EXPERIENCING AND REPORTING DISCRIMINATION AT WORK AGAINST LGB PEOPLE[1]

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Abstract. This article shows the results that emerged from the Istat-Unar "Survey on Labour Discrimination against LGBT+ people" addressed to people in Civil Union or formerly in union) 2020/2021" with reference to several adopted subjective and more "objective" indicators of workplace discrimination. Logit regression models study the probability of experiencing discrimination events and reporting them as a function of some variables involving, for example, socio-demographic aspects, context, coming out, support by family and friends, perception of discrimination, and socio-economic status. This article provides a contribution on both, the methodological side of measuring discrimination, and the substantive side of knowledge about a complex and multidimensional phenomenon.

1. Introduction

Discrimination is a complex phenomenon not easy to detect. This refers to a situation, behaviours, and practices whereby a person is treated less favourably than others because of some of their characteristics (e.g., age, foreign origin, health problems, political ideas, gender, sexual orientation, gender identity, etc.) that in themselves are not relevant to the task or the context in which they are performing (direct discrimination). At the same time, discrimination refers to policies, practices, and behaviours that perpetuate inequalities among certain social groups (Krieger, 2014) and create obstacles in achieving equal opportunities and real equality for all (structural discrimination). Specifically indirect discrimination occurs when laws, policies or practices that appear neutral at face value, yet are discriminatory for population groups with certain characteristics (e.g. partner care leave, etc.). The focus of direct discrimination is on treatment consistency, both structural and indirect discrimination focus on outcomes (Praia group, 2020). There are several

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ways to detect the discriminatory phenomena. A first practice is to use indicators that we might call outcome or indirect indicators to compare the situation of different population groups. A second way is to operationalize universal subjective experiences of discrimination. Finally, a third mode of conceptualizing and operationalizing discrimination is considering intersectional or certain groups' specific subjective experiences such as LGBT+ discrimination (De Rosa, 2022).

Multiple discrimination may be sequential (when a person suffers discrimination on different grounds on separate occasions) or additive (when a person suffers discrimination on the same occasion but on two grounds) but also intersectional discrimination when two or multiple grounds operate simultaneously and interact in an inseparable manner, producing distinct and specific forms of discrimination (Makkonen, 2002). The lived experiences of discrimination are also affected by the subjective perception. Perception is also affected by the level of awareness of one's own rights, the understanding of personal legal rights when it comes to discrimination and who to contact for support. Recognizing the signs of discrimination and reporting are key points in addressing discrimination and effecting change. Literature stresses the under reporting due to various reasons (e.g. reticence, underestimate of the incident, ineffectiveness, fear of coming out, fear of retaliation) and misrecording by those who receive reporting, namely police and other officials, that may record reasons other than discrimination (Praia group, 2020). These different phenomena and ways to conceptualized discrimination were operationalized in the Survey on Labour Discrimination targeting people in civil union, which Istat carried out in collaboration with Unar in 2020-2021. This census survey focuses on labour discrimination and aspects related to sexual orientation studying a segment of the LGBT+ population reached out by means of the municipal lists of civilly united persons. Since July 2016 the union of the over-18 same-sex persons has been regulated in Italy by a special institution named Civil Union.

The questionnaire collected data about personal information, family and socio-economic status, sexual orientation and coming out; aspects related to civil union, employment status, experiences of discrimination at work and in other contexts, reporting, experiences of discrimination, managing sexual orientation at work, aggression, hate speech, perception of discrimination against LGBT+ people in Italy, relationship with the LGBT+ community/associations and measures or initiatives that could be adopted in favour of the LGBT+ people in Italy. The main aim of this paper is to investigate labour discrimination against LGB people (in Civil Union) and the main associated factors as well as reporting discrimination, considering different aspects such as socio-demographic characteristics, coming out, support by family, friends and LGBT+ community, perception of discrimination and socio-economic status.

2. Conceptual and Measurement Framework: Discrimination and Reporting

The survey adopted a first working definition of employment discrimination as unfair and negative treatment of workers based on their personal characteristics that are not relevant to job performance (Chung, 2001). In line with the national and European laws[2] the main phases considered are: school/university, job search, work experiences and exit. We considered on the one hand indicators of general (not related to sexual orientation only) and specific labour discrimination: in the first case we listed subjective experiences conceptualized as universal and then we asked the respondent to indicate the characteristic(s) or reason(s) on the basis of which they believe they have been treated in this way; in the second case subjective experiences are conceptualized as specific to a particular population group ad for LGB people. On the other hand, we used outcome indicators of the working condition (e.g. employment status, hourly regime) that potentially allow comparisons among population groups. It should be noted that differences in outcomes do not in themselves constitute evidence nor do they indicate the extent of the prevalence of discrimination. From an analytical point of view, we also distinguished between formal and informal discrimination: the first concerns decisions and acts related to a worker's career (hiring, firing, promotion and retribution); the second concerns the working atmosphere, attitudes and interpersonal dynamics. The latter has been conceptualized considering the following dimensions: coming out at work, managing and coping with sexual identity at work, workplace relations, workplace microaggression. They are "brief daily interactions that communicate messages to some individuals as part of a group, subtle insults (verbal, non-verbal, and/or visual) directed at people often automatically or unconsciously" (Sue, 2010). Microaggressions allow to capture a more intangible and often unaware form of discrimination; hostile environment straddles the two dimensions (formal/informal).

We also distinguished between formal reporting of discrimination (trade unions, equal opportunity committee or trusted advisor, law enforcement agencies, employer) and informal reporting when people talk with family, friends, co-workers or employer. A range of possible actions has also been detected, namely: a legal action, labour conciliation, a direct approach to the offender and other actions.

Table 1 provides an overview of the conceptual and measurement framework.

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[2] Legislative Decree No 216 of 9 July 2003 ('Implementation of Directive 2000/78/EC on equal treatment in employment and occupation').

Table 1 – *Conceptual and Measurement Framework of the Istat-Unar Survey on Labour Discrimination against LGBT+ people (in Civil Union or formerly in Union).*

Conceptual & Measurement Framework	Main indicator
1. Experiences of Discrimination at school/university, while looking for a job, as employee (current/last job) • by grounds of discrimination with reference to the last event	At least 1 event
2. Hostile environment and aggression in the workplace (current/last job) • by grounds of discrimination with reference to the last event	At least 1 event
3. Workplace microaggressions related to sexual orientation (current/last job)	At least 1 event
4. Disadvantage for sexual orientation during the working life • Career and professional development • Recognition and appreciation • Income and pay	At least 1disadvantage
5. Managing sexual orientation at work (current/last job) • Coming out • Avoiding to talk about private life, avoiding to hang out with people from the working environment in your free time, • Avoiding to attend corporate or other social events • Outing	Yes/No
6. Reporting (last event) • Hostile environment and aggressions in the workplace, by type of actor & non-reporting reasons • Microaggressions related to sexual orientation at work, by non-reporting reasons	Yes/No
7. Discrimination in other areas of life related to sexual orientation	Yes/No
8. Threats or aggression related to sexual orientation (last 3 years) and self-discrimination (during life)	Yes/No
9. Perception of Discrimination and desirable actions for LGBT+ inclusion	Level
10. Indirect/Structural Discrimination • Socio-economic statistics, comparison within and to other population groups	

3. Data and Methods

This study uses data from the "Survey on Labour Discrimination against LGBT+ people (in Civil Union or formerly in Union)", a CAWI survey based on a self-administered web questionnaire. The target population was made up of all resident individuals (over 21,000) who, as of 1 January 2020, were or had been in Civil Union (Law 76/20 May 2016). About 9,000 questionnaires were sent and validated; a post-stratification non-response was carried out.

Our analysis is restricted to those that by self-identification declared a homosexual or bisexual orientation (95.2% of the total).

This study investigates discrimination with a focus on hostile atmosphere or aggression at workplace and labour microaggression due to sexual orientation; reporting and actions following the experience of workplace discrimination. The population of the models varies depending on the response variable considered.

The two main research questions were: which are the main discrimination-associated factors? Which are the reporting-associated factors?

Descriptive analyses are presented. Then a multivariate analysis was carried out to study the experience of labour discrimination against LGB people in Civil Union (or formerly in Union) incorporating every single covariate at the $P < 0.05$ level, with stepwise multinomial logistic regression models, which allowed to calculate odds ratios (OR) with confidence intervals at 95%.

Our dependent variable is the probability of experiencing discrimination (hostile atmosphere or aggression at workplace, labour microaggression due to sexual orientation) and reporting such an event. Variables as regressors in the models concern the following dimensions: socio-economic characteristics, employment status and type of job, coming out and support, awareness of LGBT+ rights and involvement in the LGBT+ community. All regressors are dichotomous, exception made for quantitative variables (e.g. age, years in the same job).

4. Results

Descriptive statistics and models help to deepen the phenomena of discrimination against LGB people considering different dimensions and factors.

A combination of "objective or outcome indicators", "indicators about experiences of discrimination" and "group-specific" indicators (De Rosa, 2022) give a more accurate picture.

4.1. *Labour market condition of LGB people and general discrimination*

Same-sex couples in Civil Union represent a specific group of LGBT+ population living in Italy. This population is characterized by a high level of education and in their majority are currently out at work (for 92.5% of them, their sexual orientation is or was known to at least some of the people in their working environment). Standard indicators of labour market condition of LGB people in Civil Union or formerly in Union show a high level of participation in the labour market: 77% are employed and 22.5% have been employed in the past.

As it is for the entire population, women and young people are in a disadvantage position. A gender vertical and horizontal segregation in employment is observed for women who, more than men are employed in services as well as in executive or unskilled positions, and have more care responsibilities. Younger people report more discriminatory behaviours (De Rosa *et al.* 2022b). The same dynamics emerged when considering indicators of discrimination, not necessarily due to sexual orientation. A percentage of 46.9% homosexual or bisexual persons claim to have experienced at least one discrimination event at school/university (61.6% of the 18-34-year-olds), and 32% declare having suffered at least one event of discrimination in job search, not necessarily related to sexual orientation (28.3% of men), and gender is the most common reason they indicate (44.7%) in relation to the last event. Younger people as well, report more discriminatory behaviours than the total population in job search. Looking for a job as employee, 34.5% claim to have experienced at least one discrimination event (36.8% among women and 49.5% among the youngest).

4.2. *Hostile atmosphere or aggression*

The survey shows that about one in five homosexual or bisexual persons in Civil Union of formerly in Union (20.8%), employed or ex-employed in Italy, have experienced a hostile atmosphere or aggression not necessarily due to sexual orientation in their last job[3], with a slightly higher incidence among women (21.5% vs. 20.4%), young people (26.7%), foreigners or stateless people (24.7%) and people living in the South and Islands (22.6%).

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[3] This means at least one incident of hostile atmosphere or aggression in the current/last job among: slandered, laughed at or played tricks on them, humiliated or insulted, deliberately excluded from meetings, conversations, etc.., offence, including making offers of a sexual nature, threatened verbally or in writing, totally deprived of tasks, subjected to unjustified disciplinary controls, physically assaulted.

The model puts into relation likelihood to have experienced at least one event of hostile atmosphere or aggression as the dependent variable. Sex, sexual orientation, age, education level, geographical area, employment status (employed/ex-employed), the type of job (dependent/independent), coming out at work (if the respondent's sexual orientation was known or not in the workplace), cultural capital of the family of origin (at least one graduated parent), number of years in the same job, working context size (less or more than 5 people) and type of contract (fixed-term or not) are regressor variables in the model (Table 2).

Table 2 – *At least one event of hostile atmosphere or aggression. Odds ratio.*

Parameter	Analysis of Maximum Likelihood Estimates			Odds Ratio Estimates		
	Estimate	Standard Error	P-value	Point Estimate	95% Wald Confidence	Limits
Intercept	0,163	0,171	0,3400	-	-	-
Age	-0,033	0,002	<.0001	0,968	0,964	0,972
Univ. degree and beyond	-0,145	0,045	0,0014	0,865	0,791	0,945
South and islands	0,270	0,063	<.0001	1,309	1,157	1,481
Employed	-0,655	0,055	<.0001	0,519	0,466	0,579
Graduated parents (at least 1)	0,120	0,061	0,0489	1,127	1,001	1,269
Coming out at work	0,754	0,104	<.0001	2,126	1,733	2,608
Years in the same job	-0,453	0,051	<.0001	0,636	0,576	0,702

Association of Predicted Probabilities and Observed, Percent Concordant=59.2

Source: Survey on Labour Discrimination against LGBT+ people in Civil Union (Istat, 2022)

Sex is not a significant variable neither are the sexual orientation, employment status, coming out at work, cultural capital of the family of origin, years in the same job. Likelihood increases for those living in the South and Islands, and for young people who are more aware and sensitive to discrimination events. In particular being employed halves the probability to have experienced at least one event of hostile atmosphere, which probably means people leave a job when the environment is not fair. On the other hand coming out seems to give room to a hostile atmosphere, and this might explain why in Italy LGBT+ people are not so ready to it. An evidence of this is that sexual orientation is the characteristic most frequently mentioned (66.7%) among those for which they have been treated less favourably than others with reference to the last incident occurred.

4.3. Reporting hostile atmosphere or aggression

Descriptive statistics show people who experienced a hostile atmosphere at work prefer to talk informally about it with either co-workers/superiors within the work environment, or out of it with family members and friends. Formal reporting is hardly performed; it means people do not report to trade unions, equal opportunity committee, trusted advisor or law enforcement agencies (Istat, 2022). In order to deepen this phenomenon another regression model has been created. In it the dependent variable is likelihood of reporting events of hostile atmosphere or aggressions due to sexual orientation in the working environment[4]. Variables as regressors in the model are sex, sexual orientation, age, level of education, geographical area, employment status, the type of job, coming out at work, cultural capital of the family of origin, submitted request of marriage leave[5], number of years in the same job, involvement in LGBT+ community[6].

Table 3 – *Reporting events of hostile atmosphere or aggressions due to sexual orientation in the working environment - Odds ratio.*

Parameter	Analysis of Maximum Likelihood Estimates			Odds Ratio Estimates		
	Estimate	Standard Error	P-value	Point Estimate	95% Wald Confidence Limits	
Intercept	-2,176	0,439	<.0001	-	-	-
Homosexual	0,613	0,243	0,0117	1,846	1,146	2,974
University degree and beyond	0,266	0,103	0,0102	1,304	1,065	1,597
Centre	-0,291	0,112	0,0095	0,748	0,600	0,931
Coming out at work	1,736	0,371	<.0001	5,675	2,745	11,732
Request marraige leave	0,479	0,098	<.0001	1,614	1,331	1,956
Involvment in LGBT+community	0,459	0,097	<.0001	1,582	1,309	1,912
Association of Predicted Probabilities and Observed, Percent Concordant=58.7						

Source: Survey on Labour Discrimination against LGBT+ people in Civil Union (Istat, 2022)

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[4] The items included: talking with superiors, co-workers, lower rank employees, equality bodies and trade unions. All these items are aggregated vs. talking to none, in order to create the dichotomy

[5] The law provides the right of marriage leave when a same-sex couple celebrates Civil Union. The dichotomy is between the respondents who declared they submitted this request vs. those who did not though entitle, whatever the reason why.

[6] A question investigated current or former participation in LGBT+ associations/groups vs. no participation/ prefer not to say.

Table 3 shows the results of the estimation of the model. Likelihood of talking about this event with people in the working environment increases for the homosexuals, people living in the South and Islands and in the North, among those who are more educated and aware of their rights and are close to LGBT+ associations. So people who know discrimination and who are committed to tackle it are those who more likely speak about it within the working environment probably with the idea of changing the environment from within.

4.4. *Microaggressions for sexual orientation*

According to the survey, approximately six out of ten people (61.8%) have experienced at least one form of microaggression at work related to sexual orientation[7]. The incidence is similar for men and women but is more frequent for homosexuals than for bisexuals (62% to 58.9%), by people with a medium-high educational qualification (62.7% with at least a degree compared to 58.9% with at most a law-secondary school diploma) and among employees/former employees (62.3% to 60.3% of the independents/former independents). A third model was developed.

Table 4– *At least one workplace microaggression for sexual orientation. Odds ratio.*

Parameter	Analysis of Maximum Likelihood Estimates			Odds Ratio Estimates		
	Estimate	Standard Error	P-value	Point Estimate	95% Wald Confidence	Limits
Intercept	1,770	0,144	<.0001	-	-	-
Age	-0,021	0,002	<.0001	0,979	0,975	0,982
Employed	-0,320	0,050	<.0001	0,726	0,659	0,801
Graduated parents (at least 1)	0,118	0,051	0,0201	1,125	1,019	1,242
Coming out at work	0,249	0,069	0,0003	1,282	1,120	1,468
Fixed-term work	-0,168	0,058	0,0037	0,846	0,755	0,947
Years in the same job	-0,650	0,044	<.0001	0,522	0,479	0,569
Association of Predicted Probabilities and Observed, Percent Concordant=57.5						

Source: Survey on Labour Discrimination against LGBT+ people in Civil Union (Istat, 2022)

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[7] This means at least one microaggression related to sexual orientation in the current/last job among: hearing someone refer to someone as a faggot or use the terms 'lesbian', 'gay' or similar in a derogatory way, being asked about your sex life, that your gestures, speech and dress were imitated in order to make fun of you, that your sexual availability was taken for granted, that your partner was not invited to social events, that it was implied that you only got your job because you were homosexual or bisexual.

The dependent variable is the probability to have experienced at least one microaggression for sexual orientation in the current/last job. Variables as regressors are the same of model n.1 plus involvement in the LGBT+ community. According to the model, sex is not a significant variable; neither are sexual orientation, level of education, geographical area, the type of job, working context size, involvement in LGBT+ community (Table 4).

Likelihood increases among persons with high cultural heritage in their family of origin, among those who have come out at work. It decreases among those in fixed-term employment and as age increases.

4.5. *Reaction to workplace microaggressions for sexual orientation*

Looking at the reaction, 58.5% of the people who experienced a microaggression did not carry out any action as a reaction to the last incident occurred. Microaggressions are not direct acts of discrimination and therefore they are not always perceived as negative actions, this may explain why people do not openly react to them.

Table 5 – *Reaction to workplace microaggressions for sexual orientation (last event). Odds ratio.*

Parameter	Analysis of Maximum Likelihood Estimates			Odds Ratio Estimates		
	Estimate	Standard Error	P-value	Point Estimate	95% Wald Confidence Limits	
Intercept	-0,636	0,097	<.0001	-	-	-
Female	0,246	0,046	<.0001	1,279	1,168	1,400
Univ degree and beyond	-0,195	0,046	<.0001	0,823	0,753	0,900
South and islands	0,176	0,070	0,0121	1,192	1,039	1,368
Employed	-0,141	0,058	0,0150	0,868	0,775	0,973
Coming out at work	0,765	0,097	<.0001	2,148	1,777	2,596
Request marriage leave	0,243	0,049	<.0001	1,275	1,158	1,404
Involvment in LGBT+community	0,359	0,044	<.0001	1,432	1,314	1,562

Association of Predicted Probabilities and Observed, Percent Concordant=56.1

Source: Survey on Labour Discrimination against LGBT+ people in Civil Union (Istat, 2022)

In the fourth model the dependent variable is the probability of performing an action as a reaction to microaggressions[8]. Regressors are sex, sexual orientation, age, level of education, geographical area, employment status, the type of job, coming out at work, cultural capital of the family of origin, fixed-term work, request marriage leaves, year in the same job and involvement in LGBT+ community. Results show that sexual orientation is not significant a variable, neither are age, the type of job, cultural capital of the family of origin, fixed-term work, year in the same job. Table 5 shows the results of the estimation of the model.

The likelihood of performing an action as a reaction to microaggressions is higher among females, people living in the South and Islands, those who have come out at work, those who are aware of their rights and are close to LGBT+ associations.

5. **Conclusion**

As above mentioned people in Civil Union are a collective with particular characteristics, made up of individuals who wanted to make use of the tools provided by the legal framework to have their status as a legally recognized couple. However, this study has great potential since it is a total investigation shedding light on the functioning of different indicators of discrimination. The gender gap is confirmed in some aspects of labour discrimination (e.g. firing, career, segregation). Age is another relevant aspect in all the phenomena/indicators considered: younger people are more vulnerable and show a higher rate of declaring "discrimination" incidents. The regression models evidenced how age and parent's high level of education make people more aware of their rights and able to recognize discrimination as such. Obviously, people who came out at work see an increased likelihood of being discriminated - not always related to their sexual orientation, though this is a factor that increases for this people the possibility of undergoing such events - but also of suffering and react to workplace microaggressions due to sexual orientation. Something similar can be said with reference to the act of reporting an hostile atmosphere in the workplace where one of the reasons reported is sexual orientation: likelihood increases for people who want to openly affirm their sexual orientation and claim for their rights; it is the case of requesting marriage leave, but also the active participation in the LGBT+ community. This study highlights how reporting in the working environment is a key issue in order to find solutions and responses to the discrimination incidents. Still it is not always performed. It means that education embracing difference is crucial for building awareness as also reported by the

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[8] The dichotomy was between: I did nothing, or I did not know who to turn to or what to do vs. all the other items on possible actions.

interviewees according to whom training, awareness-raising activities or campaigns on LGBT+ diversity by public institutions are urgently required to foster the inclusion of LGBT+ people in the labour market (71.7%); in 89.1% of cases, they were also very much in favour of a national law against homolesbobitransphobia.

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