equality section in the tendering process which specifically refers to actions taken by employers to ensure their workplace is LGBT inclusive.
- Appoint a consultative liaison between business and civil society on human rights and LGBT inclusion in business annually or biannually.
- Provide resources to GLEN's Workplace Diversity Programme with a view to ensure human rights and equality for LGBT people in the workplace are promoted and protected across Ireland.

THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances.

While Ireland has a good track record of both business and government of progressive and inclusive policies towards LGBT people, many countries have regressive policies. 82 countries currently outlaw or criminalise homosexuality, five of which have the death penalty for homosexuality. 2.79 billion people live in countries where homosexuality is criminalised. In the last few years alone, there have been severely regressive laws passed in countries such as Russia, Uganda and Malawi. (The International Gay & Lesbian Association)

International, multinational and global businesses can face unique challenges when implementing global policies inclusive of LGBT employees. Irish businesses with international locations can play a unique role in showing leadership on human rights in business by ensuring their workplaces respect and protect the human rights of LGBT people and create an inclusive workplace culture.

RECOMMENDATION

- Apply policy commitment that specifically refers to lesbian, gay, bisexual and transgender employees to meet their responsibility to respect employment equality legislation to operations internationally.

This includes:

- Communication and visibility of LGBT inclusive policies
 - Encourage executive leadership and key-stakeholder buy-in to driving LGBT inclusion in business.
 - Offer inclusive benefits for same-sex partners
 - Ensure recruitment, induction and training are LGBT inclusive
 - Encourage business to ensure staff communications are LGBT inclusive
 - Support LGBT employees networks
 - Provide training to In-Country Managers
 - Offer global career development opportunities and mentoring opportunities for LGBT employees in different locations around the world.
 - Champion diversity and LGBT equality and inclusion worldwide
 - Support local organisations campaigning for LGBT equality where possible.
 - A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights.
- Include sexual orientation in your relocation policy
 - Be clear to which extent you can support LGBT staff to take on overseas assignments, paying due regard to their safety and well-being. Provide assurances that staff will be taken home if they do encounter problems.
 - Train managers and relocation staff arranging overseas posts on the particular considerations that may need to be taken into account for LGBT staff.
 - Provide alternative opportunities for LGBT staff who feel some overseas posts aren't suitable because they are gay.

- Encourage development of processes to enable the remediation of any adverse human rights impacts business cause or to which they contribute with regard to LGBT people.

Background to GLEN ~Gay and Lesbian Equality Network~



GLEN is a Policy and Strategy focused NGO which aims to deliver ambitious and positive change for lesbian, gay, bisexual and transgender people (LGBT) in Ireland, ensuring full equality, inclusion and protection from all forms of discrimination.

GLEN has been instrumental in achieving a range of legislative and policy change including decriminalisation in 1993; recognition of sexual orientation in refugee law in 1996; inclusion of sexual orientation in the Employment Equality Act in 1998 and the Equal Status Act in 2000; and most recently, the Civil Partnership Act in 2010.

GLEN is currently implementing the programme *Building Sustainable Change*, part funded by Atlantic Philanthropies, which was launched by the then Taoiseach Bertie Ahern T.D. in 2006. This programme focuses on delivering change across a series of areas in order to mainstream equality for LGBT people. These areas include: legal recognition and support for LGBT relationships and families; education; workplace equality; mental health and well-being; physical and sexual health and community capacity development.

GLEN was awarded a People of the Year award in 2010 *“for its persuasiveness and ability to hold its nerve in the pursuit of its goals and for its relentless work in enabling Irish people to move closer to a society that respects all if its citizens equally, GLEN receives a People of the Year Award.”*



GLEN has an established track record of managing significant levels of funding to deliver a diverse range of programmes and projects, including initiatives funded by the Equality Authority, Department of Justice and Law Reform, the HSE and the Community Foundation for Ireland. We have also established close working relationships with a range of government departments and social partners.

GLEN has also delivered on a series of workplace initiatives over the years.

These include:

- Development of a guide for employers and trade unions *Lesbian, Gay and Bisexual Diversity in the Workplace* which outlines the issues faced by LGBT people in the workplace and supports employers and trade unions in developing measures to support LGBT diversity, and diversity in general in the workplace. This initiative was developed in partnership with IBEC, ICTU, IBM, Business in the Community and the Equality Authority. The report was launched in 2010 by the Tánaiste Mary Coughlan T.D.
- Project with Dublin City Council examining the importance of diversity and equality to the new and emerging economies in which Ireland is engaged. *International Competitiveness and the New Economy: The Role of Diversity and Equality* funded through the Equality Authority.
- GLEN and ICTU organised a seminar for trade unions on LGBT rights in the workplace in 2008. GLEN has supported the PSEU's LGBT member survey and has given a number of presentations to individual trade union equality committees and seminars.

BIBLIOGRAPHY

- Richard Florida, Gary Gates, Brian Knudsen and Kevin Stolarick. *The University and the Creative Economy*, Creativeclass.org 2006.
- Lesbian, Gay, Bisexual and Transgender Rights around the World, 2014.
<http://www.theguardian.com/world/ng-interactive/2014/may/-sp-gay-rights-world-lesbian-bisexual-transgender>.
- Burning Issues: Listen to the Voices of the LGBT Community, Research Report, NLGF, 2009.
- European Union LGBT Survey, Fundamental Rights Agency (FRA) , 2013.
- Speaking from the Margins: Trans Mental Health and Wellbeing in Ireland, Transgender Equality Network Ireland (TENI), 2013.
- Supporting LGBT Lives: A Study of Mental Health and Well-Being of Lesbian, Gay, Bisexual and Transgender people, TCD, 2011.
- Top 100 Employers: The Definitive Guide to the Best Places to Work for Lesbian, Gay and Bisexual Staff 2015, Stonewall, 2015.
- Working It Out: Driving Business Excellence by Understanding Lesbian, Gay & Bisexual Workplace Experiences, Trinity College Dublin, 2014.