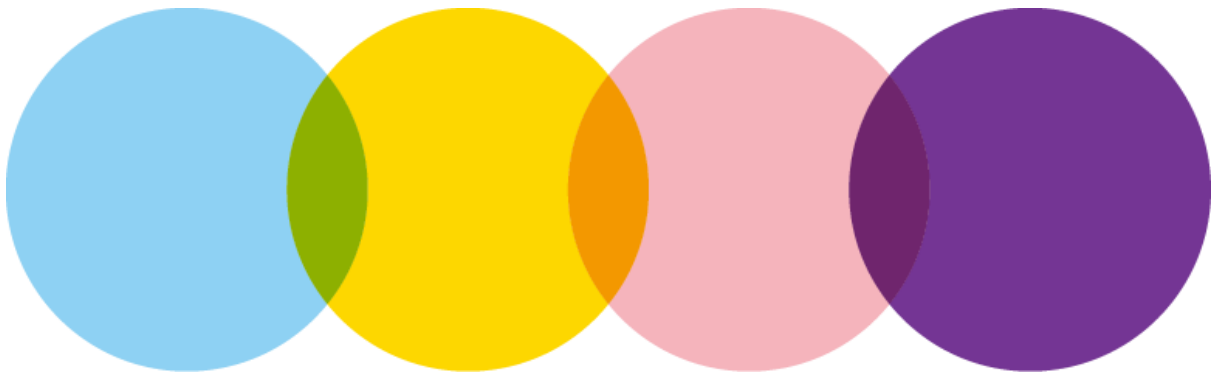


# Trans, intersex and non-binary people at work in Italy: A national report



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# Italy at a glance: an introduction

In the Italian legal system, **there is no explicit provision protecting against discrimination on the basis of gender identity or intersex characteristics** either at a general level or with reference to employment, although a constitutionally oriented interpretation may offer protection to the rights of trans, intersex and non-binary people's rights in the whole system, including the field of labour.

The European Union Agency for Fundamental Rights 'LGBTI Survey' (FRA, 2020) shows that LGBTI people in Italy encounter discrimination when looking for a job and in the workplace. However **national research on this topic is quite limited** and so are specific services for supporting trans, intersex and non-binary workers and jobseeker.

According to Inclusion4All research results that **Italian HR professional have a rather narrow experience** with trans, intersex and non-binary people, and are unaware of their needs as workers and jobseekers. Notwithstanding, they recognize the importance of building a more inclusive and diverse working environment and are interested in training to learn how to be more inclusive.

With regard to trans, intersex and non-binary people, the results of the Inclusion4All research show that anti-discrimination and diversity/inclusion policies in their favor are low in the national workplace and psychological harassment is the most common form of discrimination experienced by trans workers in particular.



# 1. Legal and policy framework

**Despite constitutional provisions and a set of general rules offering protection to workers who are discriminated against because of their personal condition, the Italian legal system – not including gender identity and intersex status as protected grounds – fails to offer trans, intersex and non-binary workers adequate and full protection leaving them vulnerable to discrimination.**

In Italy, the principal legal instrument which offers protection against discrimination affecting working environment is the legislative decree no. 216 of 2003<sup>1</sup>, enacted for the transposition of the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>2</sup>. However, while sexual orientation is expressly mentioned as a protected ground, gender identity and expression, or sex characteristics are not covered by the provisions of the abovementioned decree.

Explicit reference to gender identity and/or intersex status is also missing in the Gender Equality Opportunity Code.<sup>3</sup> The latter implemented the so-called recast directive 2006/54/EC<sup>4</sup>, which aims to combat discrimination between men and women in the workplace by inviting Member States to incorporate the results of European Court of Justice rulings, extending protection against gender discrimination to trans people. However, the directive does not impose such an obligation on Member States and the Italian national transposition measures do not follow the EU suggestion<sup>5</sup>, although several soft law instruments were directed towards greater protection in various areas, including work, health and education.<sup>6</sup>

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<sup>1</sup> 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".

Inter alia this decree includes: conditions of access to employed or self-employed activities, including selection criteria and recruitment conditions and including promotion; vocational training; employment and working conditions (including dismissals and pay); membership of and involvement in an organisation of employers or workers or any other organisation whose members carry out a particular profession.).

<sup>2</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

<sup>3</sup> 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)".

<sup>4</sup> Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

<sup>5</sup> Regardless of the letter of the law, an interpretation of the provisions of Gender Equality Opportunity Code aiming to cover transgender experience cannot be excluded. However, there is no case law in this direction so far.

<sup>6</sup> 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-7-2014-0062\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-7-2014-0062_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](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](http://www.europeanrights.eu/public/atti/2048_ing.pdf)).

In Italy are also lacking specific rules for the protection of intersex workers despite the fact they are particularly exposed to discrimination: indeed, the pathologized approach to intersex status results in obstacles to accessing education and professional training with clear implications for job opportunities (Lorenzetti, 2015).

From an overall perspective a legal protection against unlawful behaviors and acts in the workplace could be invoked under the general labor law provisions. In particular, the so-called Statuto dei lavoratori, a sort of workers' bill of rights, prohibits for the purpose of recruitment and during work surveys and analysis of beliefs or facts which are not relevant to the assessment of a worker's personal attitude.<sup>7</sup> Also, according to the Civil code the employer has a duty of protecting the physical integrity and personal morality of employees.<sup>8</sup>

Finally, the Italian Constitution, although not prohibiting explicit discriminations based on gender identity, gender expression and intersex status, ensures equal treatment to all citizens who shall be able to enjoy the same rights regardless of any personal condition. In particular, its articles 2 and 3 dedicated to human rights protection and to a general principle of equality and non-discrimination could be interpreted to offer protection to trans, intersex and non-binary people's rights in the whole system, including the field of labour.

At regional level it is possible to find a few cases where gender identity is included as a protected ground in anti-discrimination measures. Despite not being binding acts, they could eventually lead to the adoption of work services more sensitive and/or specific for trans, intersex and non-binary workers.

## 2. Previous research on the topic

**In Italy, research on the needs of trans, intersex and non-binary people in the workplace and the discrimination they may face in the field of employment is rather scarce. Although it is possible to find some rare research that has tried to investigate these issues, there are no studies but one that considers intersex workers, and the needs of non-binary people are totally unexplored.**

Research conducted by the European Union Agency for Fundamental Rights (FRA) shows that LGBTI people in Italy encounter discrimination when looking for a job and also 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

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<sup>7</sup> Law n. 300 of 20 May 1970 in GU n. 131 of 27 May 1970, *Provisions on the protection of the freedom and dignity of workers, trade union freedom and trade union activity in the workplace and rules on employment* (Norme sulla tutela della libertà e dignità dei lavoratori, della libertà sindacale e dell'attività sindacale, nei luoghi di lavoro e norme sul collocamento).

<sup>8</sup> Italian Civil Code, Article 2087.

discriminated against when looking for work, 36% and 23%, respectively, and at work, 44% and 24%, respectively, in the 12 months prior to the research, showing much higher rates of perceived discrimination than LGBTI respondents considered overall.<sup>9</sup>

Despite these data, research projects aimed at investigating the discrimination suffered and the needs of trans, intersex and non-binary people in the workplace in the Italian context are quite limited.

In 2015 the project *Making Equality Real: LGBTI Persons and Labour Discrimination in Italy*, funded by the ILGA-Europe Documentation and Advocacy Fund, was carried out in an attempt to fill this gap including for the first time, as target group, intersex people in a research about work. The research also considers trans men and trans women as separate groups (such a distinction is generally not found in research and these populations are not observed separately). This one-year project - whose results were published in a volume "Hard Work: LGBTI persons in the workplace in Italy" (Lorenzetti, Viggiani 2016) - envisaged different methods among which structured interviews with LGBTI people and experts in the field (including legal practitioners, psychologists, and law enforcement agencies) with the aim of collecting data about the characteristics and effects of discrimination experienced by LGBTI persons in the workplace as well as the available remedies.

Another research was carried out in 2010 by the Italian NGO Arcigay and co-funded by the Ministry of Labour. The results of the research were published in a volume called *Io sono io lavoro (I am I work)* in 2011 (Arcigay 2011) and they confirm 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.<sup>10</sup>

In 2011 the Italian National Statistics Institute (ISTAT) conducted a study - *La popolazione omosessuale nella società italiana (The homosexual population in Italian society)* - addressing for the first time this topic in its research (ISTAT 2012). A few questions of the survey referred to trans people in the work environment and the results showed that nearly one-quarter of respondents believed it is justifiable for an employer not to hire an employee with the required qualifications because they are transgender (very justifiable: 7,7%; quite justifiable: 17,1%) while one in ten believed it is justifiable for a transgender worker to be treated worse than their colleagues (very justifiable: 3,4%; quite justifiable: 6,7%).

Also in the area of labour, albeit aimed at businesses and not workers or jobseekers, in 2019 ISTAT together with UNAR (*National office for racial discrimination*) has conducted a research in order to investigate LGBT+ diversity management measures implemented by businesses with at least 50 employees in industry and services. Results of this survey

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<sup>9</sup> <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

<sup>10</sup> The main goals of this project (*Lotta all'omofobia e promozione della non discriminazione sui luoghi di lavoro come strumento di inclusione sociale*) were: to provide data on the specific topic of discrimination against LGBT persons in the field of labour; explore new methodologies for monitoring the phenomena of homo- and transphobia; and training professionals to be able to detect and prevent discriminatory practices at work.

show that a very small number of companies (5.1%, equal to more than a thousand companies) have adopted at least one measure aimed at promoting the inclusion of LGBT+ workers, in addition to what is already required by law. Some details about the research will be provided later in this report (*infra* para. 4.1).



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

**There are currently no specialized services at the institutional level to support trans, intersex, and non-binary workers and job seekers. However, LGBTI+ organizations promote a variety of workplace initiatives to bring these people together with diversity and inclusion sensitive work providers.**

In the Italian context, there is a lack of widespread and targeted initiatives to support trans, intersex and non-binary workers and jobseekers. However, several LGBTI+ NGOs provide services to contribute to the development of a more inclusive and diverse work environment<sup>11</sup>.

The non-profit Association *Circolo SAT-Pink* has provided a support service for transgender persons from 2011 (the so-called SAT, *Servizio Assistenza Trans*) and since 2017 thanks to funding from the Veneto Region has started the Desk Lab project to

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<sup>11</sup> Besides the examples included in this section, other not-for-profit organisations, especially those dedicated to trans people, provide some support in the field of labour in the form of counselling or legal advice.



promote access to employment for transgender and gender non-conforming persons.<sup>12</sup> A database including job providers who are willing to hire a transgender person in their workforce has been created. Moreover, the association is engaged in training trans and gender non-conforming people looking for a job as well as the employers, that have joined the project, on good practices to be implemented in the workplace.

Although not specific to trans, intersex and non-binary workers, National LGBTI+ non-profit organisation *Arcigay* promotes the Diversity Net@Work, a network that links companies committed or willing to commit to the adoption of policies for enhancing a culture of diversity, through concrete actions.<sup>13</sup> The main objective of Diversity Net@Work is to create a space in which stakeholders and scientific institutions interested in diversity can: - promote a culture of diversity through the example and model of actors already engaged in this field; - propose a model of diversity management that can be replicated in any company context, both public and private, regardless of the size of the company, its territorial location and its mission; - disseminate diversity management experiences and actions through a comparison between the Network's members and between them and LGBTI+ associations involved in this field.

It is worth mentioning, among others, that *Avvocatura per i Diritti LGBTI-Rete Lenford* - a network of lawyers, professionals and scholars dealing with LGBTI issues - provides judicial and out-of-court support to individuals who are victims of discrimination in the workplace. It also provides ongoing support to companies in monitoring their internal human resources policies and adopting and implementing inclusive and non-discriminatory industrial relations and business models<sup>14</sup>.

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

## 4. Inclusion4All research results

**In this section the results of Italian Inclusion4All surveys will be presented together with the opinions collected from interviews.**

The research structure primarily involved two online surveys: 1) one survey to investigate the needs of trans, intersex and non-binary people in the work environment, their experience with employment or unemployment and workplace discrimination as well as their training needs, and 2) one survey to find out the knowledge and attitudes of HR

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<sup>12</sup> [www.circolopink.it](http://www.circolopink.it); [www.portalenazionalelgbt.it/liter-di-transizione-dello-sportello-sat-servizio-accoglienza-trans-del-circolo-pink-di-verona](http://www.portalenazionalelgbt.it/liter-di-transizione-dello-sportello-sat-servizio-accoglienza-trans-del-circolo-pink-di-verona)

<sup>13</sup> <https://www.arcigay.it/lavoro/#.YUhjkZ4zY6E>

<sup>14</sup> <https://www.retelenford.it>

professionals towards trans, intersex, and non-binary people, the level of diversity, equality and inclusion policies implemented, if any, in order to address trans, intersex, and non-binary workers and jobseekers' needs, as well as HR professionals training needs.

To complement the quantitative research, a series of interviews were conducted with both HR professionals and trans, intersex and non-binary people, to obtain a more comprehensive picture of the Italian context.

#### **4.1 Knowledge, attitudes, and experiences of HR professionals**

The survey was filled by 51 HR respondents, of which 27 were fully completed and valid. Regarding the area of work, 57% (N= 18) of the respondents declared human resources, 15% (N= 4) senior management, 4% (N = 1) corporate social responsibility, and 15% (N = 4) other. In terms of level of responsibility at their company, almost half of the sample (N = 13) went for middle level management, 30% (N= 8) implementation, and 22% (N=6) top level management. Almost 60% (N = 16) are privately owned companies, more than 80% (N = 22) are located in a big city (i.e., more than 100,000 inhabitants) and more than half (N = 15) have less than 500 employees.

A first block of questions investigated the participants' knowledge both about LGBTI+ issues and legislation. They were therefore asked to choose the correct definition or meaning of some statements or terms among multiple options. "I don't know" was a possible answer.

Regarding the LGBTI+ identities, 96% (N = 26) of respondents managed to identify the correct definition of "gender identity", 70% (N = 19) the right meaning of the statement "Maria is a trans woman", 67% (N = 18) the correct answer for "Anna is non-binary", 59% (N = 16) the right definition of "Lily is an intersex person"

In terms of legal knowledge, 63% (N = 17) of the sample correctly answered that the national legislation explicitly prohibit discrimination based on sexual orientation in the field of employment. The percentage of right answers however decreases for the discrimination based on gender identity and/or gender expression in the field of employment (41%; N = 11), where no (explicit) prohibition is in place, and for employer's duty to take action against the harassment of trans, intersex or non-binary employees by their colleagues (44%; N = 12), where no such obligation exists.

The views expressed by HR professionals during the in-depth interviews paint a worse picture in terms of knowledge of trans, intersex and non-binary identities starting with confusion and unclear understanding of the difference between sexual orientation and gender identity; identification of the trans person as someone who has necessarily undergone gender affirmation surgery; and the inability to give a definition of a non-binary person.

A second block of questions deepened the HR professionals’ attitudes and experiences through a predefined set of statements. Each claim could be scored as 1 (strongly disagree), 2 (disagree), 3 (neither agree nor disagree), 4 (agree), or 5 (strongly agree).

The statements “LGBTI+ people should have the same rights as any other member of society” (C01\_1) and “It is important to create an inclusive work environment for trans, intersex and non-binary employees” (C01\_8) are the ones to which the respondents agreed the most. A high level of acceptability is also confirmed by answers to the claims “I would feel uncomfortable dealing with an employee who is trans” (C01\_3), “I would feel uncomfortable dealing with a non-binary employee” (C01\_4), and “I would feel uncomfortable dealing with an employee who is intersex” (C01\_5), where most respondents declared to disagree or strongly disagree. The complete answers are summarized in the table below:

	1: strongly disagree	2: disagree	3: neither agree nor disagree	4: agree	5: strongly agree	I don't know
C01_1: LGBTI+ people should have the same rights as any other member of society.	0%	0%	19%	22%	59%	0%
C01_2: LGBTI+ people should keep their sexual orientation, gender identity or sex characteristics private	19%	30%	33%	15%	4%	0%
C01_3: I would feel uncomfortable dealing with an employee who is trans	19%	37%	26%	4%	0%	15%
C01_4: I would feel uncomfortable dealing with a non-binary employee	26%	33%	26%	4%	0%	11%
C01_5: I would feel uncomfortable dealing with an employee who is intersex	22%	44%	26%	0%	0%	7%
C01_6: It is important for an employer to know about employees’ gender identity to provide them with appropriate support	4%	11%	41%	37%	7%	0%
C01_7: It is important for an employer to know about employees’ intersex status to provide them with appropriate support	7%	15%	48%	15%	7%	7%
C01_8: It is important to create an inclusive work environment for trans, intersex and non-binary employees	0%	0%	26%	37%	37%	0%

It is worth noting that almost a half of respondents did not have a clear opinion about whether it is important for an employer knowing about intersex status of employees for providing them with adequate support (neither agree nor disagree: 48%). Although slightly lower in percentage, still a large proportion of respondents were uncertain about the importance of knowing a worker's gender identity (neither agree nor disagree: 41%).

This ambiguous attitude came to light also from interviews where there was the widespread idea that gender identity, often assumed to be overlapping with sexual orientation, is a personal matter that should be kept private; thus, no need to disclose it

at work. This could also be linked to the lack of knowledge and understanding among the HR professionals interviewed about what being a trans, intersex and/or non-binary person entails and the implications of this in the workplace. As underlined by one of the interviewed *“For a trans and/or non-binary person, unlike an LGB person, it is difficult not to come out because at some point they become visible in the company; it is a bit like a pregnant woman. There is no leave for transition, not even the trade unions have fought for this, and many trans people risk losing their jobs”*. - trans woman, 37 years old -

A third block of questions investigated the participants’ work environment and if any inclusive policy was in place.

To the question “What do you think prevents your employer from creating a positive work environment for trans, intersex and non-binary employees?” about one quarter believed that the problem were LGBTI+ people who did not come out. Similarly, one quarter believed that the lack of a positive work environment is due to the lack of openly trans, intersex or non-binary employees. Interestingly, among those who so answered, there were some who also thought LGBTI+ people should keep their sexual orientation, gender identity or sex characteristics private. However, another quarter thought the problem was the lack of knowledge and skills on the topic. No one believed that the senior management did not like the topic or was afraid that this would harm the company.

To the question “How often have you had employees that you knew were trans/intersex/nonbinary”, the majority of the sample answered “never”, while between 10% and 20% was not sure if there had ever been any trans, intersex and/or non-binary employees at their workplace.

This overall inexperience is also confirmed and shared by the HR professionals interviewed, most of whom have never dealt with TINB workers in their profession. However, they pointed out that the lack of TINB workers could be since there had never been any or to the fear of coming out. The lack of a positive and inclusive environment acts as a deterrent, as underlined by one interviewee: *“I did not have direct experience...but I cannot say whether it did not happen because there were no cases or because they could not be managed and developed in-house”*. The existence of this vicious circle is also confirmed by the interviews with trans people, as will be discussed further below.

Regarding the presence of any diversity, equality, and inclusion policy, in more than half of the respondents’ companies at least one policy was in place, while in 33% of the cases it was not, and in 15% the respondent was unsure. The reasons for adopting these policies spanned from preventing discrimination to promoting workers’ well-being and to encouraging the development of everyone’s talents.

If present, the policies usually mentioned the sexual orientation and gender identity as protected characteristics, while the intersex status is rarely considered. In half of the cases, these documents did not outline any action for the inclusion of trans, intersex and/or non-binary people. When they did, they included allowing trans employees to use names different from those in their official documents, access to toilets based on gender identity instead of sex assigned at birth, and general support after the coming out.

In all the cases, no diversity, equality, and inclusion policy were in force, respondents were not able to say why or to provide a precise reason. However, also in cases where the policy was in place, sometimes it did not follow any concrete action, or the employees were not fully aware of these measures. The most implemented actions are the anonymous interface for reporting harassment and discrimination (61%) and allowing trans employees to use names different from those in their official documents (33%).

Findings from the interviews showed a worse situation where all but one of HR professionals stated that in their organizations there are no diversity, equality and inclusion policies in place. While the main reason for not having such policies is the lack of trans, intersex and/or non-binary workers, some respondents highlighted the need for a systematic approach to the issue also regarded as one of the role and responsibility of HR department.

*"We need to recognize that certain behaviors are disrespectful and certain cultural backgrounds can be worrying rather than denying what is happening [...] The resolution of the single situation is essential (e.g., settlement of an important conflict on an individual level) but it brings little on a cultural level for the whole context. Structured projects are slower and generate changes that are not fully satisfactory in the immediate term, but it's the responsibility of those who manage the HR department to develop them". - HR professional, social cooperative in the environmental field -*

*"HR professionals have a great responsibility in creating an inclusive work environment and in doing right information and training of workers. We should not wait for the case to arise but start thinking about how to handle certain situations before they happen". - HR professional, private company in the chemical, pharmaceutical & medical sector -*

Even the company that claimed to have a written policy that includes trans people and mentions gender identity did so in response to a concrete case.

Another interesting feature that arose from the interviews is the different perception that the interviewees have of the Italian working environment compared to their own company/organisation reality. When asked their opinion about the inclusivity of the former almost all HR professionals interviewed regarded it as scarcely inclusive and inadequate to address TINB workers' needs.

*“Work environment is not fully inclusive in Italy. We are a country of SMEs and when companies are very small, they cannot think about building an inclusive working environment. Often the focus is on sustainability that comes first: little thinking and therefore little building”* HR professional - social cooperative in the field of education and social services

Despite this view on the overall Italian scenario and the lack of D&I policies in place, some interviewees believed that their own work environment would be able to deal in an inclusive and non-discriminatory way towards potential TINB employees.

*“My personal opinion is that the work environment in Italy is not fully inclusive, as can be seen also with regard to women. On the other hand, as I know the workers in this company, I think it would be possible to include TINB people without great difficulties, this already happened with migrants and people with disabilities”.* - HR professional, private company -

Looking at the above-mentioned research carried out by ISTAT (see *supra* 2) it is possible to notice that the results are in line with those of our investigation. As anticipated, the number of companies that enacted measures intended to promote the inclusion of LGBTI+ workers are quite small. Among those which did so, the most widely adopted measures are aimed at transgender workers: 3.3% of the companies have given the possibility for these workers to use toilets, changing rooms, etc. in a manner consistent with their gender identity. However, the way in which these measures are spread varies greatly according to the size of the company (from 3% for companies with between 50 and 499 employees to 7.8% for larger companies). The same can be observed for initiatives ensuring transgender workers the right to express their gender identity in a visible manner, including through clothing (this action concerns 2% of companies with at least 50 employees, while among the larger ones the share reaches 6.8%). It is worth noting that only 1.9% of companies have a diversity professional position in place, including LGBT+ diversity (i.e., diversity and/or inclusion manager).

## **4.2 Trans, intersex, and non-binary people at work: experiences, practice and discrimination**

601 participants filled the questionnaire, but over the half (N=321) answered “no” to the control question “S01: Are you trans, intersex and/or non-binary?” and were therefore excluded from the analysis. Moreover, additional 66 respondents declared not to be employed or to have any working experience, with or without a regular contract, so further reducing the valid sample, i.e., trans, intersex, non-binary working or with at least one working experience people, to 214. Finally, 70 participants out of 214 abandoned the survey at section A, while a bunch of others did not fully complete section B or C. It was

therefore decided to analyze sections B and C individually, based on the answers in each of them.

Starting with demographics, the sample is composed of 144 respondents. The table shows the joint distribution of ages and gender identity, together with the respective marginal distributions. Observing the column in red, the young age of the interviewees is highlighted: about 60% of them (N = 83) are under 26 years old.

52% of respondents live in Budapest or its suburbs, 14% in big cities with more than 100,000 inhabitants, 11% in mid-size cities (20,000 to 100,000 inhabitants), and 24% in smaller towns or villages (12%). 2% of the respondents were intersex, and 31% nonbinary.

Age	Gender identity							Total
	man	woman	trans man	trans woman	non-binary	other	rather not say	
under 18	0%	0%	1%	1%	1%	1%	0%	5%
18-25	3%	6%	15%	1%	25%	1%	2%	53%
26-35	2%	2%	4%	5%	8%	1%	0%	22%
36-45	1%	1%	0%	1%	6%	0%	1%	9%
46-55	0%	2%	2%	3%	1%	0%	0%	8%
56-65	1%	1%	0%	1%	1%	0%	0%	4%
<b>Total</b>	6%	13%	22%	13%	41%	2%	3%	100%

On the other hand, in the green line we find the marginal distribution of gender identity, which shows that the composition of the sample for this character is quite varied, with a clear predominance of non-binary people (41%, N = 59). By crossing these two characters, it can be seen that the sub-group most represented in the sample is composed of 18-25 aged non-binary people (25% of the total, N = 36), followed by 18-25 aged trans men (15%, N = 21). Nearly 90% (N = 51) of non-binary respondents said that they had been assigned female at birth.

As for the country of origin, more than 94% of the sample (N = 136) grew up in the same country they currently live in, with only 3 people coming from abroad (Albania, Indonesia, and Brazil) but have resided in Italy for more than 10 years.

With regard to the employment situation, 53% of respondents (N = 77) were currently working, while the remaining 47% did not have a job at the moment. Of these, about half (N = 32) were students and almost 40% (N = 25) were looking for work. Of the 77 currently employed, more than half (N = 40) worked in the private sector (foreign-owned multinational or Italian privately owned company), while the remainder was equally divided between public sector, freelance and unofficial work.

Moving on to section B, among the 144 individuals in the sample, the percentage of those who are "out" at their workplace is not homogeneous. The respondents also differed in whom they had come out to: 50% (N = 76) said they had come out to all or part of their colleagues, while the percentages drop drastically if we consider the (partial or total)

outing towards management (15%, N = 22) or customers (4%, N = 6). However, there is a high percentage of people who are not out in the workplace (37%, N = 53).

Regarding the search for a job with trans, intersex, non-binary friendly policies, it is interesting to note how the total number of interviewees breaks down almost equally between those who answer “yes”, “no” and “I don't know”. Crossing these results with the data on “gender identity” we observe that the same tripartition occurs for the “trans man” and for the “non-binary”. The “trans woman” instead practically split in half between those who say “yes” and those who say “no”.

If we look at the data of those who are currently working, only 20% of the interviewees (N = 15) are working for a company that has an equality / anti-discrimination / diversity policy, mainly in favor of trans people, while more than double has no such job protection. In some cases, the employer has adopted actions to promote diversity and inclusion of trans, intersex and non-binary people, in particular allowing employees to use names different from those in their official documents (N = 23) and the installation of gender-neutral bathrooms and / or locker rooms (N = 13). There are very rare cases of organizational support, tailored to personal needs as a trans, intersex or non-binary person, in finding a job (N = 8).

Interviewees' accounts also indicated a general absence of inclusion policies that explicitly consider trans, intersex and non-binary people, except for one well-known multinational and one international banking group.

Turning to section C, 88 interviewees responded to the questions. Regarding the question “C01: How often have you experienced any of these things at your work because you are trans, intersex or non-binary?” the most significant answers in terms of cumulative percentage between “often” and “very often” were “C01\_2: I stayed in a job I'd have preferred to leave” (34%, N = 30) and “C01\_6: I felt it necessary to hide the fact that I am trans / intersex / non-binary from colleagues at work” (55%, N = 48). For these two answers we went to analyze if there was a difference with respect to gender identity.

In fact, we noticed that, compared to the sample under examination, these two types of discrimination (or in any case necessities in the world of work) are experienced differently among individuals. For the answer C01\_2, 38% (N = 5) and 30% (N = 7) of trans women and trans men respectively said they stayed in a job they'd have preferred to leave. In the case of the C01\_6 response, 38% of trans women felt it necessary to hide the fact that they were trans from colleagues at work but the percentage of trans men rises and exceeds 50% (N = 12). Still compared to the previous two questions, it is interesting to note that 70% (N = 23) of non-binary respondents felt they had to hide their identity from colleagues, even if they were in a job they didn't want to leave.



On the other hand, no significant cases of discrimination emerged as regards the areas of recruitment, promotion, remuneration and benefits. On the contrary, especially among trans men (48%, N = 11) and trans women (46%, N = 6) there are sometimes, often or very often cases of psychological harassment, perpetrated in two out of three cases by colleagues or coworkers, followed by no response or reaction from the victim. There are also cases of discrimination on the part of employers. Here are the most significant reports:

- "When moving from one company to another, with the director (in the 1st company) who became my new employer with the new company created by him, at the signing of the new contract he changed the conditions by taking away my fixed salary and company car, conditions which remained unchanged for my other 2 colleagues. Then he read in front of me the contract that I should have signed, pronounced my birth name in a marked and loud voice (still having the masculine documents) with a smile under his mustache and it was clear that he did it on purpose to hit me psychologically. Knowing well of my transition for 2 years and had always called me as director (in the 1st company) with my chosen name in the feminine. Among other things, he has known for some time now that feeling called to be masculine created me strong discomfort and dysphoria.

- "I had to change jobs before transitioning because the company operated with clients where the image of a trans person was not appreciated, so I could not keep the job. The new employer insulted me, demoted me, forced all colleagues to call me with my deadname and incorrect pronoun, underlined the deadname and assigned sex in front of each guest / supplier, prevented from using women's clothing at the place of work but obliged (only me) to wear a unisex uniform".

- "Basically, I heard some colleagues to make fun of me, or rather, to make fun of the whole non-binary community by saying phrases like: "it is possible that they do not know how to make a decision" "they are confused people" "they are people with a bad head".

- "My employers, although I was very qualified in my work, and I was in their good graces, after coming out, they no longer wanted my presence. Directors of an international company have mocked, humiliated, insulted, misgendered me, and gossiped about my person".

### **4.3 Training needs**

**The final block of questions of both surveys investigated the training needs of respondents. Both the survey results and interviews show that there are serious knowledge gaps and a strong need for training in Italy.**

As far as the HR professionals survey is concerned, three quarters of the sample have never participated in and/or organized any training focusing on promoting the workplace

inclusion of trans, intersex and non-binary people. The few who had, reported contents such as LGBTIQ terminology, inclusive language, and basic legislation.

About 60% of the respondents would be interested in participating in/organizing a training about workplace inclusion of trans, intersex and non-binary people, regardless of the format (in-person, e-learning or a combination of both), but with a preference for practical skills instead of theoretical knowledge. Preferred topics would be "Practical tools for preventing and responding to cases of discrimination and harassment", "Good practices implemented by other companies and strategies", and "Methods to integrate an inclusive approach in everyday practices".

The lack of previous training on the above topics and the interest to take part in future training courses is also shown by the interviews. Almost all interviewees emphasized the need to train all resources in the company, starting with the top management and HR department.

*"Training is fundamental. Except for big multinationals, and I am not sure in Italy, very few HR managers are prepared and ready to manage the inclusion of TINB people". - Head of HR, private company in the field of mechanical construction -*

*"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. It would also be important to find a place for integration involving institutions and associations, to share experiences, support, etc." - social cooperative in the field of cleaning -*

Another recurrent opinion among the interviewees is that training cannot be the same for everyone but must be diversified according to the company's context and the level of knowledge of the various resources:

*"Actions and measures should, however, be tailored to the reality of the company; it is also necessary to look at the culture of the workers and the company culture. It would be important to work in synergy: HR professionals, trainers and those who have already experienced it". - Head of HR, private company in the field of mechanical construction -*

*"Training is essential to develop a critical sense and to make choices outside the box. One shot training is not possible: there are people who are blank pages and those who have already received training. It would be appropriate a sort of curriculum in which there is a compulsory part for all; plus optional "courses" according to sensitivity". - DE&I manager, private company in the cruise ship sector -*

With regard to TINB survey a very small minority of respondents participated in some training regarding workplace discrimination. On the contrary, everyone said to be interested in participating in training on these topics.

Also on the interview side, only a minority of respondents had received training on discrimination, while no one, doubting even the existence of such a course, had ever participated in a training to improve their ability to find a job. Sharing experiences with people who have already lived through certain situations and understanding what form discrimination can take and how to respond to it are topics that interest respondents the most.

*“Also important to understand what discrimination is, what does not need to be accepted: certain tendency and pressure to laugh at certain jokes as if it were “normal” when it should be normal to be respected”.* - trans man 20 years old -

*“There are trained LGBTI people who should be invited to speak and train. They are prepared and have experienced it firsthand. Moreover, direct testimony always has an important impact, easier to empathize”.* - trans woman 31 years old -

## 5. Conclusion & recommendations

The analysis of the survey results, the opinions gathered through the interviews combined with the existing policy and legal framework make the Italian context appear far from encouraging and the road towards the inclusion of trans, intersex and non-binary people in the labor market still seems long.

On the other hand, the working environment mirrors what happens at a more general level in the Italian context, where transphobia is the order of the day<sup>15</sup>, the culture of diversity is not widespread and legislative initiatives aimed at extending the protection of sexual and gender minorities face strong opposition both in the political arena and in social debate.<sup>16</sup>

Looking at HR professionals, one of the most interesting results, which would deserve to be investigated further, is the dualistic attitude between what should be done and what is actually done. In general, in fact, the recognition of the importance of the issue of inclusion of trans, intersex and non-binary persons is not accompanied by concrete measures aimed at fostering it in the workplace. The approach of postponing the issue until if and when the case arises prevails over deep thought within the company to be already prepared and to address this group of workers and jobseekers in a proactive manner. On the other hand, it was clear from the interviews with trans, intersex and non-binary persons that the most satisfactory coming-out experiences occurred in work

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<sup>15</sup> According to the Transrespect versus Transphobia Worldwide Trans Murder Monitoring Index, Italy ranks first in Europe for the number of victims of transphobia: <https://transrespect.org/en/map/trans-murder-monitoring/>

<sup>16</sup> The recent heated debate on the passage of the Zan bill containing “measures to prevent and combat discrimination and violence on grounds of sex, gender, sexual orientation gender identity and disability”, which ultimately failed to pass, can be seen as emblematic of Italians’ mixed feelings on these issues.

contexts where diversity, equality, and inclusion measures, covering albeit in broad terms gender diversity, were in place. In fact, where there was a D&I department, management responded effectively and sensitively to the employee's coming out and employees felt supported and free to express their gender identity. Unfortunately, this is an exception in the Italian context.

The lack of a widespread culture of inclusion and diversity leads many people to hide their gender identity or to consider disparaging behavior by colleagues and employers as acceptable. An interesting and worrying fact that emerges from the research, especially from the interviews, is that for fear of being discriminated against, participants avoid certain behaviours, adopt strategies not to be in certain situations and they expect to be exposed to disrespectful and discriminatory conducts.

Our research shows that much must be done to bridge the gap that currently exists between the needs of trans, intersex and non-binary workers and jobseekers, on the one hand, and HR professionals/employers who are often unprepared and unaware of these needs, on the other hand. Training may be a first important step in this direction and a positive finding of our research is the willingness of HR professionals to increase their knowledge and skills for improving the work condition of TINB persons. However, also taking into consideration the reality of Italian companies, in order to make such training as effective as possible, it seems essential to use methodologies that encompass the active participation of human resources professionals and involve them in adapting the training to their specific company context.

#### 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.

# APPENDIX

## Relevant legislation

DIRETTIVA 2000/78/CE DEL CONSIGLIO del 27 novembre 2000 che stabilisce un quadro generale per la parità di trattamento in materia di occupazione e di condizioni di lavoro.

DIRETTIVA 2006/54/CE del Parlamento Europeo e del Consiglio del 5 luglio 2006 riguardante l'attuazione del principio delle pari opportunità e della parità di trattamento fra uomini e donne in materia di occupazione e impiego (rifusione).

Decreto Legislativo n. 216/2003, Attuazione della direttiva 2000/78/CE per la parità di trattamento in materia di occupazione e di condizioni di lavoro. Decreto Legislativo n. 5/2010, 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).

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