



***MINISTERO DEGLI AFFARI ESTERI E DELLA
COOPERAZIONE INTERNAZIONALE
Comitato Interministeriale per i Diritti Umani***

***Italy's contribution to Call for inputs from the UN
Working Group on the issue of human rights and
transnational corporations and other business
enterprises - Report to the 79th session of the UN
General Assembly on respecting the human rights of
LGBTI people in business operations***

March 2024



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Following the request from the UN Working Group on the issue of human rights and transnational corporations and other business enterprises, Italian authorities are pleased to the following information.

3. What measures has your government taken to address any discriminatory laws, policies, attitudes and practices in contexts in which businesses operate, and what measures have been taken to promote inclusive working environments? Please indicate whether specific reference is made to the situation of LGBTI people in any business and human rights regulatory frameworks, including the national action plan on business and human rights, in any mandatory human rights due diligence regulations, incentive schemes or disclosure or transparency requirements for companies and investors?

The situation of LGBTI people within the business and human rights framework has been dealt with in the 2nd National Action Plan on Business and Human Rights 2021-2026. In particular, among the key priorities included in the NAP the following is worth of mentioning: "Strengthening of measures to prevent and combat all forms of exploitation in the labour sector, both public and private, inferring vulnerable groups as victims, with particular reference to women, minors, persons with disabilities and LGBTIQ+ people". Along these lines a targeted planned measure has been defined to be pursued in the 2021-2026 timeframe: the promotion of an action to involve Italian companies, in line with UN Standards of Conduct for Business on Tackling Discrimination against LGBTI people, in order to prevent and countering discriminatory behaviors and conducts against LGBTIQ+ persons and ensuring the full enjoyment of their rights. According to the monitoring and evaluation mechanism of the NAP, based upon ad hoc quantitative and qualitative indicators, in 2023 all competent public authorities have shared their activities to implement planned measures provided in the NAP: as for the above mentioned one two kinds of measures have been recorded: the realization of the Survey on "Labour discrimination against LGBT+ people and diversity policies implemented in companies" carried out by the National Institute of Statistics (ISTAT) and the Office for the Promotion of Equal Treatment and the Elimination of Discrimination based on Race or Ethnic Origin (UNAR) and publication of the survey's results; the realization of proper initiatives to disseminate the UN Guidelines on Labour Inclusion and Empowerment of LGBTI Workers - Tackling Discrimination against Lesbian, Gay, Bi, Trans, & Intersex People - Standards of Conduct for Business", translated and published by UNAR.

5. What measures does your government take to improve policy coherence across ministries and departments on issues related to the human rights of LGBTI people and responsible business conduct?

Data collected and processed by UNAR have served as foundational support for the formulation, particularly in the segment addressing the realm of employment, within the NATIONAL LGBT+ STRATEGY 2022 – 2025 (<https://www.unar.it/portale/web/guest/strategia-nazionale-lgbt-2022-2025>). This Strategy, aimed at preventing and combating discrimination based on sexual orientation and gender identity, was officially adopted on October 6, 2022. It aligns seamlessly with the European Strategy for the Equality of LGBTIQ People.

WORK represents one of the strategic axes of intervention and sets the following strategic objectives:

- promoting a work culture based on inclusion by fostering company strategies that improve working conditions and promote the employment inclusion of transgender individuals;
- promoting the employment inclusion of transgender individuals.
- developing actions to promote and enhance good practices in the socio-labour inclusion of LGBT+ individuals, involving stakeholders;
- promoting actions to prevent and counter discrimination against LGBT+ individuals in the workplace.

These objectives are articulated into specific actions, including:

- promoting company strategies capable of improving working conditions and increasing the effectiveness and organizational efficiency of companies, by valuing individual talents through inclusive processes and the appreciation of differences;
- spreading the culture of diversity management not only in large corporate environments but also in small and medium-sized national production realities, as well as among C.A.F. (tax assistance centers), labour unions, professional associations, and promoting the training of company personnel involved in candidate selection processes, to overcome barriers to access to the labour market for LGBT+ individuals seeking employment;
- exchange of best practices in the workplace inclusion of LGBT+ individuals among corporate entities and promotion and dissemination of the UN Guidelines "Standards of Conduct for Business on Tackling Discrimination against LGBT+ People" also through the National Action Plan on Business and Human Rights;
- promotion of access to corporate welfare measures for same-sex parents;
- inclusion in supplementary agreements of clauses relating to: prevention of abuse and discrimination against LGBT+ individuals; respect for diversity and proactive interventions; sharing of information and exchange of experiences, dialogue, and integration among personnel;
- promotion of training and professional requalification paths for transgender individuals and promotion of self-employment for transgender individuals;
- promotion of measures for the access to wage employment of transgender individuals, also through incentives to companies, job placement services, or professional internships, and implementation of specific initiatives for matching supply and demand through career days;
- valorisation of virtuous companies in terms of corporate social responsibility; drafting of anti-discrimination guides in the workplace to be disseminated among workers and employers as well as promotion of the adoption of anti-discrimination codes of conduct in companies concerning access to employment and the employment relationship;
- promotion of training courses for companies and social partners and positive policies for the implementation of what is provided for by European and international directives and recommendations; promoting the non-discriminatory application of labour legislation.

6. Are there any measures taken by the State to ensure access to justice and to an effective remedy by LGBTI people for business-related human rights abuses, including to remove any existing barriers and to ensure that all types of remedial mechanisms, processes and outcomes are sensitive to the experiences of LGBTI people?

Article 105-quater of the decree-law of May 12, 2020, No. 34, as amended by Law of July 17, 2020, No. 77, and further modified by Article 38-bis, paragraph 1, of the decree-law of August 14, 2020, No. 104, converted into Law of October 13, 2020, No. 126, mandates the establishment of Centers against discrimination on the basis of sexual orientation and gender identity across the national territory, specifically geared towards combating discrimination rooted in sexual orientation and gender identity.

The Centers offer comprehensive support services encompassing legal aid, healthcare, psychological counseling, social mediation, and, if required, appropriate accommodation and meals to individuals facing discrimination or violence based on sexual orientation and gender identity. They also extend assistance to those in vulnerable situations due to their social or familial circumstances, working in close coordination with relevant local services. These Centers may be administered by local authorities independently or in collaboration, as well as by sector associations. The provision earmarks annual funding of €4 million from 2020 onwards to finance initiatives aimed at preventing and addressing violence related to sexual orientation and gender identity, while also providing support to victims.

In response to a 2021 public call for proposals aimed at establishing and managing Centers against discrimination/Reception Centers dedicated to supporting LGBT individuals affected by discrimination or violence, a total of 37 Centers were funded across the national territory, with an additional 9 Centers funded through resources from the PON Inclusion program.

These Centers not only cater to the protection and assistance needs of LGBT+ individuals experiencing discrimination and/or violence based on homophobia, lesbophobia, or transphobia, but also endeavor to implement specific socio-economic inclusion projects. Hence, they assume responsibility for employment guidance by offering training courses, consultancy services, and job placement assistance. Where feasible, they also aim to initiate training, support, and employment programs through specialized projects.

7. Please provide any examples of positive practices of businesses domiciled in your territory and/or under your jurisdiction which integrate a gender perspective that is inclusive of the experiences of LGBTI people into their activities, policies and processes, including in their human rights due diligence processes, to respect the human rights of all?

As above reminded, UNAR has undertaken the translation and dissemination of the document "Standard of Conduct for Business: Tackling Discrimination against Lesbian, Gay, Bi, Trans, & Intersex People" originally produced in 2017 by the Office of the United Nations High Commissioner for Human Rights. These UN guidelines serve as a crucial tool in the fight against discrimination faced by LGBT+ individuals within the workplace. They offer invaluable assistance to businesses by providing guidance on training their staff and implementing necessary measures to cultivate a work environment that prioritizes employee well-being and fosters inclusivity. This includes organizing events aimed at introducing and discussing the UN Guidelines. Additionally, UNAR has taken proactive steps to promote the dissemination of these Guidelines through events involving trade associations, labour unions, various associations, and businesses.

In the realm of public employment, it's notable to highlight the National Collective Bargaining Agreement for Central Functions Personnel, particularly Article 21, which addresses gender transition. This provision allows individuals undergoing gender transition to utilize their chosen name. It states: "To alleviate any discomfort and prevent instances of discrimination against employees undergoing gender transition, administrations acknowledge an alternative identity upon request, backed by appropriate medical documentation. This alternative identity, to be used in place of the legal name in personal records, encompasses elements such as identification badges, email credentials, and office door nameplates".

8. Are there any positive practices of meaningful and equal participation of LGBTI people, movements and organizations in State-led decision-making initiatives and processes on business and human rights?

In the realm of workplace initiatives, notable mention – as above recalled - goes to the Survey conducted by ISTAT - the National Institute of Statistics, in collaboration with UNAR, focusing on discrimination against LGBT+ individuals in employment settings. The initial segment of the survey, titled "Access to Employment, Working Conditions, and Workplace Discrimination against LGBT+ Individuals, Alongside Diversity Policies Implemented by Companies" was released on November 11, 2020. It delved into key findings concerning diversity management practices adopted by Italian companies in the industry and service sectors with a staff of at least 50 employees. According to the 2019 data, a mere 5.1% of companies—equivalent to over a thousand entities—had implemented one or more supplementary measures, beyond legal requirements, to foster the inclusion of LGBT+ employees.

These additional measures encompassed various strategies such as training sessions tailored for top management and staff focusing on LGBT+ diversity themes, initiatives geared towards fostering an inclusive workplace culture that values LGBT+ diversity, specific provisions for transgender employees, as well as allowances, benefits, and other tailored measures aimed at supporting LGBT+ workers.

Moreover, it is worth noting that as the company size increases, so does the proportion of companies that have implemented protective measures: 4.4% for companies with 50-499 employees and 14.6% for larger corporations.

Continuing into the 2020-2021 period, the survey shifted its focus to workplace discrimination against individuals in civil unions. Analysis from the sample revealed that 26% of respondents encountered disadvantages related to their sexual orientation at some point in their careers across at least one of the three areas considered: career advancement, recognition and appreciation, and income and compensation.

Within the workplace context, nearly six out of ten individuals reported experiencing micro-aggressions, defined as "brief, recurring exchanges conveying derogatory messages to certain individuals as members of a group, often subtle insults directed automatically or unconsciously," in their current or previous job if they were former employees. Meanwhile, one in three individuals encountered at least one discriminatory incident during their job search, and one in five individuals reported experiencing a hostile climate or aggression.

In 2022, the survey shifted its focus to workplace discrimination against LGBT+ individuals who were neither in nor had been in a civil union at the time of the survey.

Of the sample, 34.1% believed that their sexual orientation had hindered the recognition and appreciation of their professional abilities throughout their careers, while 30.8% reported obstacles in terms of career advancement and professional growth. Instances of disadvantages related to income or salary levels were comparatively less prevalent.

An overwhelming eight out of ten individuals disclosed experiencing micro-aggressions stemming from their sexual orientation, while one in three, spanning both current and former employees, reported encountering a hostile environment or aggression in their workplace.

The comprehensive summary report was published on May 17, 2023.

These Surveys are available at:

- <https://www.unar.it/portale/documents/20125/0/REPORT+LGBT%2B+2019+2021+%282%29.pdf/161a1059-5870-0c9b-21b1-a4f2f0f33b41?t=1684151548938>
- <https://www.unar.it/portale/documents/20125/0/REPORT+LGBT%2B+2019+2021+%282%29.pdf/161a1059-5870-0c9b-21b1-a4f2f0f33b41?t=1684151548938>
- <https://www.unar.it/portale/documents/20125/117570/report-discriminazioni-15maggio.pdf/ac952587-8cc2-9174-6ce7-8a5a849681bb?t=1684151129467>

Aligned with the specific goal of enhancing employability and fostering greater participation in the labour market, UNAR has devised a funding program tailored to support transgender individuals in venturing into self-employment or establishing new businesses.

Under this initiative, a project has been set in motion to furnish transgender individuals with specialized training and essential consultancy, thereby facilitating their entry into the workforce through startup ventures, self-employment endeavors, or entrepreneurial pursuits. This involves equipping them with fundamental tools necessary for launching a business. A dedicated public notice was issued to target sector associations, soliciting their involvement in the execution of information and training initiatives.

Surveys conducted have underscored the heightened vulnerability of transgender individuals to exclusion from the labour market. Through meticulously crafted training, informative sessions, and consultancy programs, concerted efforts are being made to bridge this gap, ensuring equitable access to employment opportunities.