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**#INCLUSIVECOMPANIES**

# **LGBTI DIVERSITY & INCLUSION GUIDE FOR COMPANIES**





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COGAM (LGTBI+ Collective of Madrid) is a democratic, participatory, pluralistic and independent NGO that, since its creation in 1986, has fought for LGBTBI+ rights in the Community of Madrid and contributes to their achievement on a national level.



# INTRODUCTION

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Today diversity has become a central issue within companies as it is being gradually recognised as a competitive advantage. We live in a diverse society in which the values of plurality and respect for minorities have become the basis of our coexistence. Business leaders have understood the responsibility that companies have to reflect society's changes in order to understand the needs of their clients, stay competitive and attract and retain the best talent.



Although many countries have passed laws to protect the LGTBI collective against discrimination in the workplace, there is still a long way to go to fully integrate it and eliminate the subtle LGTBI-phobia that prevails. Real integration is achieved not only by recruiting LGTBI people, but by having a global strategy that aligns internal policies with business culture and communication (internal and external).

In order to guarantee the implementation and effectiveness of this strategy, specific and measurable parameters and benchmarks must also be established.

**60%**<sup>(1)</sup>

of LGBTI+ people hide  
their sexual orientation at  
work

**31%**<sup>(2)</sup>

of LGBTI+ people have  
suffered discrimination in  
their workplace

# INTERNAL POLICIES

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The company internal policies are the basis on which the global diversity and inclusion strategy must rest. They are the set of rules and regulations that define the appropriate protocols and behaviors within the company. They are the “rules of the game” that not only comply with current regional or national laws, but also reflect the values and conduct expected of each employee at all times.

The internal policies with the greatest positive impact for the LGTBI community are the following:



## Internal rules & regulations

To demonstrate the company's willingness to combat discrimination, it is necessary to have clear and specific policies in this regard. The internal regulations must explicitly prohibit all types of mockery, discrimination or harassment towards the LGTBI employees (and in particular due to a person's sexual orientation, gender identity or gender expression). In this way, it is made clear what the values of the company are and it is indicated that these behaviors will not be tolerated under any circumstances.



## Disciplinary system

Defining a sanctioning procedure makes it possible to clarify what are the possible sanctions, according to the type of discriminatory behaviours that may arise. It is important to mention examples of what are homophobic, transphobic, biphobic (etc.) behaviours and classify them in order of severity (for example: a homophobic joke can be punished with a warning, while a homophobic insult can be punished with a temporary suspension of salary). It is important to review these procedures often, in order to include possible changes in legislation and vocabulary.

***"Around 25% of people would not feel comfortable having a trans colleague."<sup>(3)</sup>***





### Equality in recruitment & selection

It is essential to define an equalitarian recruitment policy and to train the human resources team so they know how to apply it in order to avoid arbitrary discrimination during the selection process. A significant measure in this regard may be the establishment of minimum quotas for LGTBI workforce.

Legally, candidates cannot be required to reveal their sexual orientation or gender identity during the interview, but they can voluntarily disclose that information on a voluntary basis. Another solution is to collaborate with LGTBI associations to create a special job bank to gain access to a pool of LGTBI people directly (especially trans people who are the most vulnerable and suffer from very high unemployment rates).



### Participating in international initiatives

In addition to respecting what the regional and national laws indicate, it is possible to go further in the company's commitment to equality, adhering to diversity initiatives such as the “Code of Conduct for Companies” that the United Nations has developed. The objective of this clause is to create an international guide of good business practices to protect and help the LGTBI collective even in those territories where current laws do not guarantee equality.



### Equal benefits for all employees

LGTBI workers must be able to receive the same benefits as their colleagues:

- Maternity / paternity leave and medical leave in case of operation or death of the partner
- Medical insurance for trans people and people living with HIV (requiring long and expensive treatments)
- Benefits for the children of homosexual couples (medical insurance, daycare, etc.)
- Help for expatriate LGTBI employees and their families

# COMPANY CULTURE

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The corporate culture is a set of values, beliefs and conducts that are specific to an organisation and that are usually defined more or less specifically. A company committed to diversity must therefore have a culture that encourages initiatives and inclusive behaviors towards the LGTBI community.

Culture can be reflected through the following initiatives:



## Internal well-being survey

This type of survey should be carried out between once and twice a year in order to evaluate the well-being of the workforce, detect training needs and get direct feedback on employees' welfare. General diversity and inclusion surveys do not usually include specific questions for the LGTBI community, so it is important to design questions that include all minorities (without forgetting trans people and HIV carriers). The method used must be a voluntary and anonymous survey, which guarantees the privacy of the participants. This will ensure a high participation rate and honest answers.



## LGTBI training workshops

It is necessary to provide different types of training workshops for the staff according to the department and level of responsibility. Managers and the human resources department must learn to implement a LGTBI diversity plan, while employees must receive awareness trainings to eliminate prejudices and inappropriate behaviour towards this group. Participation in this type of initiatives can be mandatory or voluntary. In the case of being voluntary, participants can be incentivized with additional benefits, prizes or raffles.

***"LGTBI people have 7% less chances of getting a job than the rest of the population." <sup>(4)</sup>***





### LGTBI resources group

An LGTBI resource group is usually made up of company employees who voluntarily decide to meet, discuss and work to eliminate discrimination and improve the inclusion of the LGTBI community within an organisation. In addition to providing a safe environment to help people in difficulties, a work group can impact the business directly, supervising the implementation of certain initiatives, organising workshops and welcoming new LGTBI employees. This support is key to improving the integration and satisfaction of new employees, thus generating greater productivity and retention of internal talent.



### Network of "allies"

Allies are all those people who, without being LGTBI, support and help organize initiatives related to this group. Having a network of allies is important when it comes to achieving a majority consensus in favor of the implementation of inclusive policies. These people can also take on the role of mediators when conflicts or discrimination related to the LGTBI community emerge. To obtain the ally title, volunteers can register as such through the LGTBI Resource Group or meet certain previously defined requirements (for example, having received a minimum number of hours of training on the subject, having participated in awareness-raising actions or other events etc).





# EMPLOYER BRANDING

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**The Employer Branding** consists of the value proposition that the company creates in order to attract and retain the best talent. They are all those actions that the company takes to give itself a good reputation among its current staff and future employees. At a strategic level, it is a key element because the image the company projects is what will determine its success, since an attractive image attracts the most qualified, motivated and productive talent, therefore having a positive impact on the economic benefits of the business.



## INTERNAL COMMUNICATION

Internal communication must translate to all employees the company's commitment to diversity and inclusion. It is not enough for the company to implement diversity policies for these to be truly effective; all employees must be aware of their rights and of the protocols available to them in case of necessity. During the “onboarding” process, each new employee must also receive information on the company's LGTBI policies and initiatives. All information that has to do with new policies, protocols, aids and actions on the LGTBI issue must be communicated through the different internal communication channels available:

- Employee Manual
- Departmental meetings
- Internal newsletter
- Intranet
- Information boards / broadcast screens

### Examples of actions that can be communicated internally:

- Awards received for being an LGTBI-friendly company
- Trainings provided
- Results of internal well-being surveys
- Improvements made in Diversity and inclusion benchmarks



## EXTERNAL COMMUNICATION

External communication and the way in which the company portrays itself in public is also very important for it to be recognized as inclusive by the media and by future candidates. This type of communication is especially effective in attracting the new generations of employees (Generations Y & Z) for whom the ethical commitment of the company is an increasingly important criterion when choosing a future employer.

The external communication channels are the following:

- Official Website
- Social media platforms
- Traditional media channels (newspapers, radio, television)



### Examples of actions that can be communicated externally:

- **Supporting associations/ NGOs:** work with LGTBI associations to include the company in their rankings of inclusive companies and to put you in contact with LGTBI candidates in search of employment opportunities.
- **Highlight managers/ directors:** make sure that the managers who are part of the LGTBI collective become visible, speak about it in the media and become spokespersons for the diversity that the company defends.
- **Sponsor events:** get visibility from sponsoring LGTBI events such as Pride, Diversity & Inclusion forums, initiatives to fight HIV etc.
- **Key dates:** carry out actions on key dates (such as the international day against homophobia) by making special posts on social platforms, organizing debates, round tables, hanging posters, distributing brochures etc.
- **Inclusive language:** use inclusive language on the official company website to show commitment towards gender diversity and inclusion.



- **Diversity awards:** participate in national and international rankings of the most LGBTI-friendly companies such as:

- Stonewall Top Global Employers Awards
- GLAAD Media Awards
- Outie Awards



- **Business regulations:**

having a regulation or policy to collaborate only with suppliers and clients who are also committed to the LGTBI cause can be an important move to make a stand in countries where LGBTI rights are not recognized.

- **LGBTI product or services:** having a specific product/service or making an "inclusive change" in a product, for example: putting the rainbow flag on a product line, offering specific leisure trips for LGTBI couples etc.

- **Corporate volunteering:**

promoting corporate volunteering as part of the company's Corporate Social Responsibility (CSR) strategy. You can collaborate with LGTBI entities so that workers can participate in different actions related to this issue and make it mandatory for the entire workforce to comply with a minimum number of hours per year dedicated to CSR.





# MEASURES FOR TRANS PEOPLE

**It is necessary to have a specific protocol** to be able to accompany those trans people that are willing to carry out their gender transition.



**1) Initial meeting with the person:** When a person communicates his/her desire to start transitioning, it is important that both his/her boss and a member of the company's human resources team meet with him/her. The objective of the meeting will be for the employee to explain what his/her expectations are and for human resources team to inform that person about the transition protocol as well as answer any questions they may have.



**2) Respect confidentiality:** The person in transition has the right to choose the right time and the type of information that he/she wishes to communicate to his/her other colleagues about the transition process. Although his/her transition is becoming more and more evident, it is only up to that person to talk about his/her hormonal or surgical treatment.

## **Name change:**

The name change procedure and laws vary depending on countries and regions. The laws and procedures below correspond to Spanish Law. To modify the official legal name, the usual requirement is to have received hormonal treatment for at least two years (Law 3/2007, of March 15) or to have requested the official change as established in the Instruction of October 23, 2018 of the General Management of the Civil Registries and notary.

Therefore, many people in transition cannot change their legal name during those two years, even though their physical appearance is changing. An alternative to this is changing the "commonly used name".



**3) Change of the "commonly used name":** The change of name in common use allows a person to be called and treated by the name he/she prefers, according to the gender with which he/she identifies, without the need to correspond with the name that appears on his/her identity card. According to Law 2/2016, of March 29, the company is obliged to accept the change of the "commonly used name" employed by the employee if he/she wishes so, without any other justification. The name change will be effective in all internal and external communication of the company: list of names, employee card, email, signatures, etc.



#### 4) Change of the official legal name:

The person who has already carried out his/her name and gender change in the Civil Registry, as established by Law 3/2007, of March 15 and the Instruction of October 23, 2018, may request the change of his/her legal name to the company. The human resources department will have to proceed to change the employee's data in the employment contract and call him/her by the corresponding pronouns (if this is not already the case).

#### 5) Inform colleagues:

Having an informative meeting with the employees that are usually in contact with the person transitioning. If possible the meeting should occur before the official announcement of the transition.

- Specify the support for the transition by the company and managers
- Remember the company's non-discrimination policies
- Explain the new name and pronouns of the person transitioning
- Answer doubts and questions



#### 6) Dress-code change:

Authorize the person to wear the clothing he/she wants, without being obliged to "fit" into one of the usual categories of "man" or "woman." This can be a general rule for the entire workforce, even if they are not going through a transition.

#### 7) Inform clients and external collaborators:

Releasing an official statement for clients and external collaborators who work with the trans person to inform them of the name change. This communication is optional depending on the position and job held by the trans person.



## ADICIONAL MEASURES

**Inclusive bathrooms:** give trans people the option of going to the men's or women's bathroom according to the gender with which they identify. Another initiative would be to create inclusive or genderless bathrooms so that it is not necessary to choose and thus avoid unpleasant situations.

**Psychological support:** proposing psychological or moral support within the company can improve the psychological well-being of trans people, especially those who are going through their transition.

**Flexible schedule:** hormone treatment and gender affirmation surgery take time and the company needs to give the person flexibility so that he/she can go to his/her medical appointments without fear of being judged for absenteeism.

**Flexible dress code:** in order for all work personnel to feel comfortable, without distinction of gender identity, a flexible dress code can be established, which does not force employees to identify with a specific gender (male or female); therefore stating that androgyny or gender-fluid expression are allowed.





# MEASURES FOR HIV+ PEOPLE

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HIV (Human Immunodeficiency Virus) continues to be a taboo and an invisible disease in companies, due to the fear that its carriers have of discrimination and rejection. By not having the legal obligation to disclose their status, HIV-positive people are usually condemned to silence, unless their company manages to create a safe environment for them to "come out".

170'000<sup>(5)</sup>

people live with HIV in  
Spain

3'500<sup>(6)</sup>

new cases diagnosed  
annually

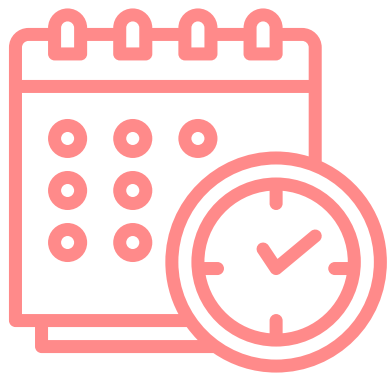
**Anti-discrimination policies:** to avoid discrimination and inappropriate treatment of people living with HIV in the workplace, it is necessary to have specific policies protecting this group. Before the law, people with HIV have the same rights as the rest of the population. Companies do not have the right to ask about the serological status of a candidate (except for certain healthcare jobs) or to disclose it if they know it. The selection process, salary and benefits of the company must be the same for all staff.

## **Joint United Nations Programme on HIV/AIDS (UNAIDS):**

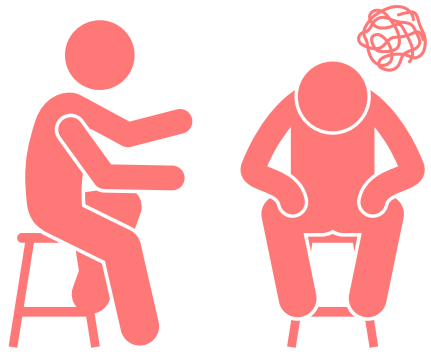
To create a safe environment companies can also adhere to the UNAIDS program that is aimed at reducing HIV/AIDS and fighting against discrimination by implementing punishment measures.







**Right to privacy:** medical certificates used to obtain a sick leave because of HIV do not include the serological status of the patient, so companies cannot have access to this information, unless communicated by the employee. In certain special situations such as the Covid-19 pandemic, workers with HIV have been forced to communicate that they were part of the vulnerable population, thus risking revealing their diagnosis. In case of being informed of an employee's HIV status, the human resources department has the obligation to keep this information confidential.



**Psychological support:** due to the stigma related to the illness, the rate of depression and psychological distress among people living with HIV is very high. To remedy this, companies can help pay part of the costs of a professional psychologist for those in need of it. In addition, the human resources team and department managers should be trained on handling these issues in order to bring emotional support to their employees going through this process.



**Time flexibility:** people with HIV have medical check-ups between two and four times a year. They also have to pick up their medication at the hospital (during working hours) every two months. This takes time and it is therefore important to give flexibility so these employees can go to their medical appointments without fear of being judged for absenteeism.

**UNDETECTABLE = UNTRANSMISSIBLE:** a person with HIV who takes his/her medication properly can become "undetectable", that is, he/she cannot transmit the virus under any circumstances.

**PEP (post-exposure prophylaxis)** is an antiretroviral drugs that can be taken after a possible exposure to HIV to prevent infection. It should be started within 72 hours after the possible exposure to HIV.

**HIV transmission:** HIV is transmitted through sex or blood, so transmission in a work environment is almost impossible. All workers must know this information to avoid stigmatising situations and discrimination towards HIV positive people.

**One pill a day is what a HIV+ person needs to control his/her infection.**





# MEASURING CHANGE



**It is advisable to do an annual or bi-annual monitoring** of the evolution of the company's diversity and inclusion benchmarks. In this way, it will be possible to evaluate the effectiveness of the policies and actions implemented in addition to detecting the needs for improvement. Making a diversity report ensures the proper implementation of LGBTBI inclusion policies and guarantees that the proposed diversity objectives are achieved.

After each workshop or action undertaken, the impact of this must be measured with different variables and criteria. **The parameters that can be used are the following:**

- Number of people undergoing their gender transition
- Number of new members in the LGBTBI+ allies group
- Number of LGBTBI diversity awards received
- Number of LGBTBI events sponsored by the company
- Evolution of the staff well-being score
- Number of volunteers in LGBTBI corporate projects
- Number of posts and articles on social networks and traditional media
- Evolution of the well-being score of LGBTBI people

To guarantee the commitment of the workforce to the actions carried out, inclusion parameters can be established in the **employee performance evaluations**. Each worker can receive prizes and incentives for participating in Corporate Social Responsibility (CSR) actions.



# CONCLUSION

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This guide reflects the different actions, policies and efforts that companies have at their disposal to achieve greater inclusion and well-being for their LGTBI employees. There is no one-size-fits-all solution, but each organization must adapt its strategy according to its size, its economic sector, its budget and its own needs. Large companies have more resources and therefore greater responsibility in leading this change. Still, all companies, no matter how small, can have a positive impact to make a change.



In addition to the ethical purpose of these actions, companies that adhere to these values will be rewarded with higher productivity and revenues. These values of justice, respect and coexistence must be upheld together to create workspaces in which people can thrive and live authentically.



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