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Hard Work

LGBTI Persons in the Workplace in Italy

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The most heartfelt thanks go to the victims of discrimination who kindly agreed to share their much valued experiences, and to all volunteers and participants in the project *Making Equality Real*.

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To the victims of discrimination

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Preface

This study represents an important contribution to the knowledge and understanding of LGBTI workers in Italy. In 2015, being aware of the importance of having a general overview of the situation in Italy, Avvocatura per i Diritti LGBTI – Rete Lenford answered a call for papers from ILGA Europe. In that way, we fulfil our goals and Statute ‘The association aims at contributing to the development and the diffusion of both the culture of and respect for the rights of homosexual, bisexual, transsexual and intersex (LGBTI) people at regional, national, community and international levels. In particular, the association’s scope includes promoting study, knowledge, and legal defence amongst all legal practitioners, and lobbying for the judiciary to respect diversity.’ (article 2)

Avvocatura per i Diritti LGBTI – Rete Lenford is an Italian association of lawyers and jurists, founded in 2007 and with almost 150 members across the whole of Italy, committed to support the rights of LGBTI people. Its purpose is to answer the need to inform and disseminate the culture and respect for the rights of LGBTI people in Italy. In addition to legal assistance, for which we activated the dedicated email address sos@retelenford.it, Avvocatura per i Diritti LGBTI also plays a vital role in organising and supporting important training sessions and conferences with national and international experts. Our other activities include European projects, research, publication of monographs concerned with LGBTI issues and advocacy. The main European projects followed by Av-

vocatura are: Equal-jus - European network for the legal support of LGBT Rights (2009); Fleeing homophobia - on the Legal Position of LGBTI Asylum Seekers in the EU (2010); Litigious love - on Family Mediation and same-sex couples in the European Union (2014); Bleeding Love - on Domestic and dating violence against lesbians, bisexual women and transwomen (2014).

The Association has also created the “European Lenford Research Centre on Sexual Orientation and Gender Identity”, with a library of approximately 600 volumes¹.

With this study Avvocatura adds new momentum to the study of issues concerning LGBTI persons in Italy, contributing to raising awareness and the protection of rights and freedoms.

Maria Grazia Sangalli

President of Avvocatura per i diritti LGBTI – Rete Lenford

¹ The Research Centre is located in Bergamo, 24122, Via Zambonate n. 33, Italy.

Chapter 1

LGBTI Persons in the Workplace in Italy: an Overview

1. Introduction

At the last national elections in 2013, according to a survey by *Confesercenti*¹, an association of employers, 6 out of 10 Italians asked the political parties and future lawmakers to deal with the emergency of the lack of jobs in the country. Even the tax cut was in the second place after the job hunting. The data is not surprising: work is the basis of a variety of things, first and foremost a decent standard of living, but also the possibility of engaging in various pleasures and entertainment. Having a good job improves the quality of life and allows people to make plans for the future. Everyone knows how the world crisis of both the market economy and the labour market was triggered by the U.S. subprime mortgage crisis in 2007 and the impact continues to this day.

In this uncertain economic context, LGBTI workers are twice as exposed, because they are workers and because they are LGBTI. In fact, if the economic crisis affects all workers, prejudice and discrimination can affect LGBTI persons more than the others. When asked to consider the issue of sexual orientation, gender identity and intersex conditions in the field of labour, many employers and employees answered that these matters have nothing to do with business. On the contrary, the benefits and usefulness of inclusive

¹ See the website: www.confesercenti.it/blog/pil-in-calco-confesercenti-altro-che-ripresa-serve-intervento-coraggioso-per-ridurre-la-pressione-fiscale-e-tagliare-le-spese, viewed 10 May 2016.

policies in terms of greater productivity, a higher level of creativity and enhanced problem-solving skills have been confirmed in international studies and proclaimed by a number of Italian psychologists and sociologists (Lingiardi 2012; Barbagli 2007; D'Ippoliti & Schuster 2013; Lorenzetti & Gusmano 2014). At the same time, a working environment where employees feel unsafe and have to hide who they are is highly degrading and frustrating and can have significant human costs for staff and in terms of general productivity and, therefore, the ability to compete in the market. Furthermore, understanding differences between employees and being positive towards them can increase the attractiveness of a company or a business sector for job seekers. Managing diversity and promoting inclusion is not only an asset for business (Cox & Blacke 1991; Gilbert *et al.* 1999; Barabino *et al.* 2001; Von Bergen *et al.* 2002), but also a requirement in order to recruit the best available staff in the marketplace.

LGBTI employees are not an exception in this sense. Considered as the 'last acceptable prejudice' (Fone 2000, p. 3), the level of discrimination based on sexual orientation, gender identity and intersex status is the ultimate litmus of an inclusive workplace and it also has an impact on potential customers. For example, the Italian private rail transport company, *Nuovo Trasporto Viaggiatori*, offered discounts in January 2016 for everyone willing to take part in *Family Day*, a public event organised against the recognition of same-sex families, organised by a number of Catholic associations and right-wing political parties². Even if the firm strongly claimed it was merely a commercial offer and other offers were made for the Pride Parade in 2014, the hashtag *#Italofail* spread widely across social media such as Facebook and Twitter, with hundreds of persons posting a photo of their loyalty card cut in two parts. The same happened in 2013, when Guido Barilla, the CEO of the notorious brand of pasta *Barilla*, declared on the radio that he would never have approved a spot containing homosexuals, because he only supported the traditional families³. As a consequence, the hashtag *#BoycottBa-*

² See for example the website: www.difendiamoinostrifigli.it, viewed 10 May 2016.

³ See the website: www.radio24.ilsole24ore.com/notizie/guido-barilla-spot-famiglia-122352-gSLAIqYzV, viewed 10 May 2016.

rilla became viral and Guido Barilla was forced to apologise and to recognise a set of antidiscrimination policies⁴. A same-sex couple in Torino was forced to move to a new apartment in May 2016 after other residents of the apartment building persecuted them for over year. Comments such as ‘Come here, so I can break your face’, ‘We must lock those two up the stairs and beat them to death’, ‘They have to leave, by hook or by crook’ were made and the other tenants tried to force them to leave. Insults and threats were also engraved on the wooden walls in the elevator with a swastika and the phrase ‘Gays get out’. Finally, the couple was also assaulted in front of the building by a number of residents, including a minor. A trial is now pending⁵ and one tenant has recently received a jail sentence for stalking⁶.

However, Italy also offers some of the best practices related to employers – as outlined further in this book⁷, – such as *Parks – Liberi e uguali*⁸ for example, a network which puts together a number of companies willing to commit themselves to the respect and enhancement of LGBTI employees within the corporate culture. Some companies have also attempted to fill the void left by lawmakers and have enacted internal written non-discrimination policies that explicitly protect LGBT employees, typically offering a level of health insurance coverage to employees’ same-sex domestic partners

⁴ La Stampa, 19 November 2014, *A un anno dalle polemiche Barilla diventa l'azienda simbolo dell'impegno per i diritti gay*, www.lastampa.it/2014/11/19/economia/lavoro/a-un-anno-dalle-polemiche-barilla-diventa-lazienda-simbolo-dellimpegno-per-i-diritti-gay-zv13LuMOG5pvdaG0QhCGRK/pagina.html, viewed 10 May 2016.

⁵ La Stampa, 5 May 2016, *La coppia gay cacciata dal condominio: 'I vicini dicevano che era colpa nostra'*, <http://www.lastampa.it/2016/05/05/cronaca/i-vicini-dicevano-che-era-colpa-nostra-g8qGQezQh82kS0GOYxkn9L/pagina.html>; 9 May 2016, ‘*Sì, abbiamo cacciato la coppia gay. Una piccola questione tra inquilini*’, <http://www.lastampa.it/2016/05/09/cronaca/s-abbiamo-cacciato-la-coppia-gay-una-piccola-questione-tra-inquilini-HsvxEbqWhRvZHIGGySmxO/pagina.html>; 4 May 2016, ‘*Fuori dal condominio quei due omosessuali?*’, <http://www.lastampa.it/2016/05/04/cronaca/fuori-dal-condominio-quei-due-omosessuali-FEOQzLJzXXuZ4tjWW0liHK/pagina.html>.

⁶ Corriere della Sera, 18 May 2016, *Torino, condomini contro coppia gay Botte e insulti: condannato inquilino*, http://www.corriere.it/cronache/16_maggio_18/torino-condomini-contro-coppia-gay-condanna-stalking-86487ecc-1d13-11e6-a8eb-04e4fcf1d7a7.shtml?refresh_ce-cp, viewed 22 May 2016.

⁷ See Chapter 4, para. 4 ff.

⁸ See the website: www.parksdiversity.eu. For a detail, see the Chapter 4, para. 8.

or leave to get married (abroad). Others have funded or supported local organisations in implementing LGBTI-related projects or have engaged in respectful and appropriate marketing to LGBTI persons and families. For example, *Barilla* itself has completely reshaped its inclusion policy, putting the issue of diversity management at the top of the strategic business agenda. The company now extends health insurance coverage to the families and parents of LGBT employees and organises on a regular basis, for all employees, training courses on discrimination and diversity. From March 2015, *ATAC*, the public transport company of the Municipality of Rome, started to provide marriage leave to homosexual employees⁹.

2. News from the Front

Notwithstanding these developments, the reporting of episodes

⁹ Romatoday, 29 March 2015, *Atac dà il congedo matrimoniale a dipendenti gay: 'Vittoria civile e politica'*, <http://www.romatoday.it/politica/congedo-matrimoniale-atac-unioni-civili.html>, viewed 15 April 2015. Many homosexual couples, as same-sex marriage is not allowed in Italy, get married abroad. Several private companies have developed inclusive policies which provide marriage leave for LGBTI as reported by the media: FLC CGIL, *L'ISFOL riconosce il congedo matrimoniale al dipendente che ha contratto matrimonio all'estero con persona dello stesso sesso*, 13 February 2015, <http://www.flcgil.it/attualita/l-isfol-riconosce-il-congedo-matrimoniale-al-dipendente-che-ha-contratto-matrimonio-all'estero-con-persona-dello-stesso-sesso.flc>; Corriere della Sera, *Intesa Sanpaolo, sì ai congedi matrimoniali per dipendenti gay*, 24 July 2014, http://www.corriere.it/economia/14_luglio_24/intesa-sanpaolo-si-congedi-matrimoniali-dipendenti-gay-960941ca-1338-11e4-bb47-dc581d38d44f.shtml?refresh_ce-cp; La Nazione, *La vittoria di Elisa: congedo matrimoniale anche per i gay*, 2 August 2013, http://www.lanazione.it/pistoia/cronaca/2013/08/02/928628-vittoria_elisa_congedo_matrimoniale_anche.shtml; ANSA, *Congedo matrimoniale per psicologo gay*, 12 April 2016, http://www.ansa.it/trentino/notizie/2016/04/12/congedo-matrimoniale-per-psicologo-gay_ba55cffa-61fd-4138-b261-5552c9cfa192.html; Il Fatto Quotidiano, *Parma, congedo matrimoniale anche alle coppie omolesuali*, 18 November 2013, <http://www.ilfattoquotidiano.it/2013/11/18/parma-congedo-matrimoniale-anche-alle-coppie-omosessuali/781965/>; Il Messaggero, *Palermo, l'autista gay ottiene il congedo matrimoniale*, 4 October 2014, http://www.ilmessaggero.it/primopiano/cronaca/autista_gay_congedo_matrimoniale_palermo-623634.html; Corriere del Mezzogiorno, *Sergio e Antonio ad agosto sposi. Congedo matrimoniale dalla Gesac*, 16 July 2015, http://corrieredelmezzogiorno.corriere.it/napoli/cronaca/15_luglio_16/sergio-antonio-ad-agosto-sposi-congedo-matrimoniale-gesac-e3554dd4-2bb0-11e5-b7c2-086f3b1407a5.shtml, viewed 10 May 2016.

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