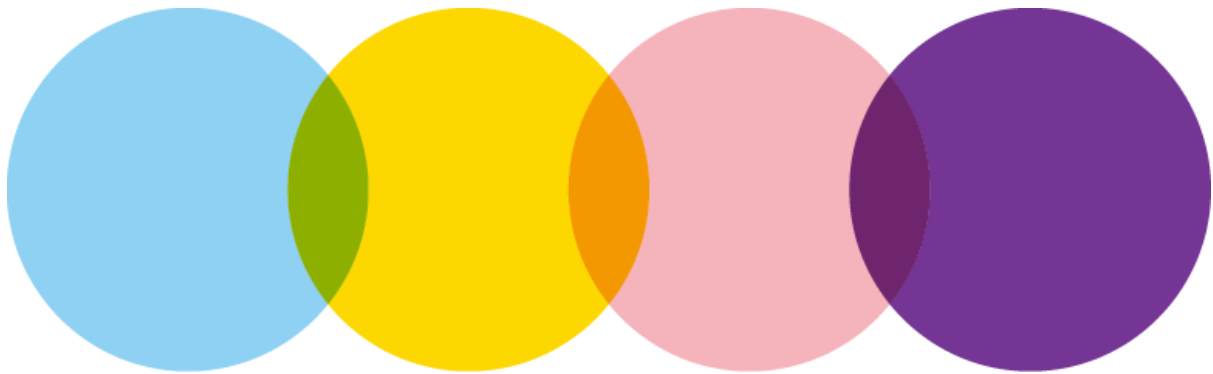


Trans, intersex and non-binary people at work: A comparative report



Title: **Trans, intersex and non-binary people at work: A comparative report**

Authors: **E. Togni**

Reviewed by: **G. Viggiani**

Graphic design: **Zsolt S. Szabó**

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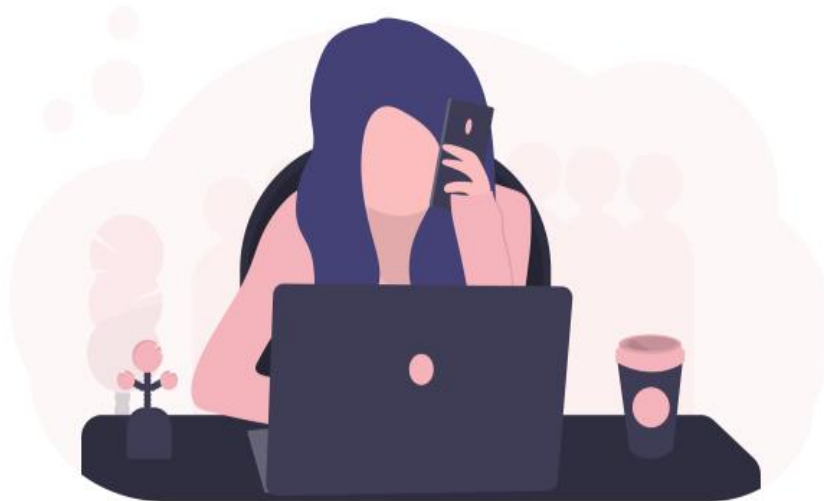
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Introduction

The purpose of this comparative report is to present the main results of the research carried out within the Inclusion4All project trying to depict a picture of the situation of trans, intersex and non-binary people in the field of labor within the five countries participating in the project (namely: Croatia, Hungary, Italy, the Netherlands, and Catalonia).

In particular, the first section provides a brief overview of the existing legal and policy framework, with special regard to work environment, as well as research and services to trans, intersex and non-binary workers and jobseekers in the above-mentioned countries.

The second section is devoted to interviews with human resources (HR) professionals and trans, intersex and non-binary (TINB) workers or who are looking for a job, while the third section presents the results of two online surveys, one aimed at HR professionals and the other at trans, intersex and non-binary people.



1. Legal and policy framework

The legal framework across the five countries is quite heterogeneous. Generally, legal instruments broadly aimed at guaranteeing the right to equal treatment, equal opportunities, and non-discrimination in the field of labor also include specific provisions in order to protect LGBTQI+ workers and/or jobseekers, but, while sexual orientation is always mentioned, this is not the case for gender identity and expression and intersex status.

The Catalan Law no. 19/2020¹, for instance, requires public administrations to establish policies to guarantee equal employment opportunities in both private companies and public service, and to ensure that no sort of discrimination occurs. Also, the Law 11/2014 guarantees the rights of LGBTI people and aims at eradicating homophobia, biphobia and transphobia. This law dedicates an entire chapter to the labour market, establishing principles and measures to ensure the right to equal opportunity and equal treatment of LGBTI individuals, including the right to freedom from discrimination due to sexual orientation, gender identity or gender expression.

In Hungary, Act CXXV of 2003 (Equal Treatment Act or ETA)² prohibits discrimination and harassment based on sexual orientation and gender identity. Employers cannot reject an applicant because of their gender identity or sexual orientation, and employees cannot be discriminated against on these grounds when it comes to promotions, vocational trainings, salaries, or other work-related benefits.

To the contrary, in Italy³ the protection against discrimination affecting working environment and measures aimed at guaranteeing an equal treatment in employment and occupation are restricted with the explicit reference only to sexual orientation, although a more extensive interpretation, intended to also include gender identity and expression, in line with European and international recommendations, cannot be excluded in the future⁴.

¹ Act 19/2020, of 30 December, on equal treatment and non-discrimination.

² Act no. CXXV of 2003 on equal treatment and the promotion of equal opportunities.

³ Legislative decree n. 216 of 9 July 2003 in GU n. 187 of 13 August 2003, "Attuazione della direttiva 2000/78/CE per la parità di trattamento in materia di occupazione e di condizioni di lavoro"; Legislative decree n.5 of 25 January 2010, in GU n. 29 of 5 February 2010, "Attuazione della direttiva 2006/54/CE relativa al principio delle pari opportunità e della parità di trattamento fra uomini e donne in materia di occupazione e impiego (rifusione)".

⁴ European Parliament resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity: (https://www.europarl.europa.eu/doceo/document/TA-7-2-014-0062_EN.html); Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity: (https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a); Resolution 2048 (2015) which calls on Member States to take action to achieve full recognition of rights and freedoms for transgender and transsexual people: (http://www.europeanrights.eu/public/atti/2048_ing.pdf).

In the Netherlands, on the other hand, even though the letter of the law, Dutch Equal Treatment Act (AWGB⁵), originally only mentioned sexual orientation as ground for non-discrimination, gender identity, gender expression, and sex characteristics were generally implicitly understood as covered under the ground on 'gender' and in 2019 this legal understanding of gender was added to the Act.

In other Countries, such as Croatia, despite many legal sources aimed at promoting and protecting LGBTIQ rights, and the presence of a system of cross-linked laws and bylaws at all levels, the policy framework itself is underdeveloped in terms of LGBTIQ rights.

In some legal systems few measures/initiatives have been established also at local level, even if their impact is rather limited: this is the case of Italy, where in few regional legislative acts gender identity is included as a protected ground in anti-discrimination measures or the experience of the Netherlands in which people are allowed to make a discrimination complaint at a regional or local anti-discrimination office and local government is legally obliged to provide an anti-discrimination infrastructure for citizens to make complaints. In Catalonia there are also public services at local level aimed at preventing and responding to different kinds of discrimination against LGBTI people.

2. Previous research on the topic

Within the countries participating in the Inclusion4All project, research on the topic of workplace inclusion towards trans, intersex, and non-binary people is quite limited.

When present studies mainly focus on the situation of the trans population and confirm that the work environment is far from being inclusive towards those people, as pointed out by Háttér Society Studies on the social exclusion of transgender people in Hungary (2015, and similarly in 2016).

Likewise, an Italian study carried out in 2010 by the Italian NGO Arcigay and co-funded by the Ministry of Labour ("Io sono lo lavoro (I am I work)") confirms that transgender persons are more likely to be victims of discrimination, especially when accessing the labour market, but also by colleagues and employers in their workplace. The presence of a discriminative attitude towards trans people in the work environment has been highlighted also by the Italian National Statistics Institute (ISTAT) study "La popolazione omosessuale nella società italiana" (The homosexual population in Italian society) 2011. In Catalonia, the study by the trade union UGT4 specifically shows that four out of ten trans people say they hide their gender identity during job interviews and two out of three trans people are afraid to reveal their identity in the workplace (Abad and Gutiérrez, 2020).

⁵ Law no. BWBR0006502 from 02-03-1994, Algemene Wet Gelijke Behandeling on labor law and social security.

Studies on discrimination experienced by intersex and non-binary people in the workplace are, apart from a few rare exceptions, non-existent. A study conducted in Catalonia reveals that openly expressing one's gender identity at work generally leads to negative consequences for non-binary people, such as fewer opportunities for promotion (Davidson, 2016).

Research conducted by the European Union Agency for Fundamental Rights (FRA) confirms that LGBTI people encounter discrimination when looking for a job and in the workplace. This is particularly pronounced with regard to trans and intersex people, as reflected in the 2019 survey, where transgender and intersex respondents felt discriminated against when looking for work, 32% and 29%, respectively, and at work, 35% and 32%, respectively, in the 12 months prior to the research, showing much higher rates of perceived discrimination than LGBTI respondents considered overall (looking for a job:10%; at work: 21%).



3. Support and services to Trans, Intersex and Nonbinary employees and job seekers

Regarding the support and services targeting trans, intersex and non-binary employees and job seekers there is a great variety across the five countries of the consortium.

Even though in Catalonia it is possible to find public sector's initiatives aimed at improving the employability and promoting the access of trans, non-binary and/or

intersex people to the labor market (e.g., Barcelona City Council and Terrassa City Council), more often such services are provided by NGOs.

These NGOs offer a varying range of services in an attempt to contribute to the development of a more inclusive and diverse work environment, such as coaching and advising (e.g., Transwerkt reintegration service and CorporateQueer in the Netherlands), training (e.g., Circolo SAT-Pink in Italy), advocacy (e.g., Háttér Society in Hungary), direct support to LGBTIQ persons who have experienced discrimination based on sexual orientation, gender identity and gender expression even in the workplace (e.g., Iskorak, Zagreb Pride, Trans Aid, LORI in Croatia), also from a legal point of view (e.g., Rete Lenford, in Italy).

Moreover, some association or Networks provide support directly to organizations and employers in the form of advice and recommendations on subjects such as inclusive policies (e.g., Transgender Network Nederland -TNN, the Netherlands; Rete Lenford, Italy; Háttér Society, Hungary).

There is no knowledge of any association that deals primarily with work-related services for intersex people.

4. Inclusion4All research results

As part of the Inclusion4All project between March–July 2021 ninety-nine online semi-structured interviews, following a standardized interview model, were carried out in the five countries participating in the research project.

Through the interviews we tried to gather insight about the situation of trans, intersex and non-binary people in the job market taking into consideration both perspectives: TINB workers and jobseekers, on one side, and employers on the other. For this reason, two sets of interviews were conducted: one aimed at TINB people to investigate their experiences, including discrimination, in the field of employment, the main obstacles they encountered and their training needs; the other directed at human resources professionals to collect information on their knowledge and experience with TINB persons, how they see their role in preventing discrimination and create an inclusive workplace, the practices in place to address the needs of TINB persons and their training needs.

The number of interviewees differentiated by category and country are displayed in **Table 1** below.

	Catalonia	Croatia	Hungary	Italy	Netherlands	total n. of participants
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HR	6	10	4	10	9	39
TINB	8	10	10	15	11	54

4.1 HR professionals interviews

Demographics and background

Overall, within the Inclusion4All project, 39 HR professionals were interviewed to explore their knowledge and their perspective about the inclusion of trans, intersex and non-binary people in the field. Basic details of the interviewees are shown in **Table 2** below. Most of the participants worked in the private sector, in various industry and service sectors and around recruitment, while eleven out of thirty-nine worked in the public sector. Almost two-thirds of the participants worked in large companies, in some cases multinationals or those with operations abroad, eleven participants worked in medium-sized organizations, usually with a local focus, and the remaining four participants worked for smaller companies.

COUNTRY	SECTOR	COMPANY SIZE
CR-01	PRIVATE (recruitment & staffing)	LARGE
CR-02	PRIVATE (recruitment & staffing)	LARGE
CR-03	PRIVATE (IT and communication)	LARGE
CR-04	PRIVATE (recruitment & staffing)	MEDIUM/LARGE
CR-05	PUBLIC (higher education and ICT)	MEDIUM
CR-06	PUBLIC (education)	MEDIUM
CR-07	PRIVATE (publishing)	SMALL
CR-08	PRIVATE (recruitment & staffing)	LARGE
CR-09	PRIVATE (NGO)	SMALL
CR-10	PRIVATE (outsourcing)	LARGE
HU-01	PRIVATE (telecommunications)	LARGE
HU-02	PRIVATE (placement of people w/ temporary labour contracts)	SMALL
HU-03	PUBLIC (public transport)	LARGE
HU-04	PRIVATE (trade: food store chain)	LARGE
IT-01	PRIVATE (energy)	LARGE

IT-02	PRIVATE (social cooperative)	LARGE
IT-03	PRIVATE (microbiology)	LARGE
IT-04	PRIVATE (social cooperative)	MEDIUM
IT-05	PRIVATE (social cooperative)	MEDIUM
IT-06	PRIVATE (motorbike accessories)	LARGE
IT-07	PRIVATE (social care services)	MEDIUM
IT-08	PUBLIC (university education)	MEDIUM
IT-09	PRIVATE (cruise sector)	LARGE
IT-10	PRIVATE (manufacturing)	MEDIUM
NL-01	PUBLIC	LARGE
NL-02	PRIVATE (engineering)	LARGE
NL-03	PRIVATE (education and recruitment)	MEDIUM
NL-04	PUBLIC	LARGE
NL-05	PUBLIC	MEDIUM
NL-06	PRIVATE (manufacturing)	MEDIUM
NL-07	PRIVATE (financial and insurance activities)	LARGE
NL-08	PUBLIC	LARGE
NL-09	PRIVATE (manufacturing and design)	LARGE
SP-01	PRIVATE (electricity, gas, steam, and air conditioning supply)	SMALL
SP-02	PUBLIC	LARGE
SP-03	PUBLIC	LARGE
SP-04	PRIVATE (employers' association)	LARGE
SP-05	PRIVATE (wholesale and retail trade)	LARGE
SP-06	PUBLIC	LARGE

Knowledge and experience with trans, intersex and non-binary workers

The level of knowledge of HR professionals interviewed regarding LGBTI+ basic terminology and pertinent legislation is overall rather low. Most interviewees seemed to lack a full awareness of the meaning of relevant terms or at least they were not able to define them themselves. That is particular true for the terms “intersex” and “non-binary” and with regard to the Italian and Croatian participants in the interview.

Being unprepared is regarded as a considerable shortcoming by one of the interviewees who underlined that “there is very little information and training on these topics, and this prevents HR managers from being able to protect the diversity and the rights of people. We are not prepared to do something extra to be helpful and make these people feel comfortable and included in the working environment and society” [*private company head of HR - Italy*].

Knowledge of relevant legislation is also not entirely widespread: many of the professionals interviewed made a rather general reference to anti-discrimination law but were unable to say whether gender identity and expression or intersex status were covered by such provisions.

The lack of knowledge and awareness is reflected in the interviewed professionals’ quite limited experience with trans, intersex and non-binary workers, although it is not clear whether this is due to the lack of TINB workers or, rather, to the fact that these people are not open - or do not feel comfortable opening up - about their situation in the workplace. As with knowledge, inexperience is particularly pronounced for Italy and Croatia where, respectively, only 3 and 2 out of 10 respondents had encountered TINB workers.

HR professionals’ role and obstacles for TINB workers and jobseekers

Despite the poor familiarity with what being trans, intersex or non-binary entails and the limited experience, most participants recognize as their responsibility nourishing an inclusive and diverse work environment. As underlined by one interviewee there is a “huge responsibility of HR staff in preventing discrimination and harassment” [*private company co-owner - Hungary*], while for another it falls within the role of HR department “promoting equality, raising important issues that are still taboo, communicating openly both with the individual and with the group” [*private school headmaster - Croatia*], and according to one interviewee her department “would make an effort to accommodate TINB employees” [*public organisation MD consultant - the Netherlands*].

Lack of knowledge, prejudiced attitudes, poor acceptance of diversity, jokes from colleagues, fear of being discriminated against and unconscious bias in recruiters are mentioned as the most common obstacles hindering the inclusion of trans, intersex and non-binary persons in the work field. But also, a case-by-case approach (i.e., take care of the “problem” when and if it arises instead of acting proactively and prospectively) and the focus on products and productivity, rather than people, appear to be, according to several professionals, obstacles to the development of an inclusive, or more inclusive, workplace. “Sometimes a lack of predisposition or a lack of sensitivity is what prevents certain things from being done, fueled by the fact that they are beyond the scope of

narrow tasks”, stressed one professional interviewed [*private company D,E&I manager - Italy*].

There is a widespread perception that the working world is a mirror of society where there is still strong resistance towards TINB people. The presence of misogyny and a patriarchal approach in society were also highlighted by some interview participants where one remarked that “we still need progress publicity for the protection of working women!” [*private company - Italy*].

The size of the company and its geographical location are to some extent related to the degree of inclusiveness and thus to the challenges faced by trans, intersex and non-binary people. A few interviewees said it would be easier to find a more inclusive workplace in big cities and within multinational companies compared to small and medium companies located in rural areas. In addition, one participant emphasized the challenging situation of TINB workers in a specific sector: “Blue collar workers are really vulnerable. They cannot stand up for their rights. This sphere is absolutely not inclusive for TINB workers.” [*private company co-owner - Hungary*].

Absenteeism because of medical transition, difficulty to finish their studies and develop appropriate skills as well as the “possibility” of using name and gender that individuals identify with, when these are not reflected on their official documents are further potential barriers affecting the establishment and/or the maintenance of a work relationship for TINB workers.

Policies and practices

When it comes to diversity and inclusion policies, the scenario is divided between HR professionals working in companies where these policies are in place and those where these policies are lacking. But even in the former case, disability, ethnicity, sex are more frequently mentioned than gender identity and expression, while intersex status was not mentioned in any of the policies adopted by respondents.

On the other hand, despite the lack of current written and/or formalized policies, several professionals stated that they are considering the issue and are planning interventions aimed at the inclusion of trans, intersex and non-binary people. Albeit the difficulty to identify proper measures was underlined by one of the interviewees: “I wondered about the possible measures and apart from training I find it hard to think about the actions that the company could take daily. Intervention sometimes seems to me to be in favor but perhaps it could also be the opposite, for example specific restrooms for trans people. I am not now able to evaluate and take the ‘right’ interventions.” [*private company head of HR - Italy*]. Thus, highlighting the need for training and preparation of HR professionals themselves.

Among the rare practices enacted to address trans, intersex and non-binary workers' needs the most frequently mentioned are: gender-neutral bathrooms, gender-neutral language in internal communications and the possibility to use the chosen name on "nameplate" and in email address.

Regarding recruitment policies specifically, the vast majority of HR professionals interviewed stated that their policies are inclusive of TINB people, because what matters are skills, abilities and attitudes of the candidates, regardless of their gender identity and/or expression and their sexual characteristics: "only the willingness to work is what counts" said one interviewee [*private company co-owner - Hungary*], while another argued: "we don't explicitly say that TINB people are welcome but we don't exclude them and we would assess the profile" [*private company HR business partner - Italy*].

However, examples of affirmative action to encourage TINB jobseekers to apply are almost non-existent, with the exception of "the participation in career days dedicated to trans people" mentioned by one of the interviewee [*private company D,E&I manager - Italy*] and "recruitment policy [that] invites candidates from minority groups, including trans, intersex, and non-binary people" reported by another [*private company lead HR Benelux - the Netherlands*].

Also, the small number of trans, intersex and non-binary workers in the respective companies of HR professionals interviewed could cast doubt on the actual inclusiveness of their policies.

While it is true that the absence of policies encouraging the candidature of TINB people and the recruiter's implicit biases may negatively affect the selection of these people, the 'corporate culture' also influences this type of choice by imposing constraints on the recruiter, as pointed out by one interviewee: "I also work with a recruitment agency and therefore I select candidates for many companies. Mix between candidate and company culture. First question after profile and skills: what is the company culture? I am not independent in the selection; I select what the company can accommodate. On the other hand, if I see something else that is possible for the company that it doesn't see, I have to suggest it." [*social cooperative head of HR and recruiter - Italy*].

On the other hand, the difficulty of identifying forms of indirect discrimination in the recruitment process, as justified on other grounds, is emphasized by one respondent: "They won't say 'I don't want to hire this person because they're trans.' They usually don't tell us; they just say, 'I found someone else who fits the position better.'" [*Employment professional - Catalonia*].

Almost all of the professionals interviewed stated that their companies were fully compliant with the General Data Protection Regulation (EU GDPR 679/2016) but did not

mention any specific implementation measures and their perception of the sensitivity of certain data and possible privacy issues concerning TINB workers was unclear, as evidenced by two examples of serious breaches of privacy in interviews with TINB people.

Training needs, target, and content

Only about half of the respondents received training on diversity and inclusion issues, but while disability, ethnicity and cultural differences were usually addressed during these training events, trans, intersex and non-binary issues were rarely mentioned. In any case, there is a broad consensus among interviewees on the necessity and importance to be prepared with respect to these themes. A need for training is generally felt by interviewees. As stressed by one professional: "Training is fundamental! Except for big multinationals (and I'm not sure in Italy) very few HR managers are prepared and ready to manage the inclusion of TINB people." [*private company Head of HR - Italy*]

Two recurring suggestions are to address the issue in a broader context covering all types of "diversity" and to adapt the content of training to the corporate culture of the single company. In fact, according to several professionals interviewed, pre-packaged training to be used in any context regardless of the specificity of the target company is not desirable.

The resistance of company's directors on these topics could represent an obstacle in developing and conducting such a training, as one interviewee underlined "it's a tough sell as some management levels might not understand the added value of said training" [*private company professional - the Netherlands*] while another pointed out that "often the company's reasoning is: I only participate if I need it now, because all the time not spent working is time wasted" [*private company HR responsible - Italy*]. For these reasons, it is crucial to find arguments to convince management of the benefits of such training and to involve companies from the outset in order to respond to their specific training needs and demands and gain their support, as highlighted by one professional: "I think that [training] can be very interesting and that it surely will help, but then there has to be support from the organization itself! If you only follow a course but you can't implement it in your organization, then that's a shame of course." [*HR 9, the Netherlands*].

Respondents agreed that training should not be aimed exclusively at management or HR professionals but should involve the entire pool of company resources. According to some professionals, it should be conceived as "step-by-step training" that starts with top management and HR professionals and then, once they are ready, involves the entire workforce. As stressed by one interviewee: "Training of human resources in companies would be very important. If it is not understood by those in senior positions, it cannot be transferred to other workers." [*public company HR advisor - Italy*].

In the development of this training, the importance of working closely with associations, as well as in synergy between HR professionals, trainers and those who already have experience, was emphasized by some of the professionals interviewed, where one noted that “it would also be important to find a place of integration involving institutions and associations, to share experiences, support, etc...” [*social cooperative HR professional - Italy*] while another, with specific regard to trans issues, stated that training should take place “only with support from organization, or it’s useless” [*public company HR advisor - the Netherlands*].

Introduction to gender, terminology and inclusive language, legal framework, strategies, and methods to integrate inclusive approach in everyday practices and practical tools to prevent and respond to discrimination are the topics most frequently mentioned by professionals. Furthermore, regarding the content of training, a recurring suggestion is to adapt it to the context and type of audience. One interviewee pointed out that “one-shot training is not possible: there are people who are a blank page and people who have already been trained. It would take a kind of curriculum in which there is a compulsory part for everyone; more optional ‘courses’ depending on sensitivity” [*private company D,E&I manager -Italy*], while according to others, some topics, such as terminology and introduction to gender, are fundamental, but to avoid losing participants need to “keep it simple” [*public company legal expert - Hungary*] and “at a basic level” [*private company Diversity and Equal Opportunities expert - Hungary*].

Other recommendations from interviewees included: examples of how companies have developed inclusion policies, also in other countries; very practical information and clear instructions on how to deal with different possible scenarios; sharing experiences and involving trans, intersex and non-binary people to increase “real” knowledge and empathy.

Regarding the training format, both online and face-to-face training are considered appropriate tools, with some interviewees explicitly suggesting the use of workshops and brainstorming and favouring a practical approach over a theoretical one, including some exercises.

4.2 TINB people interviews

Demographics and Background

Overall, within the Inclusion4All project 54 trans, intersex and non-binary individuals were interviewed to gather information about their experiences in the labor market. Basic details of the interviewees are shown in **Table 3**. Of the fifty-four participants, twenty-six identified as trans men, fourteen as transgender women and eleven as non-binary or closely related to non-binary. Only three participants in the interview had an

intersex status, thus, as with the survey (see infra section 3), because the number of intersex interviewees is very low, it was not possible to discuss the experiences and needs of intersex people. All participants were adults: the youngest was 20 and the oldest 68, with an average age of 35½ years. As for the participants' level of education, this ranged from primary education to university degree. Forty-two of the participants were currently employed, two of whom were self-employed, while eleven were unemployed, three of whom worked occasionally. One participant was retired.

COUNTRY	GENDER IDENTITY /INTERSEX STATUS	AGE	EDUCATION	EMPLOYMENT STATUS
CR-01	trans man	21	university student	employed
CR-02	non-binary	34	university student	employed
CR-03	trans man	24	bachelor degree	employed
CR-04	trans man	23	master degree	unemployed
CR-05	trans woman	28	bachelor degree	employed
CR-06	trans man	29	master degree	unemployed
CR-07	non-binary	24	post secondary education	employed
CR-08	trans woman	21	post secondary education	employed
CR-09	trans man	34	master degree	employed
CR-10	non-binary, transfeminine	22	primary education	employed
HU-01	trans man	32	post secondary education	employed
HU-02	non-binary (closer to trans woman)	36	post secondary education	self-employed + disability pension
HU-03	trans woman	33	bachelor degree	employed
HU-04	trans man	23	post secondary education	employed
HU-05	trans man	22	bachelor degree	employed
HU-06	non-binary	28	post secondary education	employed
HU-07	trans woman	27	post secondary education	employed
HU-08	trans man	23	post secondary education	employed (food deliverer)
HU-09	trans man	38	bachelor degree	employed
HU-10	trans man	24	post secondary education	employed
IT-01	trans woman	29	bachelor degree	unemployed/ occasionally work
IT-02	trans man	34	bachelor degree	employed
IT-03	trans man	20	post secondary education	unemployed/occasionally work
IT-04	trans man	20	post secondary education	unemployed/looking for

				a job
IT-05	trans woman	49	post secondary education	employed
IT-06	trans woman	37	post secondary education	unemployed/occasionally work
IT-07	trans man	45	bachelor degree	employed
IT-08	trans woman	37	bachelor + master degree	employed
IT-09	trans man	22	post secondary education	worker and student
IT-10	non-binary	23	post secondary education	student, currently unemployed
IT-11	trans man	29	secondary education	employed (2 jobs: cook and food driver)
IT-12	trans man	54	secondary education	employed
IT-13	trans man	68	secondary education	retired
IT-14	trans man	42	bachelor degree	employed
IT-15	trans woman	38	post secondary education	employed
NL-01	non-binary	54	higher profession education	employed
NL-02	trans man	28	University (Bachelor/master??)	employed
NL-03	trans woman	44	PHD degree	employed
NL-04	gender nomad/non-binary	49	higher education	unemployed
NL-05	trans woman	44	secondary profession education and additional courses and training.	employed
NL-06	trans man	nc	nc	employed
NL-07	trans woman	53	secondary profession education	unemployed
NL-08	trans man	49	secondary profession education	employed
NL-09	non-binary	23	HAVO/Propaedeutic year	employed
NL-10	trans man	47	BBL-2	student, currently unemployed
NL-11	intersex status	51	higher profession education	employed
SP-01	non-binary	40	bachelor degree	employed
SP-02	intersex	36	bachelor degree	employed
SP-03	trans man	36	master degree	employed
SP-04	non-binary	37	bachelor degree	self-employed
SP-05	trans woman	56	bachelor degree	employed

SP-06	trans woman	45	secondary education	unemployed
SP-07	trans man	58	bachelor degree	employed
SP-08	intersex	40	secondary education	employed

Work environment and obstacles

There is a widespread opinion among interviewees that the work environment, in general terms, is far from inclusive and safe for TINB workers and jobseekers for many reasons: lack of knowledge and ignorance, prejudiced and stereotypical views, stigma and transphobia, heteronormative mentality leading to rejection.

The lack of inclusiveness in the labor field is reflected in several obstacles that TINB persons encounter when working or looking for a job. According to several interviewees, one of the main challenges is that their name does not match the name on official documents and this situation may even prevent them from applying for a job. As underlined by one person interviewed "In many cases I was not called for interviews. Moreover, I often did not send my CV for fear of the reaction, and this in itself indicates a hostile environment" [*trans man - Italy*]. But even for people who already have a job, the impossibility of using their chosen name, the lack of gender-neutral bathrooms and facilities, and the lack of inclusive language, together with being singled out for being different and the anxiety of being perceived as "sick" or as a person with a disorder are the most frequently mentioned obstacles.

The idea of having to come out of the closet if one does not have one's documents corrected, the fear of hostile reactions, and the strain of continually explaining one's 'status' are other burdens that affect labor relations, as pointed out by one of the interviewees: "the biggest obstacle is the relationship with the other person: when you enter into a relationship with people there is always the risk of discrimination mainly due to lack of knowledge of the situation. The continuous coming out it's complicated and tiring". [*trans man - Italy*]

Trans people often choose to hide their gender identity in the workplace or when seeking employment, generally out of fear of being fired or rejected. The "passability" is considered a bigger issue especially for trans women compared to trans men: "My acceptance in the male world has always been very warm, but not so with trans women, much more hostility" pointed out one interviewee, while another said "I am not familiar with the situation of trans men but for trans women it is very difficult. [There is also] intersectional discrimination: somehow you have abdicated your privileged situation as a man; for example, trans men do not experience the issue of clothing". [*trans woman - Italy*]

According to many trans persons interviewed, the beginning of a gender transition is one of the moments when this fear is the most pronounced: some wait for greater job security before beginning the transition to avoid being fired, others decide to quit their jobs when beginning the transition while others do not even look for work because they are sure that they will not find it. This feeling of fear of reactions from outside is sometimes accompanied by an internal struggle for self-acceptance and insecurity as noted by one of the interviewees: "Especially for trans women, it is very difficult to find a job without rectified documents. I also postponed the transition for fear of losing my job: I couldn't afford not to work. But I must say that I didn't feel ready anyway; self-acceptance is not easy". [trans woman - Italy]

Discrimination

As far as discrimination is concerned, almost all interviewees stated that they had experienced some form of discrimination based on their gender identity, gender expression or sexual characteristics, ranging from misunderstanding, jokes and negative comments, to not getting a job or being fired because of the start of the transition.

As reported by one interviewee "I was told, 'when you start your transition, your letter of resignation will be on your desk'. So of course, that was a reason to..., I have been working for this employer for almost 4 years, to say 'okay well I do not think I should [transition] now' [trans man - the Netherlands], while another narrated that "the president of the company explicitly said that I was not adequate and not able to be with minors...for that reason he withdrew a hiring proposal". [trans man - Italy]

Serious breaches of privacy were reported by two respondents: in one case, a manager had shared personal information about an employee's gender expression and transition, while in another, the employee's birth name, information about his gender rectification and details about his medical intervention were disclosed in the organization's minutes. Although the manager was replaced and the verbal records sealed, both interviewees noted that what had happened did not improve the situation in terms of managing discrimination and hate speech.

In addition to past incidents of discrimination, among interviewees there was a fairly common fear of being discriminated against in the future and for these reasons, some respondents sought a specific job in an inclusive organization.

Failure to act in cases of discrimination, either because they are not identified or because they are not given the importance they deserve is another serious problem underlined by some interviewees: "They listened to me, supported me, and told me not to pay that person any mind. Still, no measures were taken on a team level." [non-binary individual, 54 - the Netherlands].

A few participants stated that they had not experienced discrimination because they had learned to avoid certain situations.

Although most respondents perceived the general working environment in their countries as hostile and non-inclusive, some of them described a positive climate in their current workplace, reported that their experiences of coming out and/or transition were positive and felt supported by management and colleagues.

“Wonderful superiors gave me maximum support. They asked me if I needed holidays or leave; told me to get in touch if there was any unpleasant behavior from anyone. Also, colleagues have shown positive attitudes (some were informed by me directly, others not).” [trans woman, 49 - Italy].

“Employer very supportive and helpful, followed me with great professionalism throughout the process of changing my personal details, also taking care of relations with the various bodies involved.; Very positive relationship with colleagues as well, except for one colleague who calls me “transformer” (behind my back) and I know he despises me but maybe it would be like that anyway because we are very different.” [trans man, 45 - Italy].

By contrast other interviewees went through lack of support and respect both from colleagues and management with negative consequences also on personal life sphere as pointed out by two interviewees:

“Certainly, the lack of support from the company also affected my private life: stress and worries negatively affected my well-being. With colleagues it was difficult at first but then they got used to it, now I’d say it’s going well even if there are still some difficulties, especially with management.” [trans woman, 37 - Italy].

“Both employers do not allow me to use the name of choice, and this also creates a certain unease with the customer receiving the delivery. The same applies to my colleagues at work: I have asked them several times to call me by my name, but they continue to use my dead name. Why? They don’t recognize me as a male because of the way I look (breasts, voice, etc.). This situation causes me constant stress.” [trans man, 29 - Italy].

Diversity, Equality, and Inclusion Policies

Regarding diversity, equality, and inclusion policies, what trans, intersex and non-binary participants reported mirrors the picture outlined during the interview with HR professionals, i.e.: inadequate level and low uptake of such policies. However, there seems to be a correlation between the adoption of diversity, equality and inclusion policies in the company and the positive experience of coming out and/or transition. Where these policies were in place, even if not entirely satisfactory or completely

designed to meet the needs of TINB employees, there was dialogue between HR management/staff and the person concerned in order to improve or implement appropriate measures.

For instance, a non-binary person in the Netherlands said that after their coming out, the term non-binary was added to the policy, which included also transgender/cisgender identities. Moreover, because policy alone is not enough, they installed three committees regarding gender diversity, LGBT-issues and cultural diversity, and these themes are highlighted within the firm via special programs and events. While another participant, who considered his experience of coming out at work to be very positive, recounted that “there was no protocol for trans people: there was one for disability, for sexual orientation, for the enhancement of female talent...gender identities were envisaged but not made concrete, now they are being created, starting for example with removal of the dead name, except for tax documentation; rules on the use of the bathroom, etc.”. [*trans man, 45 - Italy*].

Conversely, where diversity, equality and inclusion policies are totally lacking, obstacles and unsupportive environments appear to be greater as stressed by one interviewee: “HR never took a protective stance towards me and did not put in place any diversity, equality, and inclusion measures. I am afraid of exposing myself too much and bringing forward ‘burning’ issues. I don’t fear discrimination so much, but I am afraid to pursue battles for fear of upsetting the management, also because it is not so easy to find another job.” [*trans woman, 37 - Italy*].

The fact that there are employers and managers who do not consider the adoption of policies for the inclusion of trans, intersex and non-binary people as their priority is highlighted by one interviewee: “Right now, there are plenty of people that are fighting for the acceptance of diversity in companies and who are dedicated, who use effective strategies and all the information that is currently available. They’re eager to work hard and to promote diversity in their workplace. Still, their employers and managers aren’t as committed.” [*trans woman - Catalonia*].

Training

It is a shared view that training would have a positive effect both for trans, intersex and non-binary people and for managers, staff, and the community at large. According to many interviewees training would have a positive impact and is considered as a tool “to promote awareness among colleagues and management” and “to combat ignorance and discrimination”. As underlined by one participant: “training it’s fundamental. I don’t think people are actively homophobic, transphobic but they have never had the chance to reflect on these issues or to know the meaning of the words and experiences they carry. So often the ‘evil’ is not intentional” [*trans man, 34 - Italy*], and according to another

“through conversation and intervention, mindsets can be normalized around TINB identities”. [*trans man, 47 - the Netherlands*].

A clear understanding of what discrimination is, the forms it can take, and practical strategies to prevent and respond to cases of discrimination and harassment are the most frequently mentioned topics for training, because as one interviewee pointed out “There is a certain tendency and pressure to laugh at certain jokes as if it is ‘normal’, when it should be normal to be respected... so it is important to understand what must not be accepted.” [*trans man, 20 - Italy*] while for another “at a certain point you don’t even know anymore what’s normal and what isn’t. [When I addressed a colleague who made discriminatory remarks,] I told my superior and I was basically told that I was some kind of social justice warrior. Even though I thought, hold on, my sense of safety has just been hurt. At a certain point, you don’t know what is normal and what isn’t, that’s why I would like to follow this course”. [*non-binary/gender fluid individual, 49 - the Netherlands*].

Other topics mainly referred to by interviewees include: legal framework and rights of transgender, intersex, and non-binary individuals including specific questions like “can I have a company email with my chosen name, who has to know my dead name, etc.?”, as exemplified by one participant, but also practical tips and advice on how to prepare effectively for job interviews and how to write a CV.

Regarding training methods, some respondents expressed a preference for face-to-face training over online training, because the former allows for a closer relationship. However, to ensure greater participation, distance learning, or a blended solution, is also considered appropriate. Engaging trans, intersex and non-binary people to talk about their experience because as one interviewee stressed “direct testimony always has an important impact, it is easier to empathize. Also, seeing trans people who are different from what one imagines helps to break down prejudices” [*trans man - Italy*]; invite trained LGBTI people who have experienced it first-hand to speak; and keep the training simple and affordable for everyone, are further suggestions from interviewees.

5. Recommendations

Recommendations:

- Develop strategies to involve small and medium-sized enterprises, which make up the Italian economic fabric, in the information and training process

- Elaborate methods to create fruitful synergies between TINB associations, agencies for recruitment and job providers.
- Take care of the training of trainers (ToT) and develop a training kit that is easy to use and adaptable to the features of the company.
- Encourage development and sharing of good practices.
- Plan further research on the specific needs of intersex workers identifying effective ways of involving this community.

