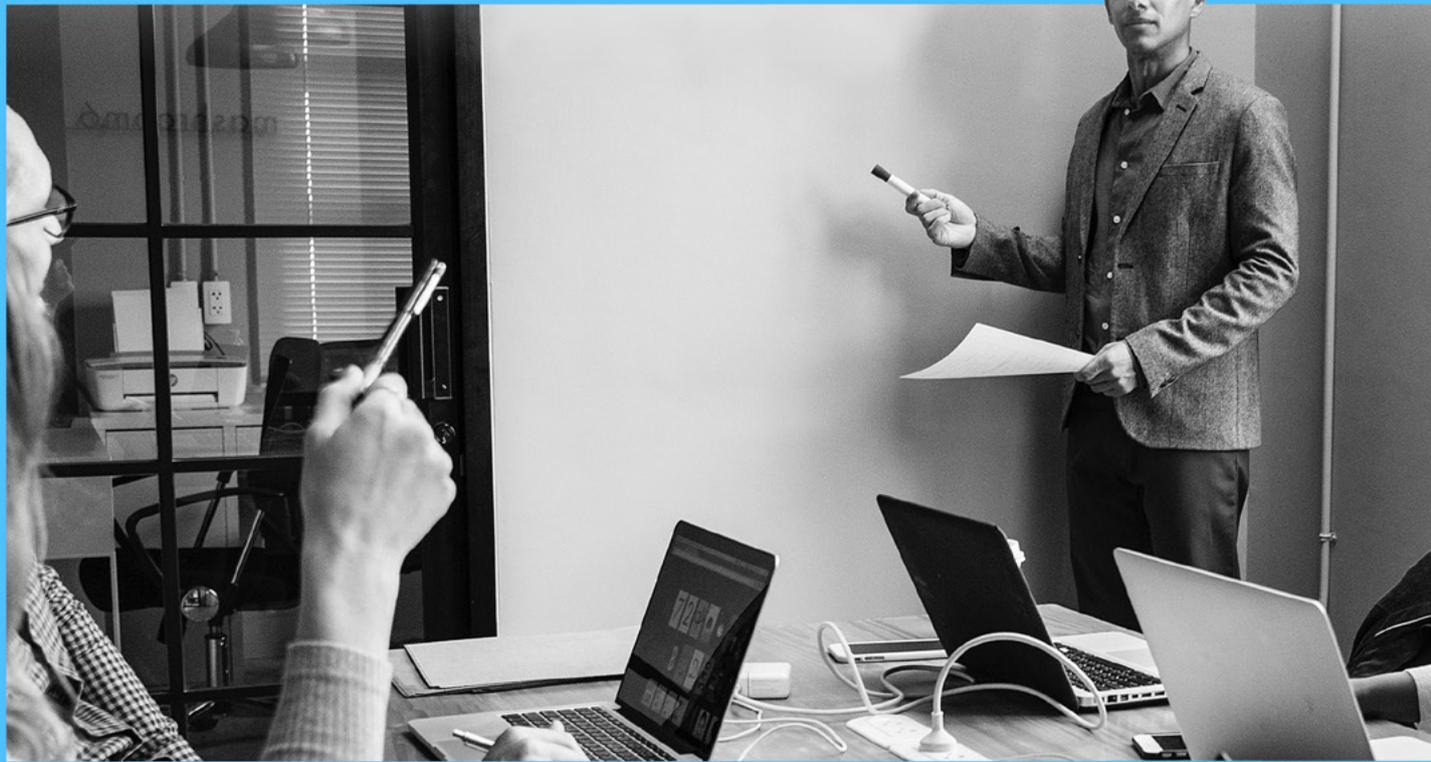


LGBT+ in the workplace

a comparison between Ireland and the UK



summary

Due to several economic and social factors, in the space of a generation, Ireland has made sudden significant progress in the realm of LGBT+ rights. In this review, we will outline how this exponential growth compares to the linear growth of LGBT+ rights in the UK, and how this relates to the workplace.

We will explore the differences between policy and cultural attitudes, and how Ireland and the UK fare in these areas respectively.

“...the policies in Ireland are considered to provide the best protection globally for LGBT+ people.”

In the UK, the Equality Act (2010) is a discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society. The act specifically covers LGBT+ individuals from 4 types of discrimination: direct, indirect, harassment and victimisation. The law does not apply when dealing with occupational requirements, positive action, charities providing benefits to LGBT+ people in certain circumstances, and religious organisations.

Comparatively, the policies in Ireland are considered to provide the best protection globally for LGBT+ people. Discrimination on the basis of sexual orientation is outlawed by the Employment Equality Act (1998) and the Equal Status Act (2000). These laws forbid discrimination in any of the following areas: employment, vocational training, advertising, collective agreements, the provision of goods and services and other publicly available opportunities. Additionally, while gender identity is not explicitly included in these two acts, it has been interpreted as being covered under the category of sex and disability.

In the UK, certain religious organisations are legally allowed to discriminate against LGBT+ people. On religious grounds, an organisation can exclude you from participation in certain activities or services they offer, membership of the organisation, or the use of its premises for being LGBT+. For example, a minister can insist that they can't employ a trans person or a gay man in order to avoid offending the religious convictions of the religion's followers. However, this discrimination on religious grounds would be illegal in Ireland. In 2015 a bill was passed in Ireland to prevent this discrimination, and discrimination from religious organisations against LGBT+ individuals is now illegal.

In March 2018, Ireland banned conversion therapy, with punishments including a prison sentence. As of January 2019, conversion therapy is not banned in the UK, and according to the National LGBT+ Survey (2018), 2% of respondents had undergone conversion or reparative therapy in an attempt to 'cure' them of being LGBT+, and a further 5% had been offered it.

“... a minister can insist that they can't employ a trans person or a gay man in order to avoid offending the religious convictions of the religion's followers”

senior levels

“Nearly 90% of employees believe that visible LGBT+ leaders within a company are important...”

In June 2017, Leo Varadkar was appointed as Ireland’s Taoiseach (Head of Government), and thus became the fourth openly gay head of state/government in the world. This representation in senior government is invaluable. Varadkar is a visible LGBT+ role model, publically marching in pride parades and visiting the Stonewall Inn.

Nearly 90% of employees believe that visible LGBT+ leaders within a company are important, though a high proportion of organisations don’t have senior LGBT+ leaders who are visible. This is evidential in both the UK and Ireland. In the UK, there is only 1 openly LGBT+ CEO in the FTSE100. Similarly, in Ireland there is a lack of LGBT+ representation in the top levels of corporations. Again, this could be due to how recent the change towards LGBT+ acceptance in Ireland.

Case Study: Changing Times in Ireland

Speaking of the changing times in Ireland, Tonie Walsh, a well-known Irish LGBT+ activist said “we live in a much better place than where we found ourselves before Marriage Ref or decriminalisation. We are blessed with an array of positive images in the media and pop culture. Two lesbians or gay men can hold hands and kiss in public without fear or censure, or worse a murder....we still have work to do where marginalisation and subtle discrimination continue to exist, but we are nevertheless moving to a new and beautiful place that none of us, back in the 1970s or 1980s, could have ever imagined.”

Source: <https://universityobserver.ie/irelands-lgbt-discrimination-and-legislation/>

being 'out at work'

"57% of UK respondents said that they were out to all colleagues, compared to 23% of Ireland respondents"

(Out Now & Vodafone, 2018)

In Ireland, 78% of respondents said they had hidden their sexual orientation or gender identity at work at least once, the same amount as in the UK. 69% of LGBT+ respondents in Ireland said there were negative comments towards LGBT+ people which made them feel uncomfortable being open in their first job, compared to 44% in the UK. Similarly, 57% of UK respondents said that they were out to all colleagues, compared to 23% of Ireland respondents (Out Now & Vodafone, 2018).

These results indicate a discrepancy between policy and actual experiences of LGBT+ respondents in Ireland, compared to the UK. Although in Ireland the protective policy is there, LGBT+ individuals in the UK seem to be more open at work.

There are several reasons for this. In the UK, homosexuality was criminalised until 1967. However, Ireland didn't decriminalise homosexuality until 26 years later, in 1993. The Celtic Tiger Economy, a period of rapid economic growth fuelled by foreign investment, emerged in Ireland 1995, causing dramatic economic and social change. Individual wealth of the Irish Citizen quadrupled in 15 years. This, alongside EU membership, saw Ireland transform from a conservative, religious society, to one of the leading countries in LGBT+ rights. However, this cultural context does mean that there are many generational gaps when it comes to attitudes towards LGBT+ rights, alongside plenty of familial and longstanding cultural values which mean experience does not necessarily reflect changing policy.

focus on: trans

“...in Ireland, a quarter of trans and intersex people surveyed had been punched, hit or physically attacked in public.”

In the UK, trans workplace equality lags behind LGB inclusion. According to Stonewall's Trans Report (2018), one in eight trans employees (12%) have been physically attacked by colleagues or customers in the last year. Half of trans and non-binary people (51% and 50% respectively) have hidden or disguised the fact that they are LGBT+ at work because they were afraid of discrimination.

In Ireland, 45% of trans employees said they had to hide their gender identity/trans status to avoid discrimination. 30% of respondents were verbally harassed in the workplace because they are trans, and 9% experienced unwanted sexual contact. Additionally, in Ireland, a quarter of trans and intersex people surveyed had been punched, hit or physically attacked in public.

These grim statistics demonstrate that transphobic harassment and hate crime in the workplace is still a huge issue in both the UK and Ireland. However, in Ireland the Gender Recognition Act (GRA) allows individuals over 18 to self-declare gender identity, which is not the case in the UK. At the moment, in the UK trans people have to endure a long and demeaning process to 'prove' their gender identity. It's not just distressing, it's complex, costly and inaccessible to many trans people. This policy directly affects trans workplace experiences, for reasons relating to gender being reflected on workplace documents and administration, if required or desired by the trans individual.

importance of inclusive cultures: what can be done?

Research by INvolve and Cebr shows that Workplaces in the top quartile for sexual orientation diversity are 22% more likely to have financial returns above their industry mean than those in the bottom quartile. This is just one example of how beneficial creating a culture where LGBT+ employees feel comfortable can be.

Out Leadership and PwC (2018) discovered that a massive 99% of respondents looking for employment would research a company's reputation in the LGBT+ community.

We can see that companies in the UK and the Ireland are at very different stages in their journey to inclusive cultures. Ireland's unique generational gap means that whilst it has robust policies, legislation and law in place to protect LGBT+ rights in the workplace, some cultural aspects are lacking. To demonstrate they have inclusive cultures, Irish companies can:

- Provide training all staff upon induction - especially HR and front of house staff - about LGBT+ equality issues, and the importance of trans inclusion. This training should be kept up to date with 'nudges' every 1-2 years, serving as both a reminder and providing updates on changes within the space.
- Ensure that offices in rural locations receive the same support as those based in the city.
- Ensure that there are specific points of contact in the HR department who are available for LGBT+ employees to discuss specific questions about policy or legislation.
- Ensure that networks encourage intersectional conversations. Networks focusing on LGBT+ issues could convene with those focusing on Ethnic Minority issues

In the UK, as there is legal protection from discrimination, organisations can work on employee education and work spaces and facilities:

- Promotion of LGBT+ equality by senior leaders throughout the organisation.
- Training all staff upon induction- especially HR and front of house staff- about LGBT+ equality issues, and why trans inclusion matters. This training should be topped up every 1-2 years.
- Provision of gender neutral toilets and shower facilities.
- Creation of working groups to consider changes they can make to facilities and work spaces to be more inclusive of all gender identities.

final thoughts

To conclude, protective legislation focusing on LGBT+ individuals does not differ hugely in the UK and Ireland, with the exception of religious institutions, where Ireland offers more protections than the UK. In Ireland, trans rights are significantly more advanced, with trans individuals being able to self-declare their gender identity since 2015. In the UK, trans people still need to go through a lengthy and stressful process to have their correct gender identity on documentation. Although Ireland has recently made huge strides in LGBT+ inclusion, it should be ensured that this is continued into rural areas. In the UK, organisations should focus on cultural change within organisations, through visible LGBT+ role models and LGBT+ inclusive facilities.

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about INvolve

INvolve is a membership organisation championing diversity and inclusion in businesses. INvolve consists of three initiatives; EMpower, OUTstanding and HERoes, working across ethnic minority, LGBT+ and gender diversity respectively. Through the delivery of events, programmes, thought leadership and advisory services, INvolve helps member firms drive cultural change and create inclusive workplaces. We also publish annual role model lists, celebrating business leaders and future leaders who are leading change for diversity and inclusion in business.

For more information : www.involvepeople.org