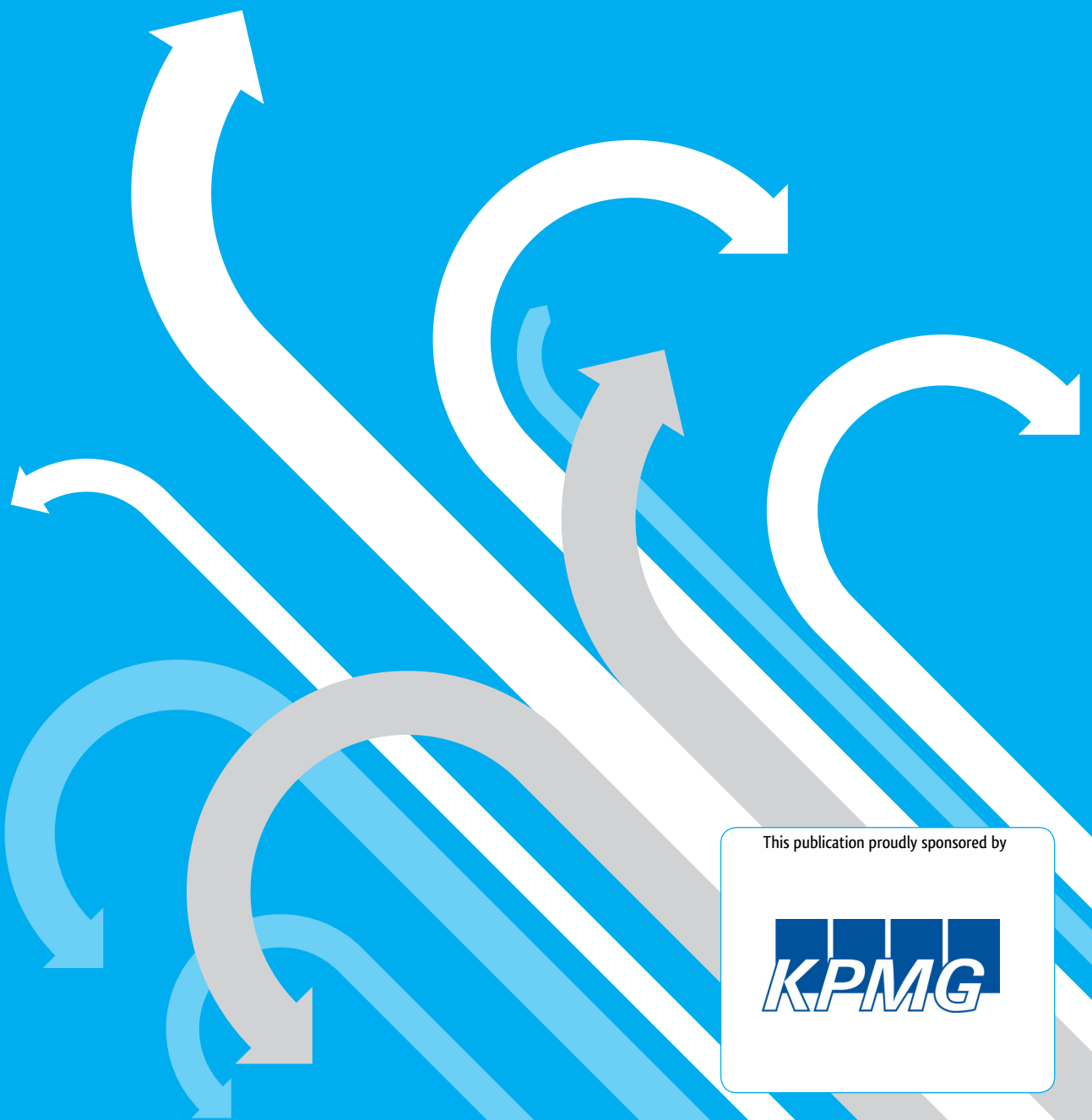


# SEXUAL ORIENTATION AND GENDER DIVERSITY IN THE WORKPLACE

**prideindiversity**<sup>®</sup>

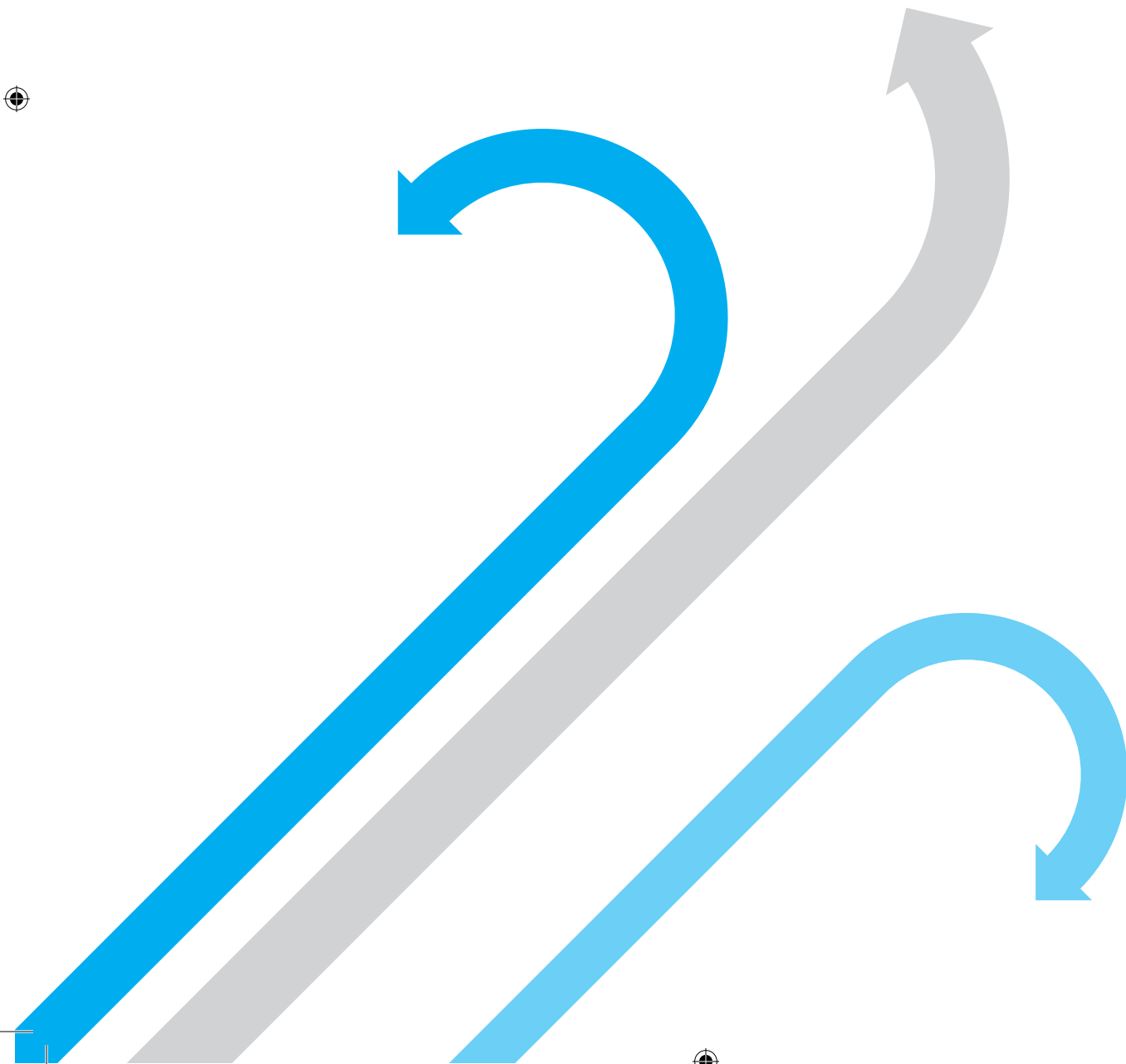


This publication proudly sponsored by



NOT FOR DISTRIBUTION  
OUTSIDE OF

*Pride in Diversity Membership*





© 2010 ACON HEALTH LTD.

*The material in this book was sourced from Stonewall's "Sexual Orientation Employer Handbook", and was adapted for the Australian context. Stonewall is the United Kingdom's leading lesbian, gay and bisexual charity, and Pride in Diversity acknowledges and appreciates their support in the production of this publication*

## PRIDE AND DIVERSITY

ACKNOWLEDGES THE SUPPORT OF OUR FOUNDATION MEMBERS



Department  
of Defence





## FOREWORD

### THE HONOURABLE MICHAEL KIRBY AC CMG



Embracing diversity in the workplace is a vital component of a strategy to foster innovation and creativity. Diversity brings openness to new ideas, a more creative workforce and access to a wider range of employee talent, as well as customer bases.

Pride in Diversity's inaugural publication, the 'Sexual Orientation And Gender Diversity In The Workplace', provides Australian employers with the tools to include lesbian, gay, bisexual and transgender (LGBT) people in a comprehensive diversity strategy. The book also explains the many benefits for your organisation, your staff and your customers, of being accepting and treating your LGBT employees as equals.

There is a well established body of research which indicates that LGBT people in Australia continue to experience social exclusion. In 2005, the Australia Institute found that one third of Australians believed that being gay was immoral<sup>(i)</sup> and these community attitudes too often play out on the streets. NSW Attorney-General's Department produced a report 'You Shouldn't Have To Hide To Be Safe', which found that 85% of LGBT respondents to their research had at some time experienced abuse, harassment or violence.<sup>(iii)</sup>

Homophobic abuse is also experienced by LGBT people in the workplace. Despite anti-discrimination protection being in place in most jurisdictions, LGBT people report levels of discrimination in employment and workplace bullying and harassment far in excess of the general population.<sup>(iii)</sup>

In many workplaces, there may be policies and procedures in place that discriminate against LGBT people, and serve to exclude them and render them invisible. In other

workplaces, homophobic comments and abuse are still used with alarming frequency. For people who have revealed their sexuality to their colleagues and employers, this cycle of abuse can have devastating consequences.

Exclusion and discrimination, both within the workplace and in the community, contribute to negative health outcomes for the LGBT community. LGBT youth are more likely to self harm or suicide<sup>(iv)</sup>, and depression occurs at higher levels for members of the LGBT community.<sup>(v)</sup> Research also indicates that LGBT people experience increased levels of dependence on alcohol and other drugs.<sup>(vi)</sup>

The forced invisibility of secrecy and denial is a self-preservation mechanism that LGBT people employ to cope with environments that are not inclusive and that allow homophobia to flourish. When a person is exposed to homophobic attitudes (sometimes unwittingly expressed, often not) he or she is not likely to feel safe in revealing their sexual orientation or gender identity. As such, they are forced to be evasive and avoid personal or social interactions with colleagues. The stress caused by being forced to constantly edit aspects of one's life can significantly reduce a person's performance at work. This, in turn, often leads to reduced career prospects and to LGBT people – opting for second best – not realising their full potential.

The Pride in Diversity program was launched in February 2010 and is designed to help employers make their workplaces more inclusive and safe for LGBT employees. It is closely associated with Stonewall UK's successful Diversity Champions program, which has over 500 private, public and third sector organisations employing over 5 million in workplaces that share values of diversity, acceptance and inclusivity.

Pride in Diversity works with employers to ensure that their policies and procedures include and protect their LGBT staff. The program also helps employers bring about cultural change to ensure that LGBT people are accepted, included and valued for who they are. Pride in Diversity encourages member organisations to use suppliers that share their values and to engage directly with the LGBT community.

Pride in Diversity was established with the generous assistance of their foundation members: Australian Federal Police, Department of Defence, Goldman Sachs, IBM, ING, KPMG, Lend Lease and Telstra. These are truly employers of choice for LGBT Australians and are to be commended for their cutting edge approach to LGBT diversity and inclusion in the workplace.

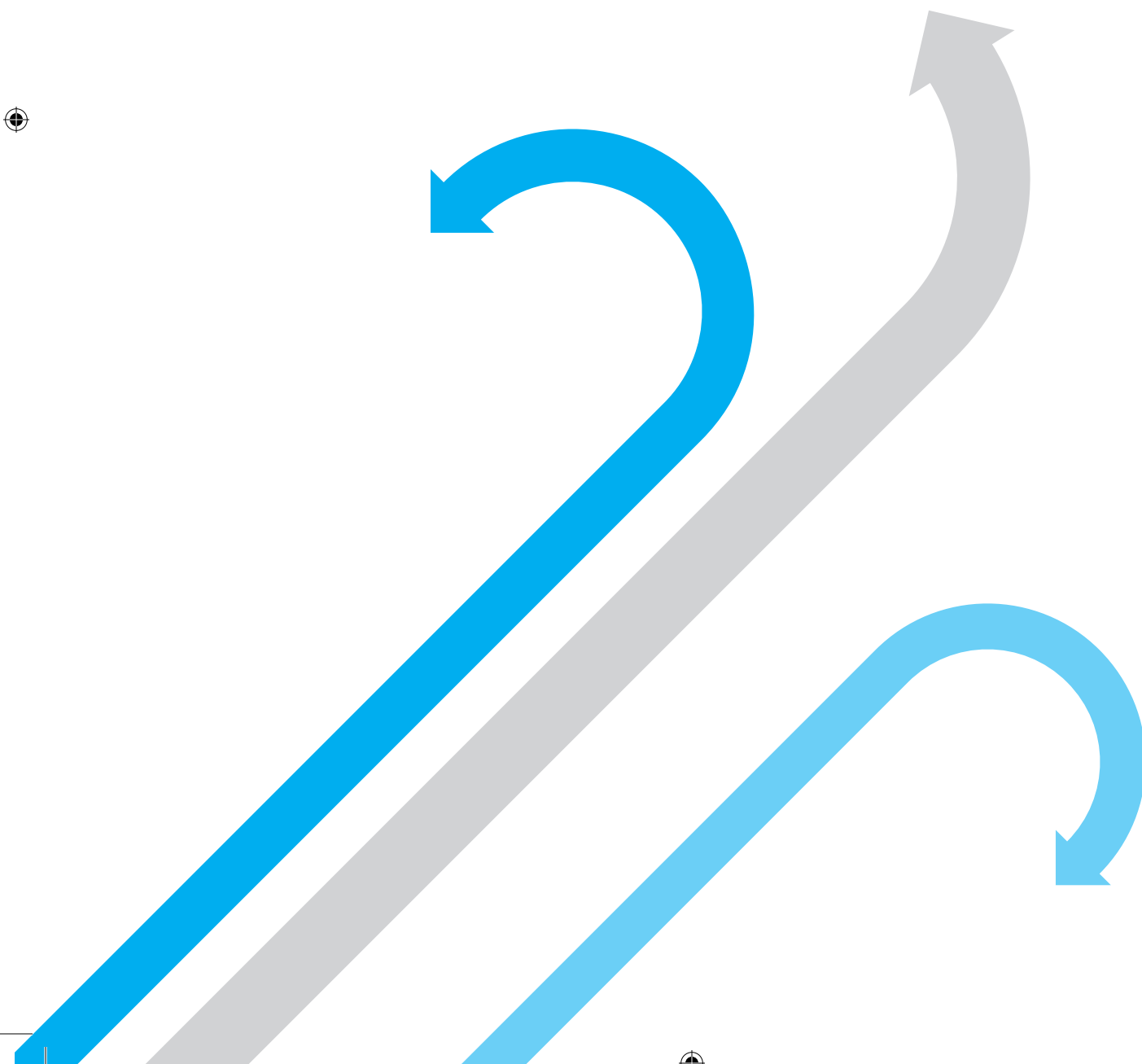
There is still some distance to travel on the road to equality for LGBT Australians. However, the recent changes to 85 Commonwealth laws and the Fair Work Act remove much legal discrimination against LGBT people in many spheres of life, not least the workplace. It is especially timely that Pride in Diversity has produced 'Sexual Orientation And Gender Diversity In The Workplace' in association with Stonewall UK and with the kind support of KPMG. I commend the handbook to your attention.

By providing such workplaces, organisations can demonstrate that they are truly 'Employers of Choice', not only for the LGBT community, but for all Australians committed to a fair go.

The Honourable Michael Kirby AC CMG.

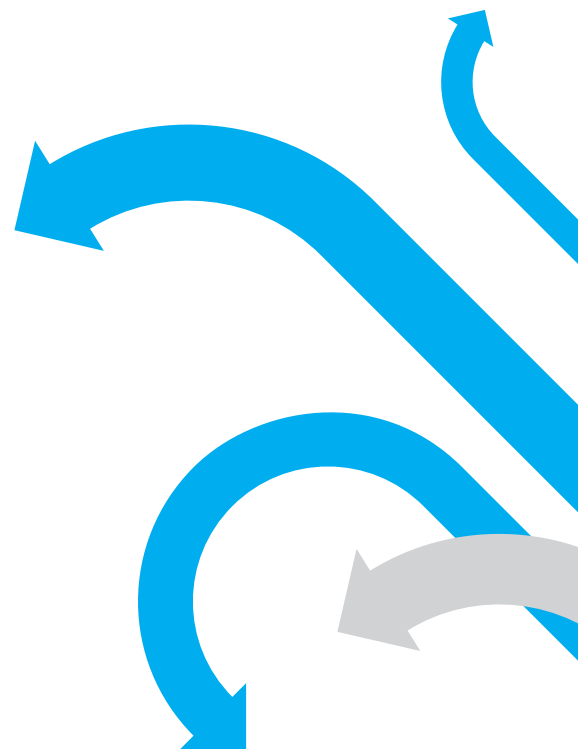
- (i) Flood, M, Hamilton, C, (2005) *Mapping Homophobia in Australia*, The Australia Institute, Canberra
- (ii) Attorney General's Department of NSW (2003) *You Shouldn't Have to Hide to Be Safe: A Report on Homophobic Hostilities and Violence Against Gay Men and Lesbians in NSW*.
- (iii) Irwin, J, (2002), *The Pink Ceiling is Too Low: Workplace Experiences of Lesbians, Gay Men and Transgender People*, Australian Centre for Lesbian and Gay Research, University of Sydney.
- (iv) Hillier, L, Turner, A, Mitchell, A, (2005) *Writing Themselves In Again: The 2nd National Report on the Sexual Health & Wellbeing of Same-Sex Attracted Young People in Australia*, Australian Research Centre in Sex, Health & Society (ARCSHS) La Trobe University
- (v) Pitts, M, Smith, A, Mitchell, A, Patel, S, (2006) *Private Lives: A Report on the Health and Wellbeing of GLBTI Australians*, Australian Research Centre in Sex, Health and Society (ARCSHS), La Trobe University
- (vi) See note (v) above



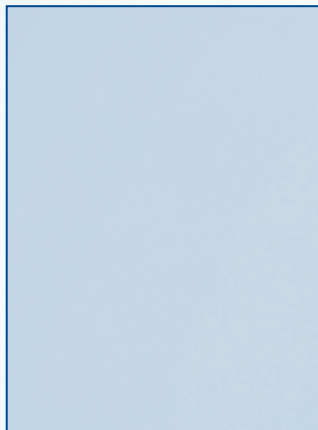
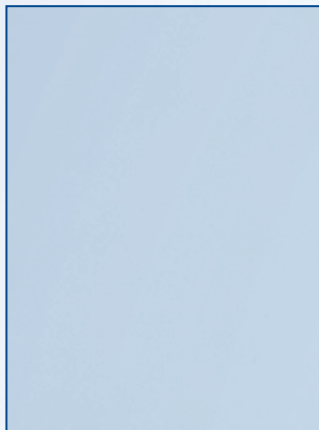


## CONTENTS

<b>WINNING THE ARGUMENT .....</b>	<b>7</b>
<b>MAKING IT HAPPEN .....</b>	<b>12</b>
<b>BUILD A CULTURE OF RESPECT .....</b>	<b>13</b>
<b>RECRUIT AND SELECT FAIRLY .....</b>	<b>15</b>
<b>TACKLE WORKPLACE BULLYING AND HARASSMENT .....</b>	<b>17</b>
<b>REVIEW TERMS AND CONDITIONS .....</b>	<b>18</b>
<b>MANAGE PERFORMANCE FAIRLY .....</b>	<b>20</b>
<b>ESTABLISH EMPLOYEE NETWORKS .....</b>	<b>22</b>
<b>DELIVER TO YOUR CUSTOMERS .....</b>	<b>24</b>
<b>MONITOR AND EVALUATE .....</b>	<b>25</b>
<b>THE LEGAL LANDSCAPE .....</b>	<b>27</b>
<b>SAMPLE DIVERSITY POLICY .....</b>	<b>30</b>
<b>MANAGERS CHECKLIST .....</b>	<b>31</b>
<b>DEFINITION OF TERMS .....</b>	<b>32</b>
<b>CONTACT POINTS .....</b>	<b>33</b>
<b>THE GENDER CENTRE .....</b>	<b>35</b>
<b>PRIDE IN DIVERSITY .....</b>	<b>36</b>



# KPMG embraces diversity



KPMG is dedicated to creating an inclusive work environment where all individuals feel comfortable.

We want to encourage people to bring their whole selves to work through workplace initiatives such as KGEN – KPMG's Gay, Lesbian, Bisexual and Transgender Employee Network.

Celebrating and facilitating diversity ensures we attract and retain the best people and stand apart as an organisation delivering exceptional value for our clients.

For more information visit [kpmg.com.au](http://kpmg.com.au)

*"As a gay man, I am proud to work for an organisation that accepts me for who I am, let's me focus on reaching my full potential regardless of my sexuality and is serious about addressing the needs of GLBT people through initiatives like our network, KGEN."*

Erin Goulding  
Senior Manager  
KPMG



## WINNING THE ARGUMENT

### BUILDING THE BUSINESS CASE FOR DIVERSITY

Diversity focus and initiatives within Australian workplaces are gradually gaining momentum. To date, within Australia, the focus of workplace diversity has been on women in leadership, cultural diversity, Indigenous, generational issues, disability and workplace flexibility/work-life balance. While there are a few obvious leaders in the lesbian, gay, bisexual and transgender (LGBT) space, this is still fairly new to Australia and as a result, there is still a lack of understanding as to its necessity or need for inclusion.

The arguments for ensuring your organisation's diversity policies and practices include LGBT people have never been stronger.

LGBT people are more and more visible in society generally and in the workforce in particular. The recent reform of 85 discriminatory Commonwealth laws, as well as state and territory protections, make it imperative that workplaces and service providers do not discriminate against LGBT employees in their policies and benefits.

Progressive employers recognise that they need to draw on talent from all sections of the population and create a workforce culture that embraces diversity and equality, one that reflects the community within which they operate. These employers have four key motivations:

- reputation — the need to show the right corporate image to an increasingly discerning population of potential staff and customers
- recruitment and retention — the need to become an employer of choice to maintain competitive advantage in an increasingly complex labour market
- productivity — the need to retain and engage the talent necessary for optimal performance
- risk mitigation — the need to comply with a robust set of anti-discrimination laws and avoid the escalating costs of litigation.

These four strands of the business case for diversity are interlinked. For example, an organisation that strives to create an inclusive work environment free from unlawful harassment should also reap the rewards of a loyal, well engaged, more

productive workforce. At the same time, a company known to recruit actively from varied communities is likely to be more successful in promoting its goods and services to a wider market.

#### REPUTATION

Organisational reputation is hugely important and becomes more so as the world becomes more competitive and consumers and service users more demanding. In the past, brand association with sexual orientation was sometimes seen as a liability. Now it is frequently perceived as an asset. Addressing issues of sexual orientation and gender identity can demonstrate that an organisation is courageous and forward-thinking. It can also furnish an ideal platform to communicate a commitment to a key human rights issue of our times that is also good for business.

Conversely, a reputation for discrimination can have a negative impact on an organisation's ability to attract and retain customers and clients, as well as staff. Research by Harris Interactive in the United States has demonstrated that almost three quarters of gay and more than two in five straight consumers are less likely to buy products from companies perceived to hold negative views of lesbians and gay men<sup>1</sup>.

In the private sector, robust diversity policies and practices seen to encompass LGBT people can play an important part in attracting the 'pink dollar'. While not all LGBT people have high disposable income, statistical evidence suggests it is a lucrative market for many businesses. It has been estimated that Australian LGBT households

control an estimated annual disposable income of more than \$10 billion<sup>2</sup>.

Significantly, LGBT consumers tend to show higher levels of brand loyalty. A survey by Millivres and Out Now Consulting in the United Kingdom revealed that 75% of all respondents report that advertising in gay media has positive effects on purchase decisions, making them more likely to purchase from an organisation that actively markets its brands and products to the LGBT market<sup>3</sup>.

In the public sector, LGBT people have the same rights to access public services as everybody else but may not feel able to. They often find their specific needs have been ignored or under-resourced when they do, which can impact on the effective delivery of a huge range of services from health, education and housing to criminal justice and leisure. This can have significant cost implications. Alongside existing state and territory based anti-discrimination legislation, the recent reform of 85 Commonwealth laws mandate that LGBT people are treated equally in the provision of goods and services.

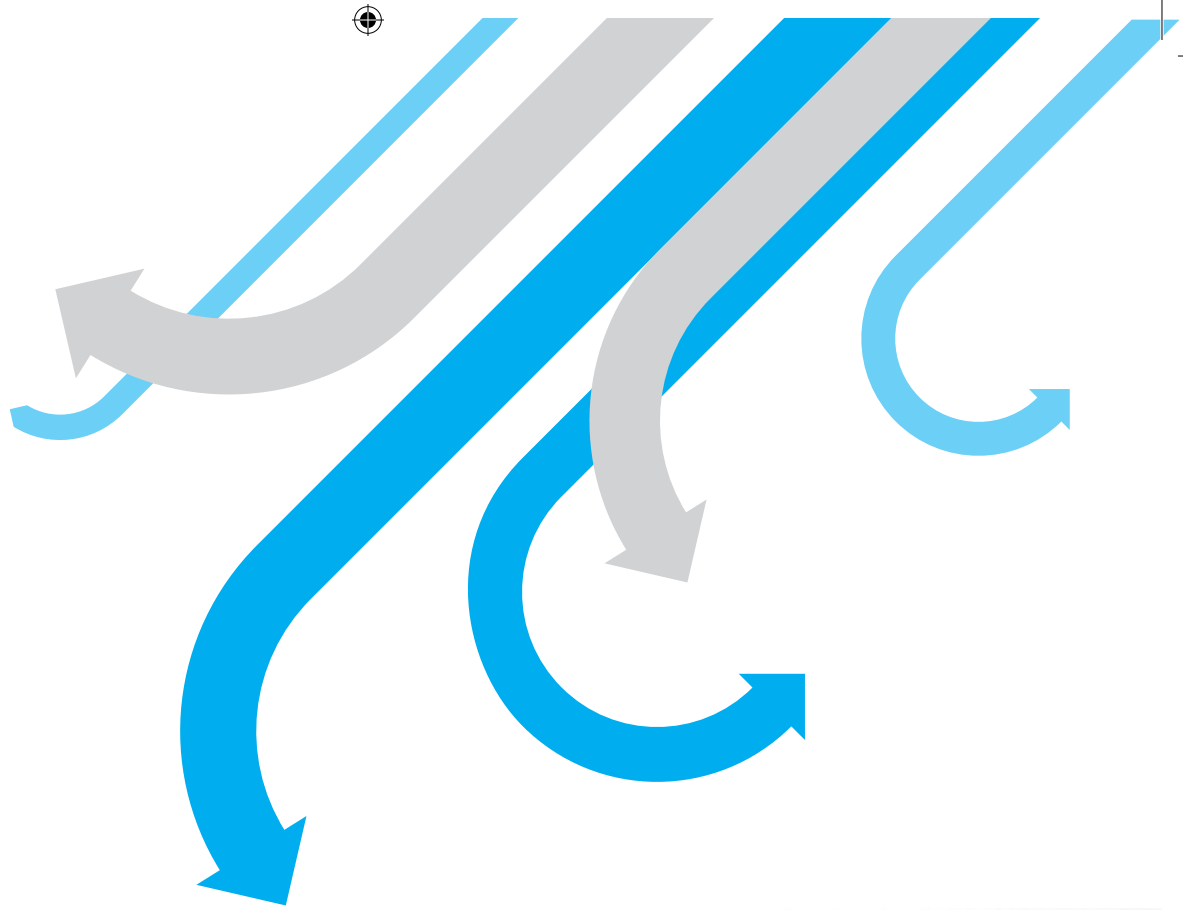
#### RECRUITMENT & RETENTION

With skills at a premium, holding on to expensively trained and nurtured staff has become a key priority. Every staff member who leaves an organisation because of discrimination or stress has a potentially negative impact on the organisations reputation as an employer — internally as well as externally.

Remaining staff and potential recruits lose confidence in managers and leaders

*Telstra supports and celebrates diversity in our workplace - so we reflect the diversity of our customers we serve and the communities in which we operate and live. Diversity is a business imperative and is interwoven in everything we do - from leadership, performance and talent management through to business planning, strategic initiatives and reward systems.*

*Telstra is among a handful of Australian corporates to establish a strong network for our LGBT employees. Spectrum was launched on 1 December 2008 and already has almost 250 members. All our employment policies are free of discrimination related to sexual orientation and Telstra has signed on to Australian Marriage Equality as an employer who recognises diversity of relationships among its employees and customers. Telstra continues to look for opportunities where it can remain progressive and inclusive as an employer.*





who appear to be flouting their own value statements.

As well as the cost of losing talented staff through an intolerant working environment, there are the up-front expenses of replacing them. Turnover costs in cases can range from 50 – 150% of the complainants salary, and the Australian Human Rights Commission has found that approximately 75% of complainants will leave the company.

Australian research has demonstrated that almost two in five of LGBT staff facing discrimination will change careers if the discrimination continues<sup>4</sup>. Stonewall in the UK has found that being positive towards gay recruits is a litmus test for inclusive and effective recruitment generally.

It's not just about attracting the best LGBT people; it's about attracting the best people full stop.

## PRODUCTIVITY & EMPLOYEE ENGAGEMENT

Retaining a motivated workforce is critical because it's the discretionary effort that employees make that is the difference between an organisation and its competition.

So how can an employer leverage this discretionary effort? How can an employer increase efficiency and loyalty as well as lower recruitment and retraining costs?

Productivity in Australia currently compares favourably with other OECD nations so it is hardly surprising, to maintain a competitive advantage, boosting productivity is now a key issue for employers — large and small.

Until recently, many believed this simply meant sweating assets — getting more from less. But increasingly the government and economic experts are stressing the importance of factors such as the skills base and declining levels of innovation.

Organisations realise they need to add value through recruiting, training, developing and retaining the best people.

A new generation, with different expectations from its predecessors, is forcing employers to review how they recruit, manage and remunerate their staff. The values an organisation claims to espouse and its reputation play an increasingly important part in its ability to attract and retain talent.

One of the core values that almost all organisations/workplaces share is the fair and equal treatment of all staff and respect for one another. Research shows that more than one third of lesbian and gay staff conceal their sexual orientation from their employers and co-workers for fear of harassment or discrimination<sup>5</sup>. This creates unnecessary stress and tension for many employees. But it also has consequences for employers. People perform better when they can be themselves. This obvious truth applies in particular to lesbian and gay staff.

There is now evidence to support this assumption. Research in America has found that gay employees in organisations with supportive policies and practices received greater compensation and had more positive work attitudes than employees in organisations lacking such policies<sup>6</sup>.

Conversely, LGBT employees who lack the support to disclose their orientation or gender identity reported experiencing heightened levels of anxiety, which results in negative work impacts<sup>7</sup>.

The key is to demonstrate visibly that all staff are valued. LGBT staff who feel supported by their employer and work in an accepting environment are free to focus on their work as opposed to maintaining their hidden persona or concealing too much of who they are for fear of negative repercussions. Not only does this assist in increasing personal productivity but also results in greater levels of company loyalty and commitment.

*Being a founding member of the Pride in Diversity initiative provides an excellent opportunity to reinforce our commitment to maintaining an inclusive culture, both internally and externally.*

*As part of Lend Lease's commitment to achieving equality in the workplace, the Lend Lease Australian Diversity Council created an Employee Resource Group (ERG) to support LGBTI employees.*

*"Lend Lease is genuinely committed to achieving true equality across its workforce, embracing us all for our differences and similarities. We are focused on dealing with issues and concerns through education and communication, and we want to ensure everyone is equally treated – no positive or negative discrimination.*

*"We're very proud of the fact that Lend Lease is the first property company to join the Pride in Diversity initiative, and it's important that our industry peers know that we are an open-minded organisation, where LGBTI employees are treated just like everyone else."*

*- Martin Hunt, Project Manager & LGBTI Employee Resource Group Chair, Lend Lease*

*ING Australia's participation and commitment Pride in Diversity demonstrates our dedication to remain a leader of diversity practice. Our involvement sends a clear message that ING Australia provides an environment aimed at attracting the best talent.*

*By providing an inclusive environment that enables LGBT employees to bring their whole selves to work without fear or prejudice, ING Australia is helping eliminate energy wasted by employees who may feel they need to hide true their identity. Our LGBT GALA employee network drive initiatives and advise how as a business we can continually build upon our support for LGBT employees.*

*It's a common story that we have heard from our LGBT employees, when they don't have to waste energy hiding the person they are, they're able to focus on getting their job done well ultimately contributing to business success.*

Organisations are starting to understand they need to do more to become employers of choice. They must demonstrate to both potential and existing employees that they are:

- dynamic (always changing, improving, innovating, staying ahead of the game)
- prepared to invest in their people
- have safe & inclusive environments that enable people to perform at their best
- have positive policies (available to *all staff*) and deliver on them
- are high performers in their field

Organisations that demonstrate respect for individuals have been shown to have higher levels of performance and morale, and lower levels of absence. Workplace studies show these organisations create an environment of trust and openness, where people are more likely to be creative, to take risks, to develop new products and to establish new markets and new ways of working<sup>8</sup>.

#### RISK MITIGATION

Employment tribunals taken by lesbian and gay staff as a result of discrimination based on their sexual orientation don't just do reputational damage. They can cost

*"Over the last decade, as a company, we have made great strides in eliminating discrimination in the workforce in Australia and New Zealand, but prejudice is still common in the community and could re-appear within IBM unless we are vigilant and proactive. Consequently, LGBT colleagues often go to great length to hide or deny their sexual orientation or gender identity. This impacts a person's integrity and self-worth, and leads to an extraordinary amount of energy being redirected away from more positive areas of engagement, both professionally and personally. For example, not being confident in joining workplace conversations about family life, social activities and personal interests weighs on the minds of some LGBT colleagues in the workplace, as they fear possible discrimination."*

*"It is important to me that our LGBT employees feel safe to express who they are authentically so that they can relax and share their everyday experiences. Employees, who feel valued and are treated with respect, will contribute more, be more creative in their roles and be more motivated and focused."*

- Senior IBM Executive and LGBT Community Executive Sponsor.

employers significant amounts of money and organisational energy.

Fighting a discrimination case at an employment tribunal is often a no-win situation. It's time-consuming and costly for both employer and employee and uses up valuable resources. Even if the tribunal finds in the employer's favour, any publicity about the case itself will

almost certainly damage the organisation's reputation among existing and prospective workers as well as customers.

Diversity Council Australia have estimated that it costs on average \$125,000 to manage a serious external complaint. Awarded damages in anti-discrimination cases have exceeded \$1M. Legal fees to defend complex cases can exceed \$100,000.

Even settling out of court can be expensive. It may keep an organisation out of the local papers, but it will still test the loyalty of the rest of the staff.

The profitability and reputation of organisations increasingly requires them to demonstrate corporate social responsibility. A commitment to social responsibility can also draw in new sources of talent from beyond an organisation's traditional recruiting pools, and these will often include LGBT people. The increased diversity that results, brings innovation, and puts a business in closer touch with its wider market.

So in a spectrum of ways, positioning your organisation as one that welcomes LGBT customers or service users and employees, and endeavours to meet their particular needs, clearly makes good sense.

1. "Consumers Will Reject Advertisers Associated with Shows Like Dr. Laura", Harris Interactive, June 22, 2000, <http://www.harrisinteractive.com/news/allnewsbydate.asp?NewsID=115>
2. Dubecki, L, "The A to Z of the pink dollar", *The Age*, May 22, 2004
3. *Out Now 2008 Millivres Gay Market Study*
4. Irwin, J., *The Pink Ceiling is Too Low: Workplace Experiences of Lesbians, Gay Men and Transgender People*, Australian Centre for Lesbian and Gay Research, University of Sydney
5. *The Gay Census (2008)*, SameSame.com.au
6. Ragins, B.R & Cornwell J.M. (2001), *Pink Triangles: Antecedents and Consequences of Perceived Workplace Discrimination Against Gay and Lesbian Employees*
7. Ragins, B.R., Singh, R., Cornwell, J. M (2007), *Making the Invisible Visible: Fear and Disclosure of Sexual Orientation at Work*
8. "Peak Performance: Gay People and Productivity", Stonewall UK







## MAKING IT HAPPEN

### A TOOLKIT FOR SUCCESS

#### A TOOLKIT FOR SUCCESS

This chapter introduces eight key steps to making sexual orientation an everyday diversity issue, alongside others such as gender, race, disability and age. They cover issues such as organisational culture, recruitment, terms and conditions, performance management and monitoring and evaluation.

This toolkit has been designed to enable employers to change attitudes and behaviour within their organisations.

The toolkit should not only help you avoid litigation but also develop best practice people policies enabling you to reap the benefits of a more inclusive workplace.

#### TOPICS COVERED:

- Build a Culture of Respect
- Recruit and Select Fairly
- Tackle Workplace Bullying and Harassment
- Review Terms and Conditions
- Manage performance fairly
- Establish employee networks
- Deliver to your customers
- Monitor and evaluate





## BUILD A CULTURE OF RESPECT

Creating a workplace culture that genuinely values people and their differences is a challenge — and opportunity — facing every organisation.

Recruitment, training and development, succession planning, equal opportunities policies, benefits packages, treatment of customers and service users — all of these aspects of management affect LGBT employees, and in most cases, in quite unique ways. To take the time to understand some of the unique challenges faced by all diverse groups (not just LGBT) enables us to identify the appropriate steps required to build a truly inclusive culture.

Organisations that wish to promote the value and importance of diversity must provide leadership and a workplace climate in which everybody feels safe and free to do their best.

### KEY ISSUES

In some organisations, diversity policies are inclusive and deal explicitly with issues of sexual orientation. In others it is still a taboo topic, or one that is not openly discussed. A challenge is to make sexual orientation an everyday issue in the workplace, alongside ethnicity, faith, gender, disability and age.

The difficulty with excluding LGBT wording in policies and practice and in excluding LGBT employees in diversity initiatives is that the message of exclusion speaks far louder than all the measures of inclusion promoted for other diversity groups within the organisation.

Many have questioned the need for LGBT inclusion within diversity initiatives. Here are some disturbing facts that highlight the need for attention:

The SameSame.com.au Gay Census 2008 found that approximately one third of lesbians and gay men concealed their sexuality from some or all of their colleagues. For those who feel they have to hide their sexual orientation or gender identity at work, there is the constant pressure of concealment. It also makes it very difficult for them to get support when private events affect their work.

Lesbians, gay men and bisexuals who are out and feel able to be open about their sexuality at work may be inaccurately stereotyped in ways that are damaging to their careers, for example, as being unsuitable to work with young people. In relation to family life, many LGBT might experience the expectation that they can work non-traditional hours because the assumption abounds that they don't have families.

In addition, when LGBT people are referred to in the workplace, it is often in terms of a stereotype which in itself is often negative and not reflective of the greater LGBT population.

Research has shown that LGBT people who are 'out' at work are more vulnerable to harassment, bullying and discrimination in their careers.

A University of Sydney/ NSW Gay and

Lesbian Rights Lobby study found that 59% of respondents had been harassed at work or treated prejudicially, 5% had lost their job and 16% said they had not been granted promotion, because of their sexuality or gender identity<sup>9</sup>.

### ACTION POINTS

#### Provide leadership at all levels

- Check your public statements to ensure that there is not an overt assumption that everybody is heterosexual.
- Create role models by publicising the success of any high-profile openly LGBT people in your organisation.
- Provide your managers with training and development to help them create a climate in which diversity, including sexual orientation, is valued.
- Find someone at a senior level within your organisation who could act as a champion for LGBT equality and inclusion. This doesn't necessarily have to be someone who identifies as lesbian, gay, bisexual or transgender, just someone who will openly advocate for LGBT employees and inclusion within the diversity agenda.

#### Create a climate where everyone can be themselves and feel safe

- Think about how the organisation shows respect for minority employees and what you could do to further publicise a message of openness, trust and equality.
- Training is a valuable tool in raising awareness of LGBT issues in the workplace, and should be included in any diversity training provided to staff, and is particularly important for people managers. Reinforce the message to all staff that they do not need to tolerate harassment, bullying or unfair treatment of any kind.
- Revisit your grievance procedures and ensure there are mechanisms in place to deal effectively with any problems arising from unfair treatment.
- Ensure that confidentiality of LGBT grievances is ensured. Some organisations have an LGBT specific contact person who is sympathetic

*ING Australia has built and demonstrated respect by acknowledging our LGBT employees through local and global company initiatives accessible to all staff; this is driven and steered by our LGBT GALA employee networking group. From day one in our induction process, we highlight to the wider business that we both embrace and support the LGBT community and this message is embedded into our culture.*

*ING Australia actively provides opportunities for staff to support LGBT community initiatives through activities from volunteer days assisting LGBT non for profit groups, fund raising, through to food drives for LGBT shelters. Through our LGBT GALA employee network, we have actively looked at ways to partner with the LGBT community, this helps ING Australia both contribute to the community and actively engage our LGBT employees.*

*A message of support for LGBT employees comes from the very top and filters throughout the business. When you have a proactive CEO such as in ING Australia acknowledging and supporting LGBT employees, you have a powerful message that gains support and momentum extremely quickly.*

and aware of some of the challenges faced.

- Make it clear that social events involving partners and children are equally open to same sex partners and their children.
- Appreciate that just like their heterosexual counterparts, LGBT people may also like to display photos of their families, their partners and children without drawing criticism.
- Consider other ways in which you can demonstrate your commitment to putting equality and diversity policies into practice.

#### Review your equality and diversity policy and strategy

- To have any meaning, your policy should be clearly linked to business or service outcomes.
- With the National Employment Standards recently coming into being, employers must guarantee the same entitlements for LGBT employees and protect them from discrimination, bullying and harassment in the workplace. Ensure your policies accommodate these changes.
- Communicate to managers the nature and importance of issues that affect LGBT employees.

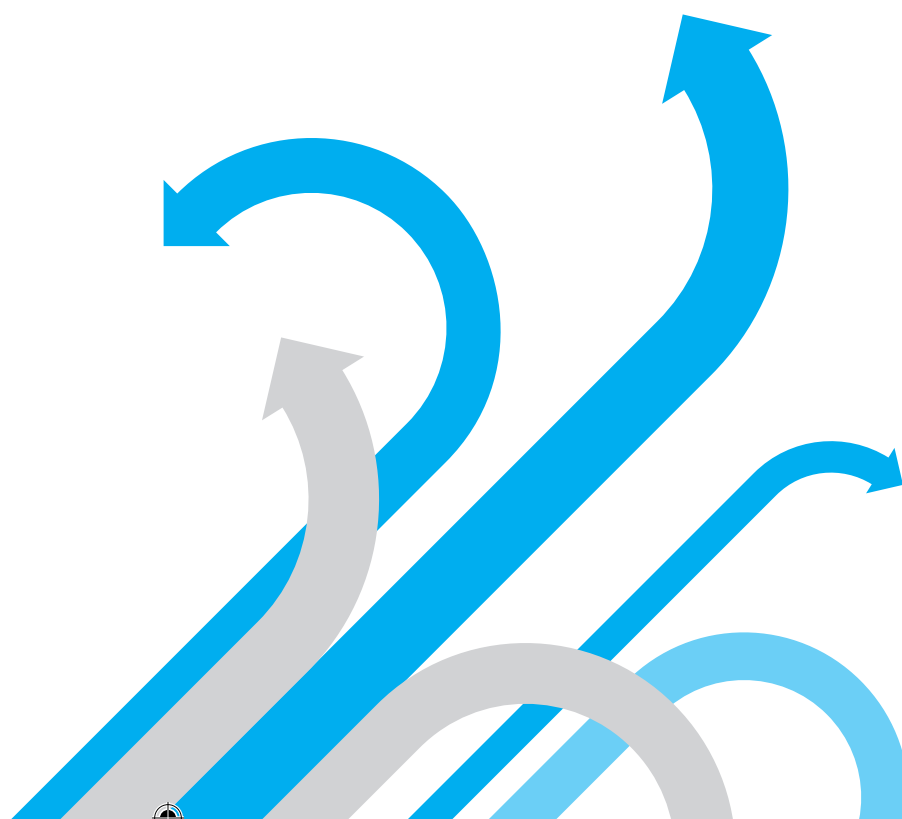
#### BENEFITS

Employers who create a culture where diversity is acknowledged, and where people are truly valued, will be more successful. They will:

- become employers of choice for talented people who want to work in a progressive and ethical workplace
- retain the best people, and use their talents to the full
- increase job satisfaction and morale, and therefore productivity
- send powerful signals about being modern and forward-looking, and show a determination not to allow old-fashioned prejudice and discrimination to undermine effective performance.

*The financial services industry in Australia has lagged behind other industries in recognising the importance of diversity generally and of LGBTI issues specifically. **Goldman Sachs** prides itself on being a leader in this area in our industry, domestically and globally. GLaM (Gays Lesbians and Mates), the firm's Australian LGBTI network, was formed in March 2009. The charter of the network aligns naturally with the broader diversity objectives of the firm, which is encapsulated in our global business principles.*

*We offer our people the opportunity to move ahead more rapidly than is possible at most other places. Advancement depends on merit, and we have yet to find the limits to the responsibility our best people are able to assume. For us to be successful, our men and women must reflect the diversity of the communities and cultures in which we operate. That means we must attract, retain and motivate people from many backgrounds and perspectives. Being diverse is not optional; it is what we must be.*



## RECRUIT AND SELECT FAIRLY

People are a vital resource for high performing organisations. Recruiting and retaining the best people from the widest possible field is key to building competitive advantage.

Staff selection is an obvious area where unfair discrimination can occur, and has long been an issue for those concerned with race, gender and disability equality. Many organisations will already have a policy and set of procedures, plus training, in place to support those involved in recruitment and selection. These can be adapted to ensure they address the challenges LGBT people often face in advancing their careers.

However, there is much more to the recruitment and selection process than appointing an individual to a job. With each job advertisement, the organisation is potentially communicating with a huge audience.

How inquirers, applicants and candidates are treated will give rise to a network of talk about the organisation.

### KEY ISSUES

Recruiters may have stereotyped notions of what LGBT people are good at or not so good at, and this may affect their decisions. Some may believe LGBT people will not fit in. Others simply do not want to appoint people they know or think are LGBT, especially to customer-facing roles.

Excellent potential applicants may not bother to apply for jobs in organisations they, rightly or wrongly, believe to be intolerant of LGBT people. Research indicates organisations get a better field of applicants if they include positive and inclusive statements in their advertising literature, and the material they send to applicants. The Australian Federal Police have advertised for new recruits in LGBT media and this sends a clear signal to other AFP members and the wider public about the changing culture and leadership of the force.

Selection criteria should be fair, related to the job, and applied consistently. Providing training for those involved in designing the selection process, shortlisting, interviewing and decision-making is crucial to recruiting fairly.

### ACTION POINTS

- Think about how and where you advertise vacancies. Have you used the recruitment sections of specifically LGBT media?
- Look also at the language you use. Is it unwittingly discouraging LGBT people from applying?
- Recruitment advertising and literature are part of your image building work. They should include any LGBT initiatives you have taken, such as extending benefits to same sex partners and establishing employee networks.
- You can raise your profile with LGBT jobseekers through sponsorship of LGBT community events or jobfairs, through advertising your products or services in the LGBT media, and by using LGBT-aware images or words in mainstream advertising. For example, the use of rainbow colours in company imagery and literature or the inclusion of same-sex couples in advertising campaigns targeting family life.
- Always include your equality and diversity policy in the information you send out to applicants.
- Pride in Diversity members can use the Pride in Diversity logo to show their inclusiveness towards LGBT employees.

### Have clear, inclusive recruitment policies and procedures

- Adapt your recruitment and selection procedures to ensure that LGBT are included and treated fairly (check wording and selection boxes on application forms)
- Where possible, take advice from LGBT staff to help you make sure policies and procedures are inclusive and effective.

### Make the recruitment process transparent

- Candidates who have encountered discrimination in the past will find it reassuring if you are open about your recruitment process.
- Keep a record of each stage of the recruitment process so that candidates and anyone else involved can see that you have dealt fairly with all applicants.
- Be ready to deal promptly with any

complaints from candidates about their treatment during the selection process.

### Train the decision-makers

- Make sure recruiters are not making unfounded assumptions based on stereotypes and prejudices about particular groups. They should also understand that prejudice may have limited a candidate's opportunities to develop in previous jobs. Diversity training for your recruitment team is highly recommended.
- Set up a system so that staff know what to do if they think a recruiter or interviewer has made a prejudiced remark, or a decision based on sexual orientation rather than a candidate's ability to do the job.

### BENEFITS

Employers who recruit using objective, measurable criteria will:

- have a wider choice of applicants
- minimise staff turnover and associated costs — because the right people will be appointed to the right jobs
- make the best use of the most talented people
- secure competitive advantage in areas of skills shortage
- avoid the costs of litigation.







## TACKLE WORKPLACE BULLYING AND HARASSMENT

Anti-gay harassment is demotivating and unlawful. It can take the form of being ignored or excluded; physically or verbally abused; outed as gay; or made the subject of jokes and offensive remarks. Extreme cases involve violence, forced resignation or unfair dismissal.

A hostile environment can be a form of harassment, even where actions and comments are not aimed at individuals.

As harassment is underreported, the true scale of the problem is unknown. As more and more employers tackle the issue, however, evidence is emerging that anti-gay harassment is all too common.

In a recent study, it was found that:

- 53% lesbians and gay men experienced workplace harassment or discrimination
- 28% experienced aggressive or unwelcome questions about their status
- 22% reported being 'outed' in the workplace against their will
- 17% reported having restricted career due to their homosexuality<sup>10</sup>

### KEY ISSUES

Many people are reluctant to complain because they believe their complaints will not be taken seriously or they will end up taking the blame. An added complication for many LGBT staff is that making a complaint would force them to come out as gay, possibly leading to further harassment.

Because many LGBT employees are not completely out about their sexual orientation at work, they are particularly vulnerable to 'canteen culture' harassment — homophobic comments made in the course of conversation but without the intention of causing offence. Such comments are often made in the belief that everyone in the immediate audience will be sympathetic to them but in reality, only heighten the perception of discrimination and workplace exclusion for many LGBT employees.

### ACTION LIST

**Ensure all employees understand that any form of harassment based on sexual orientation will not be tolerated**

- Adapt your existing harassment policy to incorporate LGBT harassment.
- Make specific references to harassment in your induction programme.
- Provide clear definitions of harassment and examples of unacceptable behaviour, including anti-gay bullying and harassment.
- Ensure that managers understand their duties in preventing and tackling bullying and harassment, including respecting confidentiality. Those in positions of responsibility should be equipped to protect their LGBT staff, and should not be allowed to ignore or condone discrimination.
- To be credible, any initiative designed to prevent anti-gay bullying and harassment needs to be endorsed and validated by senior staff.

### Make it easy for people to report a problem

- Bullies are often more senior than those they harass. Staff who feel that they have been harassed need several routes for making complaints, for example, through human resources or the staff association or employee support networks.
- Staff who complain they have been bullied for being gay may want to keep this information confidential. You should support them in this.
- Informal resolution is preferable, as far as possible, to engaging in formal grievance procedures, but an organisation must actively demonstrate that anti-gay discrimination, bullying and harassment will be taken seriously at this informal stage.
- Speedy and effective action will enhance your reputation for fairness.

### Monitor complaints and review policy

- Be prepared for a possible rise in complaints when you introduce a policy to include LGBT people. You need to know who's going to investigate complaints and who's going to support the complainant.
- Managers are ultimately responsible for building a climate in which harassment and bullying will not be

tolerated. It is important to ensure that managers are adequately trained in handling the sensitivities around LGBT harassment and bullying along with any potential workplace issues that may arise, particularly with fellow employees who may have a grievance against LGBT people for religious or cultural reasons.

- By monitoring the nature of complaints and collecting the data you should be able to press for deeper cultural changes within your organisation.

### BENEFITS

Organisations that tackle harassment and bullying, including that specifically directed at LGBT staff:

- increase the effectiveness and productivity of staff, through reduced sick leave, improved retention and greater employee engagement.
- demonstrate leadership in dealing with challenging issues
- minimise the likelihood of damaging litigation and bad publicity.



## REVIEW TERMS AND CONDITIONS

Benefits and conditions are important motivators for employees. Yet LGBT people do not always enjoy terms and conditions of employment equal to those of their heterosexual colleagues.

### KEY ISSUES

In the past, anyone with a same-sex partner was likely to be excluded from many workplace benefits. These included pensions, leave arrangements, health insurance, travel concessions for employees and their partners, and relocation allowances. To ensure compliance with the new National Employment Standards, it is advisable to offer exactly the same terms and conditions to both straight and gay staff.

Leave, for bereavement or family emergencies along with any other family-related or flexibility policies are designed to help employees balance the sometimes competing demands of their work and family/home life so that they can be ultimately be more effective. It is important that these policies clearly apply to same-sex families as well. A policy that excludes leave for same-sex partners can cause considerable personal trauma and potentially lead to discrimination claims. A policy that compels an employee to ask whether or not it applies to them, forces them into a position of having to "out themselves" or forego the benefit altogether to ensure anonymity.

### ACTION POINTS

#### Make sure your policies are explicitly inclusive

- Ensure policies and benefits acknowledge the different requirements and lifestyles of all employees. Many employers already recognise this as good practice when it comes to recruiting, retaining and motivating key staff.
- Your policies should state that the following are also available to same-sex partners :
  - » bereavement leave
  - » parental leave and adoptive parental leave
  - » relocation allowances
  - » carer's leave
  - » travel benefits
  - » discounts on the company's or other services
  - » private healthcare.

*ING Australia is in business to provide customers with products and services that reflect the needs of people from all walks of life, so we need to provide and environment that attract people and perspectives from all dimensions of society.*

*As a business ING Australia has taken a proactive approach to reviewing terms and conditions that cater for all staff needs and create a level platform for all. Through liaison and partnership with specialists in employment conditions such as Pride in Diversity we're able to stay informed on best practice and proactively provide equality for all employees. Our LGBT GALA employee network also drive initiatives and advise how as a business we can continually build upon our support for LGBT employees.*

#### Make your communications inclusive

- Include same-sex employees in any oral or written examples you use to explain to staff the benefits of your reward package.
- People who are responsible for giving staff information about their terms and conditions need to:
- tell inquirers the policies extend to same-sex partners or other nominees if applicable
- talk about partners or nominees rather than husbands, wives and spouses
- understand the need for confidentiality in relation to nominated beneficiaries of perks and policies.

#### Choose the best suppliers

- Use a superannuation company that is committed to equal treatment of same-sex partners.
- Seek advice from an independent financial adviser specialising in same-sex relationships on life insurance and health insurance.

### BENEFITS

Ensuring your terms and conditions are fair to LGBT people means:

- all employees are rewarded fairly for their contribution
- the organisation becomes an employer of choice, helping to attract the best recruits
- focusing on best practice makes compliance with legislation more likely.

*I am gay and became a father in June last year and am co-parenting with a lesbian couple, Telstra policy recognised our Rainbow family and the circumstances were a little different to a traditional family.*

*I was able to take parental leave and welcome/settle our baby at home when he was born.*

*-Team Manager, Telstra, Melbourne*





*IBM supports and assists with employee gender transitions.*

*IBM engages an external Gender consultant to assist with a smooth and supportive transition for an employee. In 2009 an IBMer, Christie Klein underwent this process and shared her positive experience with SX magazine. Christie found that despite initial nerves, she was readily supported by her manager who put her in touch with an IBM human resources partner to manage the transition process. Together, they came to an agreement with Christie to determine a time for the transition that would have as little disruption for her and the business.*

*IBM hired a counsellor who specialised in gender identity issues to oversee the transition, especially how it was relayed to other staff. A meeting was organised between Chrystie, her managers and employees she worked closest with. Invitations to attend were sent out along with an information package outlining what was happening and how staff were expected to*

*behave under the company's diversity policy. A personal letter from Chrystie was also included, in which she explained why transitioning was important to her. The meeting was led by the counsellor and staff were able to ask questions. At this point Chrystie was still presenting as male. She then took a week off and returned as female.*

*Upon her return, Christie was amazed by the positive reactions of her colleagues.*

*The success of Chrystie's transition is due to the company's policy of inclusion, said Robyn Sumner, Diversity Program Manager for IBM Australia. "Diversity for us is making sure we have a broad mix of people in our workforce and making sure everyone feels included. It's important that people who transition feel valued. We see our diversity strategy as a competitive edge. Employees' differences lead to diversity of thought which is required for the innovation we need for our clients."*



## MANAGE PERFORMANCE FAIRLY

Managing people properly, openly and with respect is increasingly being linked with high performance in businesses. The Pink Ceiling Report provides ample evidence that LGBT people are not always treated fairly at work, for example by being passed over for promotion, disciplined unfairly or even dismissed for no good reason.

### KEY ISSUES

Organisations have many different ways of managing performance, from informal chats to elaborate systems of appraisal by stakeholders, customers and peers as well as managers.

We need to be aware that, like any minority group, LGBT people can be negatively stereotyped. This can lead to inadvertently discriminating against these employees in terms of performance management or career path.

### ACTION POINTS

#### Create the right climate

- All the information you give to employees should reinforce the message that decisions about recruitment, promotion, rewards and redundancy are based on merit and competence and that diversity is valued in all instances.
- Understanding diversity and equal opportunities issues should be built into your management development. This will provide managers with the skills to use their discretion wisely and fairly.
- Consider making diversity awareness an obligatory training requirement for managers.
- Ensure that the repercussions of genuine discrimination against any diverse group are well understood.

#### Develop formal performance management systems

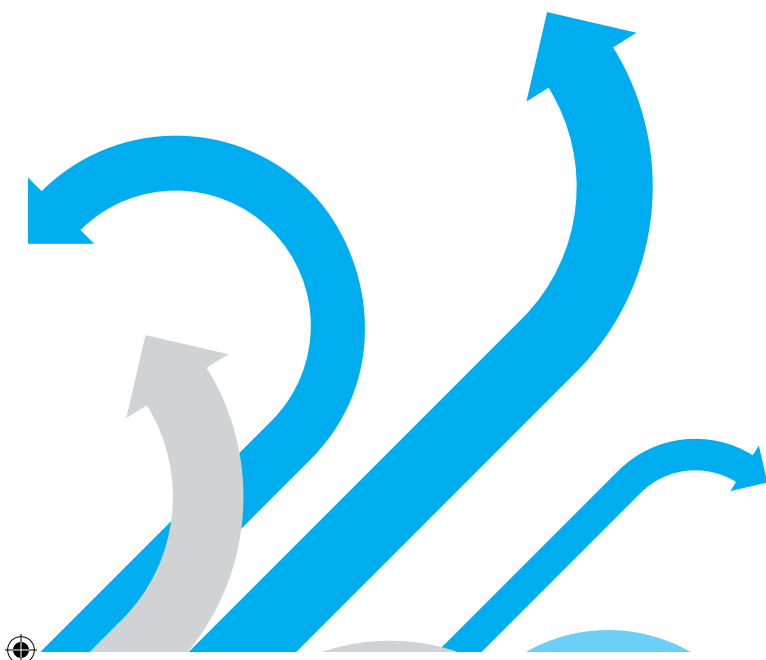
- All employees should know how the performance management system works. Managers especially need to be able to identify any bias in the way they might make judgements about people. Training should explicitly include:
  - examples of the way homophobia can be disguised
  - common misconceptions that are applied to LGBT people, particularly with reference to different types of work
  - examples of the ways in which managers' discretion might disadvantage people from various groups, including LGBT people.

#### BENEFITS

- A performance management process that addresses LGBT discrimination will:
  - enable LGBT staff and their managers to address the full range of issues that may affect their performance
  - provide a model of good practice for addressing all aspects of discrimination
  - enable organisations to maximise the performance of all staff.

*I've worked at Telstra since August of 2008 and since being here have found nothing but a supportive and welcoming culture and community. Within five minutes of walking into the centre I could see a wide and varied staff entirely dissimilar to any idea I had previously. Reading the statistics about people who felt they had a block in their way of promotion due to their sexual orientation came as an outrageous surprise. After 18 months, I am in the role of Subject Matter Expert for my team and I have no doubt that if I chose to apply for further promotions, such as a team leader, that I would without a doubt be considered fairly by management and supported by my Team leader. Sexual orientation would not even factor in regards to Telstra's promotion schemes. I have made and am sure will continue to make what I know will be lifelong friends some of which are gay, straight and lesbian. I know that without the inclusive community spirit that Telstra has fostered all of this would not have been possible.*

*-Customer Service Consultant, Telstra, Townsville*







## ESTABLISH EMPLOYEE NETWORKS

Employee networks - forums for staff who share one or more aspects of their identity - are becoming an effective way of increasing employee engagement and openly promoting diversity. While some may be social groups, these are increasingly being funded and promoted by employers, particularly as management is starting to appreciate the benefits that they can bring to the whole organisation.

Networks for women and ethnic minority staff have proved successful across the public, private and community sectors and often provide useful lessons on how best to establish a network for LGBT employees, as do existing LGBT networks.

Establishing employee networks demonstrates your commitment to diversity in the workplace. It tells staff that the organisation values its entire people, and recognises the need to bring together staff who may feel isolated or vulnerable. Networks can provide a safer and more supportive working environment.

In addition it can give the employer a valuable mechanism for consulting LGBT employees about employment practices and customer service, and also ways to engage with LGBT clients, customers and potential recruits.

### KEY ISSUES

Many workplace cultures assume everyone is heterosexual. Due to fear of prejudice, most LGBT employees are not completely out about their sexual orientation to colleagues and many believe they are alone in their workplace.

This can make it difficult for LGBT employees to identify each other, create informal connections, find support and address any difficulties. However, LGBT employees may wish to participate in a network without being outed as gay as a result. They need to be confident that joining or contacting a network is safe.

### ACTION POINTS

#### Establish the network in consultation with LGBT staff

Contact and consultation with LGBT staff can be managed in several ways, including:

- anonymous surveys
- consultation through staff associations
- using a third party organisation such as Pride in Diversity

Discuss a range of practical issues with staff, such as:

- What role should the network have? The network should have a clear business-related purpose, encompassing, for example, contribution to the organisation's inclusion and diversity agenda and improving the work environment for LGBT employees
- When and where will meetings take place? Should they be regional or national, during work or leisure time?
- Deciding on whether the membership should be exclusive to LGBT staff, or open to all staff with an interest in LGBT issues

- Find ways to encourage a wide range of participants.

#### Connect the network to the rest of the organisation and other networks

- Consider the network's purpose and responsibilities
- Make sure the network is adequately resourced. It needs sufficient time and money to fulfil its aims and objectives
- Think about how you can link your LGBT network with other employee groups. Together they can deal with common issues and challenges that emerge.

#### Ensure leaders of the organisation promote the network

- Ask high-profile, senior managers to champion the network. They don't have to be lesbian, gay or bisexual, but they will need to buy into the idea of a LGBT network. By talking confidently and comfortably about LGBT issues, they can make clear this is a business matter, not a taboo or private issue.

Be prepared for negative reactions from other staff who may feel left out. You must be able to explain how the network benefits the whole organisation.

Provide a range of ways for staff to communicate with the network, guaranteeing confidentiality or anonymity if required.

*I have worked for Goldman Sachs for some years and have been surrounded by great people that I have always felt mostly comfortable with. My sexual orientation is not something I feel I've ever intentionally kept a secret, it is something I had shared with a few work colleagues, but in the main I was not 'out' at work.*

*I found the idea of a Gay and Lesbian network interesting and was curious to attend the initial get together. Arriving there, my initial nerves were largely put to rest by what ended up being a relatively informal and free-flowing discussion. I was impressed by the wide scope of colleagues from many different parts of the firm. The energy and dynamic of the group was something that was both friendly and familiar to me, and not one I had previously encountered at work.*

*Since joining, I have been fortunate enough to participate in forging something that I genuinely care about. Additionally, what has impressed me is that the network remains intrinsically tied to the business and preserving the firm's reputation. Witnessing this at first hand, I have since felt more comfortable about discussing my involvement with the network with my team mates and, in turn, making my sexuality much more evident than it might have been previously. The reception of the network (and my involvement therein) has generated genuine curiosity and positive interest from many people around me, which has made me feel much more confident and comfortable to be myself at work.*

- Goldman Sachs Employee

### Publicise the network both internally and externally

- Make sure all staff know about the network, why it exists, who can join and how. If you have your senior team behind the idea, then make sure staff know that too
- Communicate its successes to all staff
- Don't forget to publicise the network externally, for example, in the HR and professional press, trade union publications and the LGBT media.

### Monitor and review the network

- Having established some objectives for the network, work out how you are going to measure its performance
- Don't ignore the rest of the workforce — monitor their perceptions of the network and its value to the organisation.

### BENEFITS

An LGBT employee network can:

- challenge the invisibility of LGBT staff and issues
- give LGBT staff a forum for sharing experiences
- allow organisations to tap into the specific experience and knowledge of LGBT staff
- help LGBT staff to come out and other employees to appreciate the diversity of the organisation.

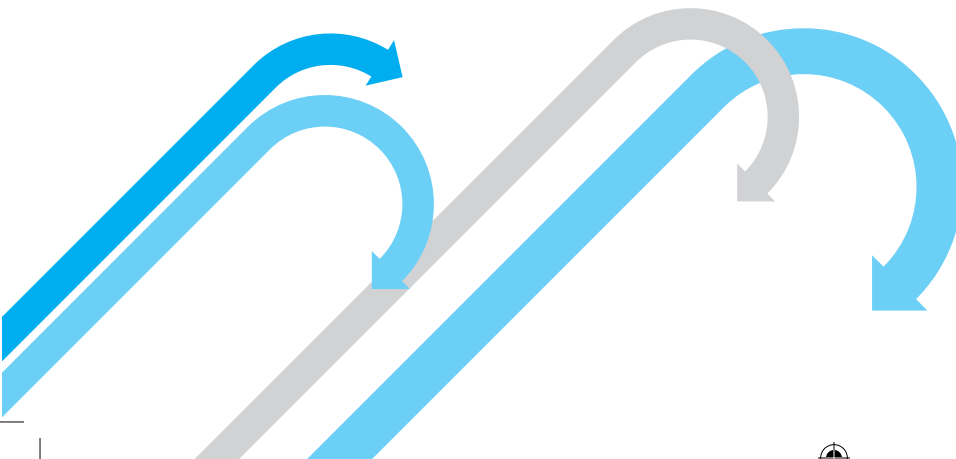
*In 2008, **KPMG** formed our LGBT network called KGEN - KPMG's Gay, Lesbian, Bisexual and Transgender Employee Network which was formally launched to the firm in 2009. The network is growing in numbers every week and the calendar of events for the network is also developing year-on-year. Through wide spread communication of KGEN, people across the firm are becoming more aware of some of the issues our LGBT people may face. KPMG's participation in the 2010 Sydney Mardi Gras was a turning point for the organisation, as we were able to raise the profile of our LGBT community both externally and internally.*

***ING Australia** has had a LGBT resource group for a number of years called GALA. The GALA employee network is open to both LGBT employees and importantly supporters of the LGBT community. The GALA employee network provides inspiration and acts as a point of contact for those LGBT ING Australia employees that don't yet feel totally comfortable with being "out" in the workplace.*

*The GALA employee network also provides advice to management on Gay and Lesbian issues in conjunction with the ING Australia Diversity Council. The GALA employee network is a forum for promoting inclusiveness, understanding and support among ING Australia colleagues on LGBT issues.*

*The GALA employee network is fully supported by the ING Australia Diversity Council and has our CEO as Executive Sponsor.*

*At **IBM**, the Australian and NZ 'EAGLE' (Employee Alliance for Gay & Lesbian Empowerment) networking group was established in 2000 and consists of employees whose objective is to work with the organisation to promote a safe and open working environment for all employees, regardless of sexual orientation, gender identity, or gender expression. EAGLE offers LGBT employees an opportunity to network both professionally and socially, career and mentoring development, participation in community outreach and input into developing IBM's overall LGBT strategy. As with all of the Diversity Networking Groups, EAGLE has a representative on the IBM Diversity Council, the Global LGBT Taskforce, and the regional GMU internal LGBT work team.*



## DELIVER TO YOUR CUSTOMERS

LGBT people are likely to be consumers of your goods and services as well as your employees. State and territory legislation make it illegal to discriminate against someone when providing them with goods or services because of their sexual orientation or gender status. Recent reforms of 85 exclusionary laws at the Federal level guarantee fair and equitable treatment of LGBT people by Commonwealth agencies.

### KEY ISSUES

The last 15 years have seen an increase in services aimed specifically at the LGBT community including leisure, household services, legal and financial services.

Many LGBT people still do not always feel confident of getting a good service from mainstream companies. Many members of the LGBT community will support companies they perceive as responsive to their needs.

There are also many public services that provide LGBT people with a more limited choice. In 2000, the Victorian Gay & Lesbian Rights Lobby report "Enough is Enough" found that 23% of respondents to the survey experienced discrimination when accessing medical services.

The state and territory anti-discrimination legislation applies to both the private and public sectors and outlaws discrimination in access and provision of goods and services.

### ACTION POINTS

#### Show you recognise your LGBT customers and service users and make sure you are not breaking the law by discriminating against them

- Audit your policies and procedures for provision of goods, facilities and services to make sure they do not discriminate, either directly or indirectly, on the grounds of sexual orientation
- Revisit the public statements you make about your goods and services to ensure they recognise the diversity of the people who use your services
- Advertising counts. Images used in publicity materials send a powerful message, so include same-sex couples where you can.

#### Train customer-facing staff

- Customer service training should deal explicitly with the fact that a proportion of customers or service users will be LGBT, and should make staff aware that discrimination on the basis of sexual orientation is illegal
- Staff should be aware of the specific needs of LGBT customers and service users. They should also be trained to ask questions in a way that does not assume heterosexuality.

#### Consult your customers

- Encourage LGBT customers or service users to make their requirements known.
- Monitor how members of the LGBT communities perceive your goods and services.

### BENEFITS

Organisations that address the needs of LGBT customers and service users will:

- attract the full range of potential customers, including groups with high levels of disposable income
- develop consultation mechanisms that can be used with other customer groups
- create a modern and positive image of themselves
- avoid legal cases brought by LGBT people who have been unfairly discriminated against in this area.

*We believe there is an inextricable link - a link between the LGBT community and a creative, open and questioning society - that provides the foundation for innovation in business.*

*Often IBM is considered as a complicated technology company. But at our heart, what we do is quite simple: we're working to make the planet a smarter place.*

*To do that we need diversity of thought. And that means diversity of people.*

*Creative tension. Opposing ideas. Different outlooks. Unique backgrounds*

*As we sit in meeting rooms around the country trying to solve our clients' problems, it is very clear that, if we are all looking at the problem through an identical lens - straight... white... male... for example - there's no room for creativity.*

*It's only when you have diversity around the table - that you get that spark... that creativity... that comes up with a smarter solution.*

*- IBM Global Business Executive.*



## MONITOR AND EVALUATE

Diversity monitoring in Australia is not something that is routinely performed and certainly in Australian organizations, it is unusual to include questions on sexual orientation when gathering data about employees. However monitoring, once it is handled sensitively and the rationale is communicated openly, provides a very useful mechanism of ensuring that any LGBT-inclusive activity is successful. It is the means of checking whether an organisation's diversity policy is being implemented effectively. It provides valuable management data, which can assist the organisation in making the right strategic and operational decisions to ensure it employs and retains a skilled and diverse workforce.

Monitoring also sends out a strong signal to staff that an organisation takes the achievement of diversity goals seriously, and this is especially true for sexual orientation.

Monitoring and evaluation can show whether LGBT employees:

- are employed in numbers that reflect the local/national population
- apply for promotion at the same rate as all other employees
- are recruited or selected for training in proportionate numbers
- are being harassed or bullied at work because of their sexuality
- are concentrated in certain jobs, sections or departments
- think the organisation's procedures and culture are supportive.

### KEY ISSUES

Sexual orientation monitoring will only work if senior staff support the initiative and if a clear business case for collecting the data is communicated to staff. Sexual orientation monitoring may not be appropriate for an organisation which has not previously engaged with LGBT staff or developed initiatives to eradicate homophobia from the workplace.

Consultation with key stakeholders should take place before monitoring is introduced. LGBT staff or the network group can play a vital role in communicating new monitoring procedures to the wider organisation and building confidence in the process among LGBT employees.

There are different degrees of monitoring, and it can be a good idea to start with anonymous monitoring in staff attitude surveys and monitoring at recruitment and promotion to build familiarity with sexual orientation monitoring, before introducing it as part of the formal HR recording process for all staff.

Monitoring of diversity takes time to bed down in an organisation. It will take several years before monitoring information on sexual orientation gives something close to a reliable picture.

Forms should avoid the suggestion that heterosexuality is the expected norm and that being lesbian, gay or bisexual is unusual and they should use commonly understood language. Stonewall research suggests that the question is best phrased in the following way:

What is your sexual orientation?

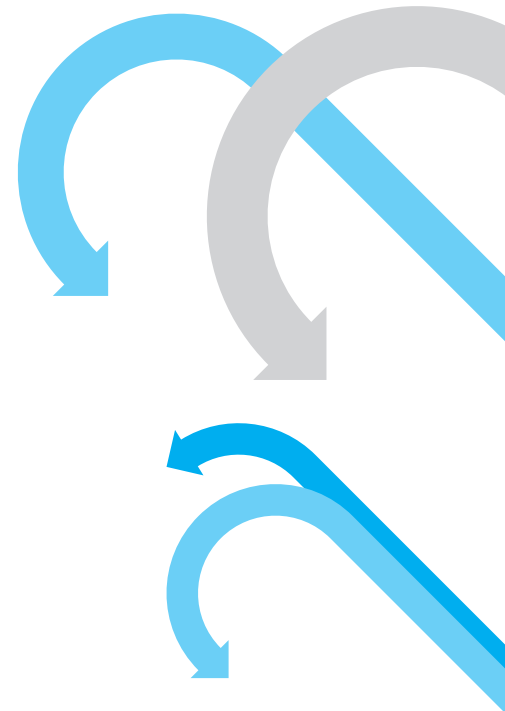
- Bisexual
- Gay man
- Gay woman/lesbian
- Heterosexual/straight
- Other
- Prefer not to say

Being transgender is not an issue of sexuality but one of gender. Guidance on the 2001 National Census stated that transgender people could tick the gender they felt described them, irrespective of the sex on their birth certificate. It may therefore be more inclusive to use the word 'gender' rather than 'sex' on forms.

*Telstra conducted a wide-ranging Diversity Audit of their employees in late 2007. One of the questions in the audit asked employees to volunteer information about their sexual orientation and/or gender identity, as well as their experience as a LGBT employee at Telstra. Confidentiality was guaranteed and each respondent was given the option of not answering the particular questions on sexuality and gender identity. Not a single complaint was received by any of the respondents about the nature of the question.*

*The quantitative and qualitative data that has been collected has helped to drive specific initiatives for this group – including company-wide communications initiatives, community involvement and the establishment of a LGBT employee reference group / affinity group, "Spectrum".*

*In the next version of their HR information system, Telstra will provide employees the option of, among other things, declaring their sexual orientation and gender identity, in order to tailor initiatives and measure levels of engagement for this group.*



### ACTION POINTS

- Build senior support for the rationale behind sexual orientation monitoring
- Consult with LGBT staff and ensure they have confidence in the process
- Ensure that communication to staff on LGBT workplace equality is consistent and authoritative, and that monitoring is seen as a logical part of the organisation's diversity strategy
- Introduce monitoring in stages if appropriate, and have realistic expectations in the early years
- Communicate the results of surveys and actions you will take as a result, to maintain engagement of employees

### BENEFITS

Organisations that monitor effectively:

- can measure the success of specific initiatives
- send a message that their LGBT employees are valued
- can identify and communicate improvements in the position of LGBT employees.

Every two years **KPMG** participate in a 'Global People Survey' which measures our people engagement, allowing us to understand our people. Through this survey we monitor the engagement of our LGBT employees and ensure there is no difference found in their levels of satisfaction compared to our non-LGBT people. This is a comprehensive way of ensuring our programs are hitting the mark.

**Lend Lease** regularly conduct employee engagement surveys which include employee demographic questions. The survey provides high level demographic analysis of the issues relating to particular groups of Lend Lease employees worldwide.

November 2009 saw the first time that questions relating to sexual orientation and gender identity were included in the survey. Inclusion of these questions was well received with only one objection encountered from the thousands of responses received.

Completing the survey is voluntary, but Lend Lease typically sees participation rates well in excess of 70% of employees. All responses are treated confidentially.





## THE LEGAL LANDSCAPE

### FEDERAL LAWS

#### FAIR WORK AUSTRALIA ACT 2009

In 2008 the Federal Government changed 85 laws to give same-sex couples in a de facto or registered relationship the same legal rights and protections as different-sex de facto couples.

One part of the 85 reforms was to treat same-sex couples and their families equally under the new Fair Work Act 2009 (Cth) (Fair Work Act). The Fair Work Act creates a new workplace relations framework that is overseen by Fair Work Australia.

In many workplaces around Australia, the rights of same-sex couples will now be equal to those of different-sex couples, through the Fair Work Act. This new law applies to you if you are employed within the 'national system'.

As of 1 January 2010, the national system applies to all Australian employees and employers except:

- Most State government public sector employers and local government employers;
- Western Australian corporations whose main activity is not trading or financial; and
- Western Australian sole traders, partnerships, or other unincorporated entities.

Ten new National Employment Standards (NES) ensure that the basic minimum standards of employment conditions are met in all workplaces in the federal system in order to meet and adapt to community needs. The NES are mandatory for all employers, and regulated by the Federal Government from 1 January 2010.

The employment conditions covered under the NES include employee leave, such as unpaid parental leave, carer's leave and compassionate leave. These leave categories specifically include same-sex couples in a de facto relationship.

#### AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986

##### Grounds of discrimination

Breaches of human rights by any Commonwealth body or agency and discrimination in employment on the basis of race, colour, sex, religion, political opinion, national extraction, social origin,

age, medical record, criminal record, marital status, impairment, disability, nationality, sexual preference, trade union activity.

##### Areas covered

Commonwealth body or agency; employment and occupation.

##### Process for decision making

Complaint must be in writing. It is then assessed and if within jurisdiction is investigated. If complaint is not declined, conciliation is attempted. If it cannot be conciliated, the Commission prepares a report to the federal Attorney-General who then tables the report in Parliament.

#### AGE DISCRIMINATION ACT 2004 (COMMONWEALTH)

##### Grounds of discrimination

Age; protects both younger and older Australians.

##### Areas covered

Employment; education; access to premises; provision of goods, services and facilities; renting or buying a house or flat; administration of Commonwealth laws and programs; and requests for information.

The Act does not apply to a number of areas including Commonwealth laws that govern taxation, social security (including pensions), migration and citizenship; superannuation; state laws; certain health programmes; youth wages; direct compliance with workplace agreements and awards; charities, and religious and voluntary bodies.

##### Process for decision making

Complaints must be in writing. It is then assessed and if within jurisdiction is investigated. The complaint is then reviewed to see if it should be terminated or if it is suitable for conciliation. If the complaint cannot be conciliated, it will be terminated by the President of the Commission. A complainant may then take the matter to the Federal Court of Australia or the Federal Magistrates Court.

#### DISABILITY DISCRIMINATION ACT 1992

##### Grounds of unlawful discrimination

Physical, intellectual, psychiatric, sensory, neurological or learning disabilities; physical disfigurement; disorders, illness or diseases that affect thought

processes, perceptions of reality, emotions or judgement, or results in disturbed behaviours; presence in body of organisms causing disease or illness (e.g. HIV virus).

##### Areas covered

Employment; education; access to premises; accommodation; buying or selling land; activities of clubs; sport; administration of Commonwealth laws and programs; provision of goods; and services and facilities.

##### Process for decision making

Complaints must be in writing. It is then assessed and if within jurisdiction is investigated. The complaint is then reviewed to see if it should be terminated or if it is suitable for conciliation. If the complaint cannot be conciliated, it will be terminated by the President of the Commission. A complainant may then take the matter to the Federal Court of Australia or the Federal Magistrates Court.

#### RACIAL DISCRIMINATION ACT 1975

##### Grounds of unlawful discrimination

Race, colour, descent or national or ethnic origin.

##### Other unlawful conduct

Racial hatred

##### Areas covered

Employment; provision of goods and services; right to join trade unions; access to places and facilities; land, housing and other accommodation.

##### Process for decision making

Complaints must be in writing. It is then assessed and if within jurisdiction is investigated. The complaint is then reviewed to see if it should be terminated or if it is suitable for conciliation. If the complaint cannot be conciliated, it will be terminated by the President of the Commission. A complainant may then take the matter to the Federal Court of Australia or the Federal Magistrates Court.



## SEX DISCRIMINATION ACT 1984

### Grounds of unlawful discrimination

Sex, marital status, pregnancy, family responsibility (dismissal only).

### Other unlawful conduct

Sexual harassment

### Areas covered

Employment; partnerships; qualifying bodies; registered organisations; employment agencies, education; goods, services and facilities; accommodation; land; clubs; awards; superannuation and enterprise agreements.

### Process for decision making

Complaints must be in writing. It is then assessed and if within jurisdiction is investigated. The complaint is then reviewed to see if it should be terminated or if it is suitable for conciliation. If the complaint cannot be conciliated, it will be terminated by the President of the Commission. A complainant may then take the matter to the Federal Court of Australia or the Federal Magistrates Court.

## THE LEGAL LANDSCAPE STATE AND TERRITORY LAWS

### AUSTRALIAN CAPITAL TERRITORY DISCRIMINATION ACT 1991 (ACT)

#### Grounds of unlawful discrimination

Sex, sexual harassment, sexuality, transsexuality, age, profession, trade, occupation or calling, relationship status, status as a parent or carer, pregnancy, race, racial vilification, religious or political conviction, impairment, membership or non-membership of association of employers or employees, breastfeeding, spent convictions, disability, religious practice in employment, having had one of the enumerated attributes in the past, or association with person with an above attribute.

#### Areas covered

Work; employment agencies; education; access to premises; goods, services or facilities; accommodation; clubs; qualifying bodies; professional or trade organisations; requests etc for information.

#### Process for decision making

Complaint must be in writing to the Discrimination Commissioner. It is then investigated and conciliation may be attempted. If unsuccessful, the matter can be referred to the Discrimination Tribunal for public hearing and legally enforceable determination.

### NEW SOUTH WALES ANTI-DISCRIMINATION ACT 1977 (NSW)

#### Grounds of unlawful discrimination

Race, (including colour, nationality and national or ethnic origin), sex (including pregnancy), marital status, disability, homosexuality, age (compulsory retirement only), transgender, carer's responsibility.

#### Other unlawful conduct

Sexual harassment; vilification on the basis of race, homosexuality, transgender and HIV/AIDS status.

#### Areas covered

Employment; partnerships; trade unions; qualifying bodies; employment agencies; education; access to places and vehicles; provision of goods and services; accommodation; registered clubs.

#### Process for decision making

Complaint must be in writing to the NSW Anti-Discrimination Board. It is then assessed and if within jurisdiction is investigated and conciliation may be attempted. If unsuccessful, it may be referred to Equal Opportunity Tribunal for hearing and legally enforceable determination.

### NORTHERN TERRITORY ANTI- DISCRIMINATION ACT 1996 (NT)

#### Grounds of unlawful discrimination

Race, sex, sexuality, age, marital status, pregnancy, parenthood, breastfeeding, impairment, trade union or employer association activity, religious belief or activity, irrelevant criminal record, political opinion, affiliation or activity, irrelevant medical record, or association with person with an above attribute.

#### Other unlawful conduct

Sexual harassment

#### Areas covered

Education; work; accommodation; goods and services; facilities; clubs; insurance and superannuation.

#### Process for decision making

Complaint in writing to the Anti-Discrimination Commissioner. It is then assessed and if within jurisdiction is investigated and conciliation may be attempted. If unsuccessful, the Commissioner may hold a hearing and make a legally enforceable determination.

### QUEENSLAND ANTI-DISCRIMINATION ACT 1991 (QLD)

#### Grounds of unlawful discrimination

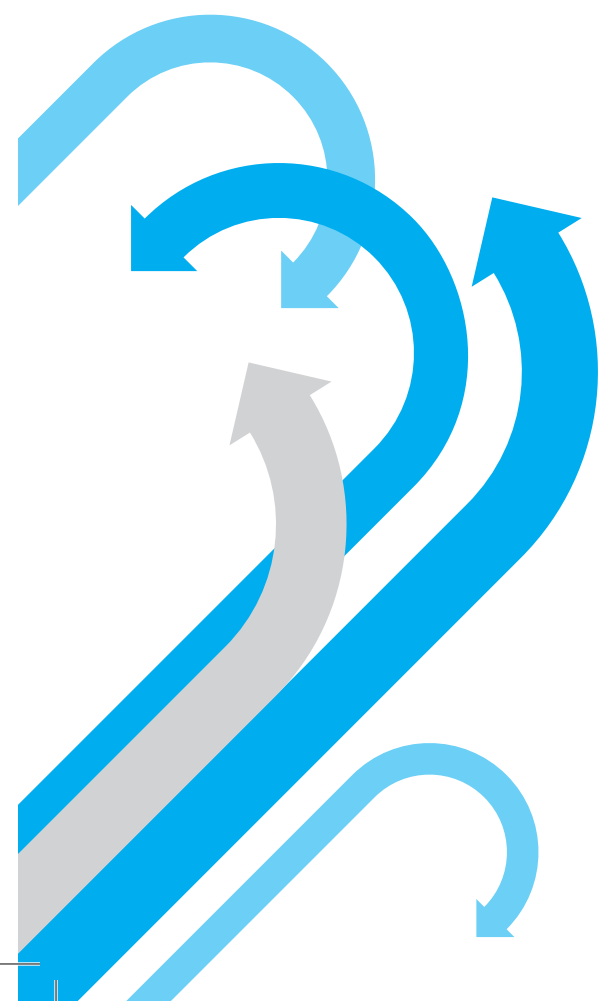
Sex, relationship status, pregnancy, parental status, breast feeding (goods and services only), race, age, physical impairment, religion, political belief or activity, trade union activity, lawful sexual activity, gender identity, sexuality, family responsibilities, or association with a person who has any of these attributes.

#### Other unlawful conduct

Sexual harassment

#### Areas covered

Work and work related; education; goods and services; superannuation and insurance; disposal of land; accommodation; club membership;



administration of state laws and programs; local government; existing partnership and in pre-partnership.

#### Process for decision making

Complaint must be in writing to Anti Discrimination Commission. It is then assessed and if within jurisdiction is investigated and conciliation may be attempted. If unsuccessful, the matter may be referred to the Anti-Discrimination Tribunal for hearing and legally enforceable determination.

### SOUTH AUSTRALIA EQUAL OPPORTUNITY ACT 1984 (SA)

#### Grounds of unlawful discrimination

Sex, sexuality, marital status, pregnancy, race, age, physical and intellectual impairment (but does not include mental illness).

#### Other unlawful conduct

Sexual harassment

#### Areas covered

Employment; partnerships; clubs and associations; qualifying bodies; education; provision of goods and services; accommodation; sale of land; advertising (including employment agencies); conferral of qualifications; superannuation.

#### Process for decision making

Complaint must be in writing to the Equal Opportunity Commissioner. It is then assessed and if within jurisdiction is investigated and conciliation attempted. If unsuccessful, the matter is referred to the Equal Opportunity Tribunal for hearing and legally enforceable determination.

### TASMANIA ANTI-DISCRIMINATION ACT 1998 (TAS)

#### Grounds of unlawful discrimination

Age, breastfeeding, disability, family responsibilities, gender, industrial activity, irrelevant criminal record, irrelevant medical record, lawful sexual activity, marital status, relationship status, parental status, political activity, political belief or affiliation, pregnancy, race, religious activity, religious beliefs or affiliation, sexual orientation, association with a person who has, or is believed to have any of these attributes.

#### Other unlawful conduct

Sexual harassment; inciting hatred on the basis of race, disability, sexual orientation or religion.

#### Areas covered

Employment (paid and unpaid); education and training; provision of facilities, goods and services; accommodation; membership and activities of clubs; and in relation to some grounds, administration of any law of state; and awards, enterprise agreements and industrial agreements.

#### Process for decision making

Complaint must be in writing. It is then assessed and if within jurisdiction is investigated and conciliation attempted. If unsuccessful, the complaint may be referred to the Anti-Discrimination Tribunal for hearing and legally enforceable determination.

### VICTORIA EQUAL OPPORTUNITY ACT 1995 (VIC)

#### Grounds of unlawful discrimination

Sex, sexual orientation, gender identity, pregnancy, breastfeeding, marital status, status as a carer, age, race (including colour, nationality, ethnic or national origin), parental status, physical features, childless or a de facto spouse, lawful religious or political belief or activity, impairment (including physical impairment, mental illness, mental retardation), industrial activity, lawful sexual activity, or personal association with persons having any of the above attributes.

#### Other unlawful conduct

Sexual harassment

#### Areas covered

Employment; partnerships; firms; professional and other organisations; qualifying bodies; employment agencies; education; provision of goods and services; accommodation (including alteration of accommodation); clubs or community service organisations; municipal or shire councils.

### VICTORIA EQUAL OPPORTUNITY ACT 1995 (VIC) – CONT'D

#### Process for decision making

Complaint must be in writing to

Commissioner for Equal Opportunity. It is then assessed and if within jurisdiction is investigated and conciliation attempted. If unsuccessful, the matter is referred to the Victorian Civil and Administrative Tribunal for hearing and legally enforceable determination.

### WESTERN AUSTRALIA EQUAL OPPORTUNITY ACT 1984 (WA)

#### Grounds of unlawful discrimination

Sex, sexual orientation, marital status, pregnancy, race, religious or political conviction, age, racial harassment, impairment, family responsibility or family status, gender history.

#### Other unlawful conduct

Sexual harassment; racial harassment.

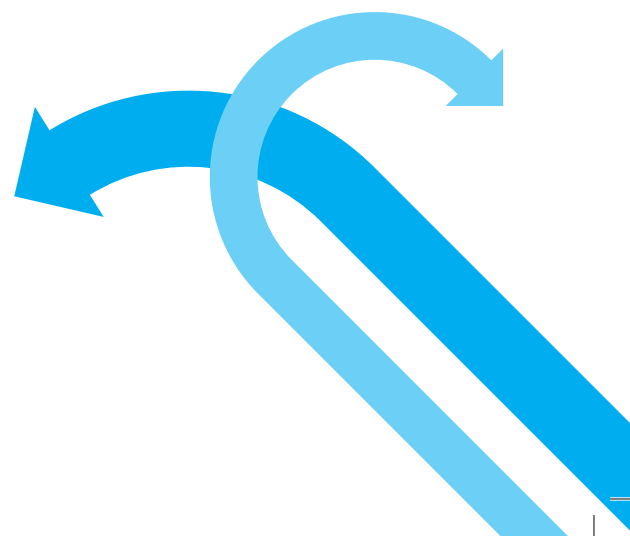
#### Areas covered

Employment; partnerships; professional or trade organisations; qualifying bodies; employment agencies; applicants and employees and commission agents; application forms; advertisements; education; access to places and vehicles; provision of good services and facilities; accommodation; clubs; land.

#### Process for decision making

Complaint must be in writing to the Commissioner for Equal Opportunity. It is then assessed and if within jurisdiction is investigated and conciliation attempted. If unsuccessful, the matter is referred to the Equal Opportunity Tribunal for hearing and legally enforceable determination.

Source: "A Guide To Australia's Anti-Discrimination Laws", Australian Human Rights Commission, [http://www.humanrights.gov.au/info\\_for\\_employers/law/index.html](http://www.humanrights.gov.au/info_for_employers/law/index.html)



## SAMPLE DIVERSITY POLICY

This sample diversity policy demonstrates the typical areas that organisations need to consider when developing an inclusive and robust strategy. Of course, needs vary from organisation to organisation, so when preparing your policy it is important to consult with your internal stakeholders and seek help externally if required.

### OUR POLICY:

The purpose of this policy is to provide diversity and equality to all in employment, irrespective of their gender, race, ethnic origin, disability, age, national origin, religion or belief, marital status, sexual orientation or transgender status. Our organisation will not tolerate any form of unlawful discrimination.

All employees, whether part time, full time or contract, will be treated fairly and equally and selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

### OUR COMMITMENT:

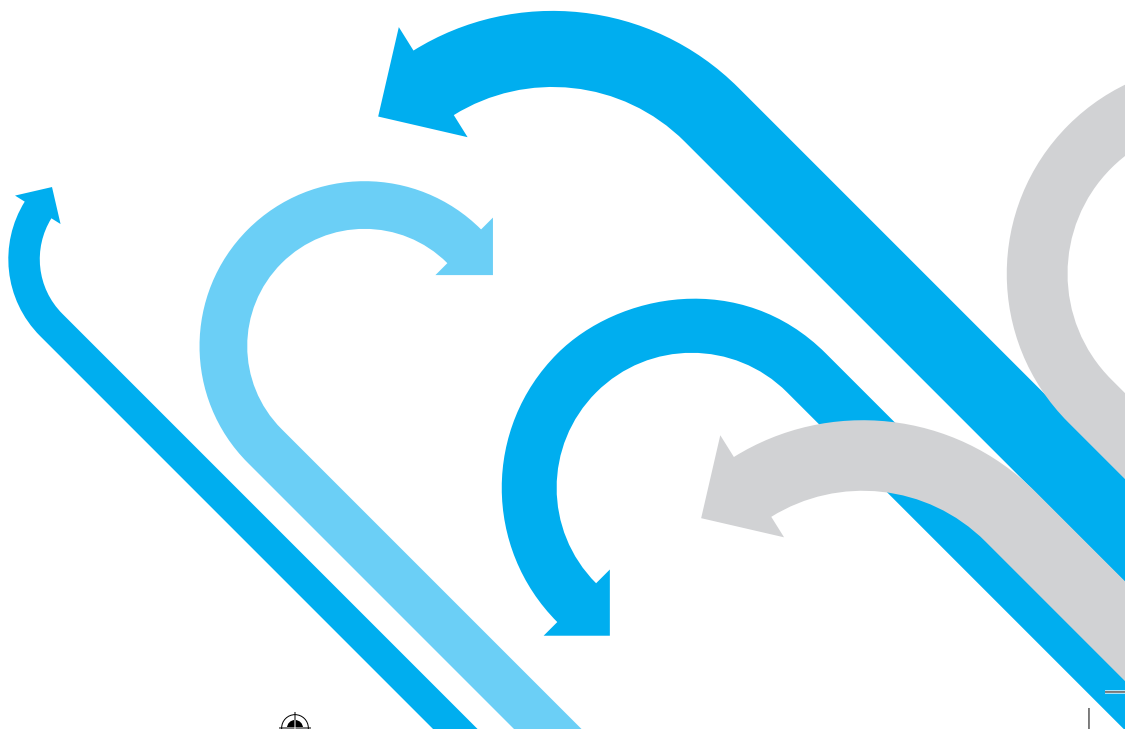
As an employee of [...] you can expect:

- To be treated fairly and without discrimination during your employment with [...], commencing with the recruitment process, with access to secondments and promotions based on merit.
- To be fairly appraised and rewarded for your personal contribution to the business, taking into account internal and external comparisons and affordability.
- To work in a healthy and safe environment free from hazards, harassment and discrimination.
- To access opportunities for training and development to enable you to develop your full potential.
- To be supported in balancing your work and home life commitments and to have your request considered objectively in line with business needs.
- To be treated with dignity and respect in a fair and consistent manner in an environment where inappropriate behaviour is not acceptable.

[...] is committed to promoting equality for all. Therefore if you believe you have been subject to discrimination in employment which is in direct conflict with our commitment to equality of opportunity, you should consider raising this with your line manager or trying to resolve it yourself. Alternatively, consider registering a complaint through the agreed grievance procedures.

As an employee you also have a responsibility to treat others with dignity and respect. If you have been found to have acted in a discriminatory manner, appropriate disciplinary procedures will apply.

We are committed to monitoring the effectiveness of the diversity policy through the [include details here of whatever process your organisation has to monitor workforce policies].





## MANAGERS CHECKLIST

- Become familiar with changes to any HR policies or benefits as a result of the recent law reforms and any changes to anti-discrimination legislation
- Challenge homophobic attitudes and statements immediately, making it known that any derogatory statements or discriminatory attitudes do not reflect the organisations values and will not be tolerated within your team
- Visibly support LGBT staff
- Respect confidentiality and sensitivity around sexual orientation / gender diversity
- Encourage any "out" LGBT employees to bring their partners/families to company events
- Support your LGBT employer network, try to attend a couple of meetings if you can
- Be a role model for organisational values and inclusion to your colleagues and senior managers by being openly supportive of diversity and your LGBT employees
- Encourage employees to attend any diversity training
- Attend any Pride and Diversity seminars to ensure that you are up to date and aware of LGBT issues and current best practice.



## DEFINITION OF TERMS

<b>Affirming Gender</b>	The process of adopting a way of life or body that matches a person's sense of their gender.
<b>Bisexual</b>	A person who is sexually and emotionally attracted to people of both sexes.
<b>'Coming out'</b>	The process through which an individual comes to recognize and acknowledge (both to self and to others) his or her sexual orientation / gender identity / intersex status.
<b>Cross-dresser</b>	A person who has an emotional need to express their alternate gender identity and be accepted in that role on a less permanent basis.
<b>Cultural competence / awareness / sensitivity</b>	Minority sexual orientation and gender encompass cultural issues as they often convey specific values and social affiliations.
<b>Gay</b>	Usually a man whose primary emotional and sexual attraction is towards other men and who chooses to identify as gay. Although the term is most commonly applied to men, some women use this term.
<b>Gender Identity</b>	A person's sense of identify defined in relation to the categories male and female. Some people may identify as both male and female while others may identify as male in one setting and female in another. Others identify as androgynous or intersex without identifying as female or male.
<b>Heterosexism</b>	The belief that everyone is, or should be, heterosexual and that other types of non-heteronormative sexualities or gender identities are unhealthy, unnatural and a threat to society. Heterosexism includes both homophobia and transphobia and a fear of intersex people who challenge the heterosexist assumption that there are only two sexes.
<b>Homophobia</b>	The fear and hatred of lesbians and gay men and of their sexual desires and practices.
<b>Internalised homophobia</b>	The internalization by lesbians and gay men of negative attitudes and feelings towards homosexuality.
<b>Internalised transphobia</b>	The internalization of transgender people of negative attitudes and feelings towards transgenderism.
<b>Intersex</b>	A biological condition where a person is born neither exclusively male nor female. The previous term for intersex was hermaphrodite.
<b>Lesbian</b>	A woman whose primary emotional and sexual attraction is towards other women and who chooses to identify as lesbian.
<b>LGBTI</b>	Acronym for Lesbian, Gay, Bisexual, Transgender and Intersex
<b>Men who have sex with men</b>	Men who engage in sexual activity with other men, but who do not necessarily self-identify as gay or bisexual.
<b>Queer</b>	This term is mostly used by a relatively small group of younger people who claim to reject notions of identity. Is also used on occasion as an umbrella term that includes a range of alternative sexual and gender identities, including gay, lesbian, bisexual and transgender, but may not always be a palatable term for those within this group.
<b>Same-sex attraction</b>	Attraction towards people of one's own gender. The term has been used particularly in the context of young people whose sexual identity is not fixed, but who do experience sexual feelings towards people of their own sex.
<b>Transgender</b>	A person who identifies with the gender other than the one to which they were assigned at birth or soon after. The terms male-to-female and female-to-male are used to refer to individuals who are undergoing or have undergone a process of gender affirmation.
<b>Transphobia</b>	Fear and hatred of people who are transgender.
<b>Transsexual</b>	A term which is falling into disuse because it is too often assumed to denote a form of sexuality (by parallel with 'heterosexual', 'homosexual', 'asexual' and 'bisexual'. The term is generally being subsumed by 'transgender' which more accurately describes the process of change.
<b>Women who have sex with Women</b>	Women who engage in sexual activity with other women, but who do not necessarily self-identify as lesbian or bisexual.

Reference: Adapted from *Well Proud, A guide to gay, lesbian, bisexual, transgender and intersex inclusive practice for health and human services*. Ministerial Advisory Committee on Gay, Lesbian, Bisexual, Transgender and Intersex Health and Wellbeing. Department of Health, Melbourne, Victoria (2009).

## CONTACT POINTS

### PRIDE IN DIVERSITY

9 Commonwealth Street,  
SYDNEY, NSW 2000  
PO Box 350  
DARLINGHURST, NSW 1300  
Telephone: (02) 9206 2136  
TTY: (02) 9283 2088  
Facsimile: (02) 9206 2002  
Web: [www.prideindiversity.com.au](http://www.prideindiversity.com.au)  
Email: [info@prideindiversity.com.au](mailto:info@prideindiversity.com.au)

### FAIR WORK OMBUDSMAN

GPO Box 9887  
In your capital city  
Infoline: 13 13 94 (8am - 6pm, Mon-Fri)  
TTY: 1800 555 677  
and ask for 13 13 94  
Web: [www.fairwork.gov.au](http://www.fairwork.gov.au)

### AUSTRALIAN HUMAN RIGHTS COMMISSION

Level 8, Piccadilly Tower  
133 Castlereagh Street  
SYDNEY NSW 2000  
Postal Address:  
GPO Box 5218  
SYDNEY NSW 2001

General enquiries: (02) 9284 9600  
Complaints Infoline: 1300 656 419  
General enquiries and publications:  
1300 369 711  
TTY: 1800 620 241  
Facsimile: (02) 9284 9611  
SMS: 0488 744 487  
Web: [www.humanrights.gov.au](http://www.humanrights.gov.au)  
Email: [complaintsinfo@humanrights.gov.au](mailto:complaintsinfo@humanrights.gov.au)  
For workplace related enquires send an email to:  
[employers@humanrights.gov.au](mailto:employers@humanrights.gov.au).  
For further information about the Commission's Publications send an email to: [publication@humanrights.gov.au](mailto:publication@humanrights.gov.au).

### ACT HUMAN RIGHTS COMMISSION

Level 4, 12 Moore St  
Canberra City ACT 2601  
GPO Box 158  
CANBERRA ACT 2601  
Telephone: (02) 6205 2222  
TTY: (02) 6207 1034  
Facsimile: (02) 6205 1666  
Web: [www.hrc.act.gov.au/](http://www.hrc.act.gov.au/)

### ANTI-DISCRIMINATION BOARD OF NEW SOUTH WALES

Level 4, 175 Castlereagh Street  
Sydney NSW 2000  
PO Box A2122  
SYDNEY SOUTH NSW 1235  
Telephone: (02) 9268 5555  
Toll free: 1800 670 812  
(within NSW only)  
TTY: (02) 9268 5522  
Facsimile: (02) 9268 5500  
Web: [www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb)

### ANTI-DISCRIMINATION COMMISSION OF QUEENSLAND

Level 17, 53 Albert Street  
BRISBANE QLD 4000  
PO Box 15565  
City East QLD 4002  
Telephone: (07) 3247 0900  
Toll free: 1300 130 670  
Facsimile: (07) 3247 0960  
Web: [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)

### EQUAL OPPORTUNITY COMMISSION WESTERN AUSTRALIA

2nd floor, 141 St George's Terrace  
PERTH WA 6000  
Telephone: (08) 9216 3900  
Toll free: 1800 198 149  
TTY: (08) 9216 3936  
Facsimile: (08) 9216 3960  
Web: [www.equalopportunity.wa.gov.au](http://www.equalopportunity.wa.gov.au)

### NORTHERN TERRITORY ANTI-DISCRIMINATION COMMISSION

7th floor, 9-11 Cavenagh Street  
DARWIN NT 0800  
Locked Mail Bag 22  
GPO DARWIN NT 0801  
Telephone: (08) 8999 1444  
TTY: (08) 8999 1466  
Toll free: 1800 813 846  
Facsimile: (08) 8981 3812  
Web: [www.nt.gov.au/ad/](http://www.nt.gov.au/ad/)

### OFFICE OF THE ANTI-DISCRIMINATION COMMISSION (TASMANIA)

Level 1, 54 Victoria Street  
Hobart Tas 7000  
Telephone: (03) 6233 4841  
Statewide Local Call: 1300 305 062  
Facsimile: (03) 6233 5333  
TTY: (03) 6223 6234  
Web: [www.antidiscrimination.tas.gov.au](http://www.antidiscrimination.tas.gov.au)

### SOUTH AUSTRALIA EQUAL OPPORTUNITY COMMISSION

Level 10, 30 Currie St  
Adelaide SA 5000  
GPO Box 464  
ADELAIDE SA 5001  
Telephone: (08) 8207 1977  
Toll free: 1800 188 163  
TTY: (08) 8207 1911  
Facsimile: (08) 8207 2090  
Web: [www.eoc.sa.gov.au](http://www.eoc.sa.gov.au)

### VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION

3rd floor, 380 Lonsdale Street  
MELBOURNE VIC 3000  
Telephone: 1300 891 848  
TTY: 1300 289 621  
Facsimile: 1300 891 858  
Web: [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

### WEAR IT WITH PRIDE

In 2008 the Federal Government changed 85 laws to give same-sex couples in a de facto relationship or registered relationship the same rights as de facto opposite-sex couples. The Wear It With Pride Website provides important information for people in a same-sex relationship in the area of public office, parenting, the workplace, relationships, social security, financials, health & ageing and immigration.  
Web: [www.wearitwithpride.com.au](http://www.wearitwithpride.com.au)

### ACON

ACON is Australia's largest community-based gay, lesbian, bisexual and transgender (LGBT) health and HIV/AIDS organisation.  
Web: [www.acon.org.au](http://www.acon.org.au)



### GAY AND LESBIAN COUNSELLING SERVICE OF NSW

Gay and Lesbian Counselling Service of NSW (GLCS) is a volunteer based community service providing free, anonymous and confidential telephone counselling, information and referral services and support groups for gay men, lesbians, bisexual and transgender persons (LGBT) throughout New South Wales (NSW) on sexuality and life issues.  
Web: [www.glcsnsw.org.au](http://www.glcsnsw.org.au)

### PARENTS AND FRIENDS OF LESBIANS AND GAYS (PFLAG)

PFLAG is a non-profit voluntary organisation whose members have a common goal of keeping families together. PFLAG is here to give help, support and information to families, friends of all gay people.  
Web: [www.pflagaustralia.org.au](http://www.pflagaustralia.org.au)

### INNER CITY LEGAL CENTRE

Inner City Legal Centre (ICLC) is a specialist legal service for anyone who is gay, lesbian, bisexual, transgender or intersex in NSW. ICLC provides legal advice on employment discrimination and a range of other legal issues.  
50-52 Darlinghurst Rd  
Kings Cross NSW 2011  
PO Box 25  
Potts Point NSW 1335  
Telephone: (02) 9332 1966  
Facsimile: (02) 9360 5941  
Email: [iclc@idc.org.com](mailto:iclc@idc.org.com)  
Web: [www.iclc.org.au](http://www.iclc.org.au)





## THE GENDER CENTRE

The Gender Centre is committed to developing and providing services and activities which enhance the ability of people with gender issues to make informed choices.

The Gender Centre is a welfare, support, and information service funded to support transgender people, their family and friends. We are funded by Community Services and the Department of Health to support people across the entire state of NSW. In practical terms the Gender Centre offers an array of services to the transgender and gender questioning community which includes:

- Accommodation in refuge housing (17 beds)
- Counselling (free service and phone counselling is available to people in rural and regional NSW)
- Outreach to inmates in NSW correctional centres
- Outreach to the sex workers in metropolitan and central Sydney
- Advocacy
- Social events such Wednesday Night Drop In
- Needle exchange and safe sex supplies
- Community case management to people residing within NSW
- Workshops and information days for transgender people on issues ranging from self defence to HIV and Hep C
- Education and training to employers and service providers who work with transgender people
- Production of a quarterly magazine: "Polare" which is available free of charge
- An selection of books and information available through the Gender Centre's library for people to utilise
- Information via the website for transgender people, their families and friends, the community, employers and service providers.

### TRAINING

The Gender Centre offers training to employers about issues in the workplace for transgender employees as well as support and training when a person chooses to transition in the workplace.

These training sessions range from a brief 1 hour workshop to longer programs. Each program is tailored to suit the individual employer/ organisation and includes handouts and information resources made available to the workplace so they can share the information across the organisation.

### SOME GENERAL POINTERS THAT ARE DISCUSSED IN THE TRAINING INCLUDE:

There is a need of open and honest communication between the employee who is transitioning and the employer which identifies the time frame in which the transgender person envisages their transition occurring, strategies for informing other relevant people in the work place, strategies to encompass training in the workplace should the employers deem it necessary and lastly strategies for managing harassment and inappropriate behaviour in the workplace around acceptance of the transgender employee.

Understanding from the employer about the expectation that all diversity is respected in the workplace.

Clear understanding of the dress code for the person transitioning, especially if a uniform is part of the position. This means acknowledging that the same dress codes apply to all people of the same identified gender in the workplace; e.g. for men and trans-men the dress code will be the same: closed shoes, collared shirt, no jeans.

Use of appropriate pronouns: it is not acceptable to refer to a transgender woman as "mate", "buddy" or "pal". Nor is it acceptable to refer to a trans-man as "she", "girly", "miss". And it is unacceptable to refer to any transgender person as "it", or "shim" or any other derogatory pronoun. The pronouns associated with a person's identified gender are the ones that are expected to be utilised at all times.

Clarification around the use of the company's amenities is always important as people often have concerns. It is acceptable for a transgender woman to use the ladies toilets.

There are specific legislative codes that support transgender people in the workplace

such as anti discrimination laws and EEO legislation. All employers are expected to adhere to the guidelines of these laws.

The Gender Centre also offers advice to employers when they are seeking information on how best to manage specific situations in the workplace. There are a number of staff employed at the Gender Centre with HR skills and training who have the added insight of a greater understanding of the needs of transgender employees. It is free for employers to contact the Gender Centre to seek out information pertaining to particular situations.

### POLARE

To access a free copy of Polare contact the Gender Centre and ask for the resources worker. All social events are advertised in the magazine.

### OUTREACH

The Gender Centre does have some specialist outreach case management times. Contact the Gender Centre to find out a time that the case work team is in location close to you.

### CONTACT:

#### The Gender Centre

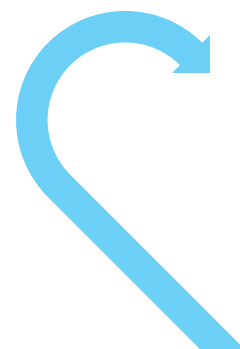
7 Bent St  
Petersham, NSW 2049  
Phone number: (02) 9569 2366  
Fax Number: (02)9569 1176  
For rural and regional NSW there is a free call number: 1800 069 115  
Web: [www.gendercentre.org.au](http://www.gendercentre.org.au)

### OPENING HOURS

The Gender Centre is open from 9am to 4.30pm Monday to Friday.

The office is closed from 1-2 pm everyday.

Drop in is on a Wednesday Night from 5pm-8pm and dinner is provided.



## PRIDE IN DIVERSITY

### *What is the Pride in Diversity program?*

Pride in Diversity is Australia's first LGBT Workplace Equality Program, modeled on international leading edge programs:

Diversity Champions Program, Stonewall (UK), and the Corporate Equality Index, Human Rights Campaign (US).

### *This membership based program aims to:*

- Assist Diversity and HR professionals in the area of LGBT inclusive strategies, awareness, employee network/resource group implementation, advice, support and training.
- Facilitate continuous improvement in regard to LGBT inclusivity within the Australian workplace diversity agenda, thereby positively impacting employer practices and policies towards LGBT employees.
- Promote leading LGBT employers for their inclusive workplace culture.
- Provide LGBT Australians with information on leading practices and policies of prospective employers.
- Contribute through business to the social inclusion agenda in Australia.
- Promote health and well-being of LGBT employees by creating inclusive workplaces and minimising mental health issues associated with stigma and discrimination.

### *It has been specifically designed to assist Diversity and HR professionals with:*

- The support, guidance, resources and research they need to successfully incorporate LGBT initiatives into their diversity strategy.
- The LGBT expertise needed to create an all-inclusive, leading edge diversity practice that is inclusive of all diverse groups, not just those traditionally based on gender, race, age and disability.

### *Who runs the Pride in Diversity program?*

The Pride in Diversity program has been set up in Australia via a joint partnership between ACON, Australia's largest community-based LGBT health and HIV/AIDS organisation, Diversity Council Australia (Australia's independent body of expertise on diversity) and Stonewall UK.

In addition to ACON, Diversity Council Australia and Stonewall UK, a small group of foundation members play an instrumental role in aligning the deliverables of the program to the needs of Australian workplaces. Stonewall UK, a partner of this program via its Diversity Champions forum, provides ongoing valuable insight and guidance in relation to the program offerings along with expertise in relation to the set up of the Australian Workplace Equality Index. differences lead to diversity of thought which is required for the innovation we need for our clients."



## BACKGROUND TO PRIDE IN DIVERSITY

The Pride in Diversity program is an employer membership forum for LGBT equality and diversity issues in the workplace. It is a partnership of ACON, Diversity Council Australia (DCA) and Stonewall UK, which welcomes members from the private, public and community sectors.

Its aims are to:

- facilitate and share good practice with employers in relation to LGBT people in the workplace
- promote leading LGBT employers
- inform LGBT people about the businesses of choice for them, and
- contribute through business to the social inclusion agenda for Australia.

## BENEFITS OF JOINING PRIDE IN DIVERSITY

- A dedicated client account manager to provide support and advice and ensure you maximise the benefits of the program
- Three good practice seminars annually to discuss topical issues and share good practice across employers
- High quality LGBT awareness raising training to help make your workplace fully inclusive
- Members-only web site with resources, e-forums and a quarterly e-bulletin to keep you up to date and connected
- Targeted recruitment and marketing to the LGBT community via members-only job pages on our website
- Optional free entry in to the Australian equality index with a tailored feedback meeting, benchmarking data and program support for continuous improvement
- Exclusive use of the Pride in Diversity logo to promote your work to the LGBT community
- Exclusive networking opportunities with diversity professionals and across the LGBT community
- A 25% discount on other training programs, including tailored programs to meet your needs and anti-bullying workshops led by our experts
- Membership helps build your brand reputation and leadership on diversity

- Nomination of an LGBT Network Leader within your organisation to represent your internal LGBT community.

## THE BUSINESS CASE FOR A DIVERSITY STRATEGY THAT INCORPORATES LGBT INITIATIVES

### Same Sex Legislation

The Rudd Government's decision to remove practical discrimination against same-sex relationships represents a significant change in the legislative and social environment for lesbian, gay and bisexual people in this country. As a modern, pluralistic society, Australia is becoming increasingly tolerant and accepting of sexuality and gender diversity.

Lesbian, gay, bisexual and transgender (LGBT) people are part of every sector of the Australian workforce. Until recently, recognition of sexuality and gender diversity at work has fallen within the framework of anti-discrimination and equal opportunity practices. However, as employers seek to gain a competitive advantage in the labour market, there is a growing recognition of the value in adopting workplace policies which go further by not only valuing diversity; but engaging with the needs of LGBT employees.

Overseas, LGBT organisations have established programs to promote equality and diversity best practice in relation to LGBT staff amongst employers. The two leading models are the Diversity Champions program run by Stonewall UK and the Corporate Equality Index, which is published every year by the US-based Human Rights Campaign. The two differ in that Diversity Champions is a membership-based program which recognises leading LGBT-friendly employers in the UK and provides them with a range of ongoing services and support, while the Corporate Equality Index lists how LGBT-friendly large US corporations are in relation to their employees, customers and investors.

The Pride in Diversity program has been designed to provide all the support of the Diversity Champions program and in addition, launch the Australian Workplace Equality Index, Australia's first measure and benchmark of LGBT inclusive workplaces.

## Brand and Markets

Working with and promoting your alliance with a LGBT inclusive program such as Pride in Diversity, you can:

Promote your brand and inclusive culture:

- Be recognised as an inclusive employer that incorporates LGBT in a leading edge diversity strategy.
- 74% gay and 42% straight consumers are less likely to buy products from organisations holding negative views of lesbian and gay people (Harris Interactive).
- The new workforce (Gen Y and beyond) are increasingly discerning about potential employers and their diversity track record.

Capture profitable niche markets – attracting the “pink dollar”

- Australian gay and lesbian households control an estimated annual disposable income of \$10 billion (The A to Z of the pink dollar, The Age, 2004).
- 47% of LGBT consumers (as opposed to 18% of heterosexual consumers) are more likely to make a purchasing decision based on their awareness of a company's diversity policies (Winfield, 2005).
- LGBT consumers have high levels of brand loyalty and are increasingly focused on the ethical standards of corporations.
- LGBT employee representation and inclusion can help align product and service offerings to LGBT consumers and investors providing valuable insight into the market.





## Workplace Productivity, Retention and Engagement

- 2 in 5 lesbian and gay staff facing discrimination will change careers if discrimination continues (Irwin, University of Sydney, 2001).
- 50% of LGBT employees would feel more committed and loyal to employers who introduce LGBT diversity policies and programs (Same Same : The Gay Census, 2008).
- Employees who feel that they are able to be "out" in an inclusive culture tend to be more productive; this is reflected in career development and remuneration.
- LGBT individuals who report higher levels of discrimination are more likely to have negative work attitudes and fewer promotions (Ragins & Cornwell, 2001).
- People perform better when able to be themselves at work one third of gay staff conceal their sexual orientation from their employers and co-workers (Same Same, The Gay Census, 2008).

## Risk Mitigation

- Minimise labour costs associated with complaint resolution absenteeism and staff turnover.
- 53% lesbians and gay men experience workplace harassment and discrimination.
- 50% experience homophobic remarks /jokes in the workplace.
- 28% experience aggressive or unwelcome questions about their status.
- 22% report being "outed" in the workplace against their will.
- 17% report having restricted career due to their homosexuality.
- Minimise mental health issues within the LGBT community and your employee base due to stigma and discrimination.
- Reduce risk of litigation - \$125,000 average cost to manage serious external complaint (DCA, 2008). Negotiated damages awarded have exceeded \$1M. being "outed" in the workplace against their will.
- Reduce risk of reputation damage (US Dept Labour found share price drops within 24 hours of complaint going public).

## WHAT THIS MEANS FOR AUSTRALIAN WORKPLACES

Being positive towards LGBT employees is the ultimate litmus test for an inclusive culture and takes an Australian diversity strategy to the next level by ensuring that workplaces are inclusive of all employees, regardless of race/ethnicity, gender, age, sexual orientation, disability or religion. While LGBT is an assumed agenda item on most progressive diversity strategies in the US and UK, it is still relatively new to Australia.

As a result, there are not a lot of practitioners who have the experience or expertise to assist diversity and HR executives with the implementation of LGBT related strategies, or that offer specific LGBT advice and support. This program provides Australian employers with that support.

The Pride in Diversity program has been designed to assist you in strengthening your brand and reputation as an inclusive employer by providing you with the expertise and support required to implement or strengthen the LGBT component of your diversity strategy.

## Benefits of the PRIDE IN DIVERSITY Program

Members of the Pride in Diversity program will receive the following benefits::

- A dedicated account manager to provide organisational support in relation to LGBT issues, ensuring you maximise the benefits of the program.
- Invitation to three good practice seminars annually to discuss topical issues and share good practice across employers.
- A high quality LGBT awareness training session at your premises to help you make your workplace fully inclusive.
- Members-only website with resources, e-forums and a quarterly e-bulletin to keep you up to date and connected.
- Targeted recruitment and marketing to the LGBT community via members-only job pages on our website.
- Optional entry into the Australian

Workplace Equality Index with a tailored feedback meeting, benchmarking data and program support for continuous improvement.

- Exclusive use of the Pride in Diversity logo to promote your active participation in the program.
- Exclusive networking opportunities with diversity professionals and the LGBT community.
- A 25% discount on other training programs, including any tailored programs to meet your needs (ie anti-bullying).
- An opportunity to build your brand reputation and leadership on diversity.
- Nomination of an LGBT Network Leader within your organisation to represent your internal LGBT community. This person will receive a dedicated LGBT related newsfeed, have access to support and advice from the Pride in Diversity program and will be our contact for co-ordination of company participation in LGBT networking events.





## THE AUSTRALIAN WORKPLACE EQUALITY INDEX

In conjunction to the Pride in Diversity offering, you will have the opportunity to participate in the Australian Workplace Equality Index.

The Australian Workplace Equality Index will be the first index of its kind in Australia. Based on the Stonewall Workplace Equality Index (WEI) in the UK and the Corporate Equality Index (CEI) in the US, this index will be localised to measure the inclusivity of Australian workplaces towards their LGBT employees.

The highly successful LGBT equality programs in the US and UK have demonstrated their value with large employers eager to rate, as a measure of their overall support of all diverse populations. Employers participate in the index not just because it is the "right thing to do", but because of the clear competitive advantage that can be gained from participation in such a program and Index.

Australian organisations will be able to participate in the index for a nominal fee. Members of the Pride in Diversity program will be able to participate free of charge. The Index is currently under development with the first expected intake late 2010/early 2011.

## Stonewall's Workplace Equality Index (UK)

*"I am delighted that Lloyds TSB has been rated the top employer in the UK for lesbian, gay and bisexual (LGB) people in the 2009 Index. Sexual orientation has been a key diversity priority for Lloyds TSB for a number of years and this accolade is a testament to our progress and commitment to this agenda"*

Eric Daniels, Group Chief Executive, Lloyds TSB

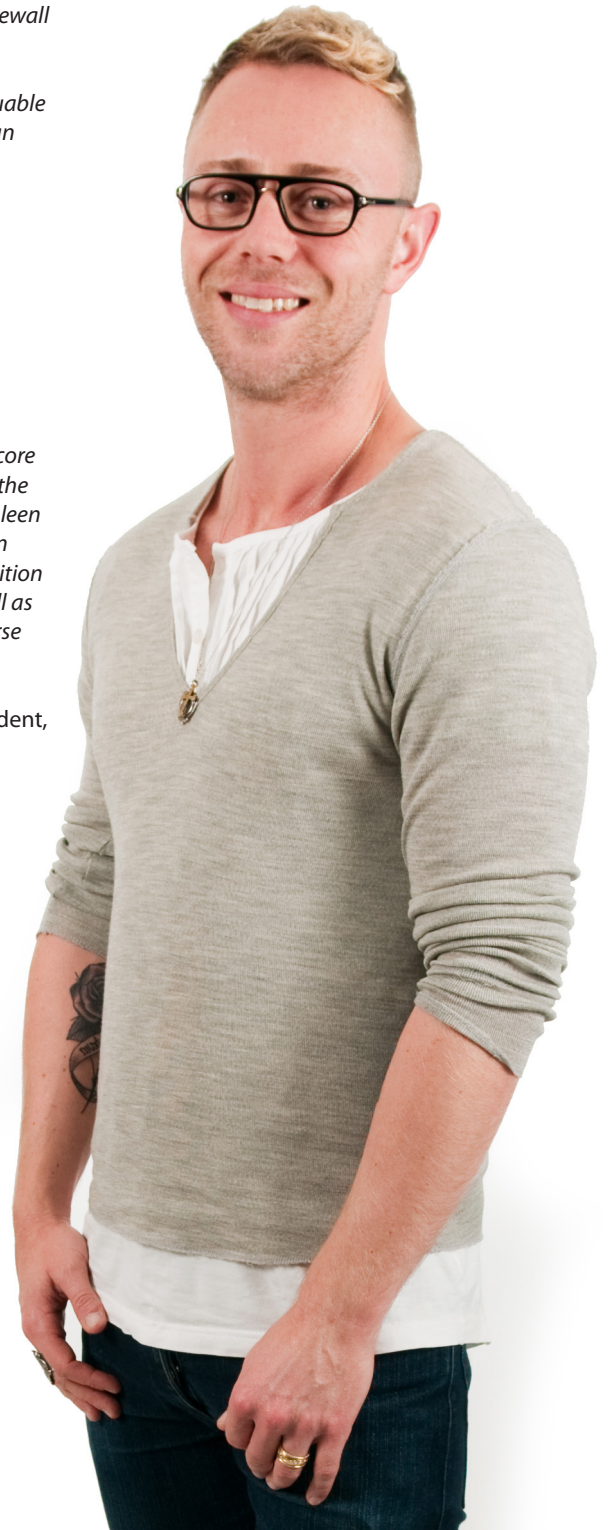
*"It is recognition of our hard work and the importance that Simmons & Simmons has attached to the LGBT issues that not only have we been listed in the Stonewall Top 100 Employers for the first time, but also named the most improved employer. The Index has been invaluable in highlighting areas in which we can improve, and has provided us with guidance in all areas of diversity."*

David Dickinson, Senior Partner, Simmons & Simmons

## Corporate Equality Index (US)

*"MetLife is proud to earn a perfect score on the Corporate Equality Index for the seventh consecutive year," said Kathleen Henkel, senior vice president, human resources, MetLife. "It's great recognition of our open, inclusive culture, as well as our deep understanding of the diverse communities we serve"*

Kathleen Henkel, Senior Vice President, Human Resources, MetLife



**PRIDE IN DIVERSITY****KEY CONTACT DETAILS****MORE INFORMATION**

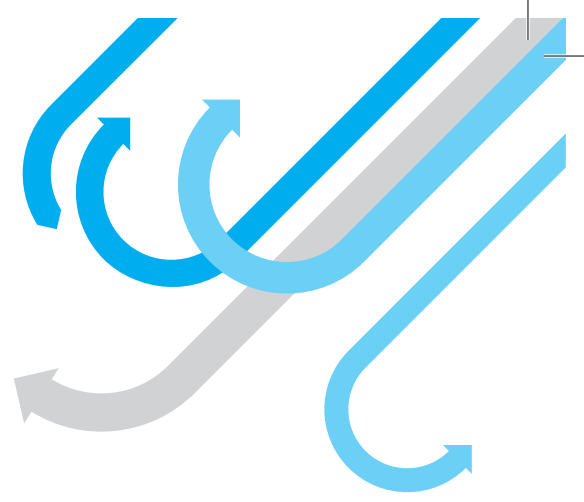
For more information about membership to the Pride in Diversity program, please contact:

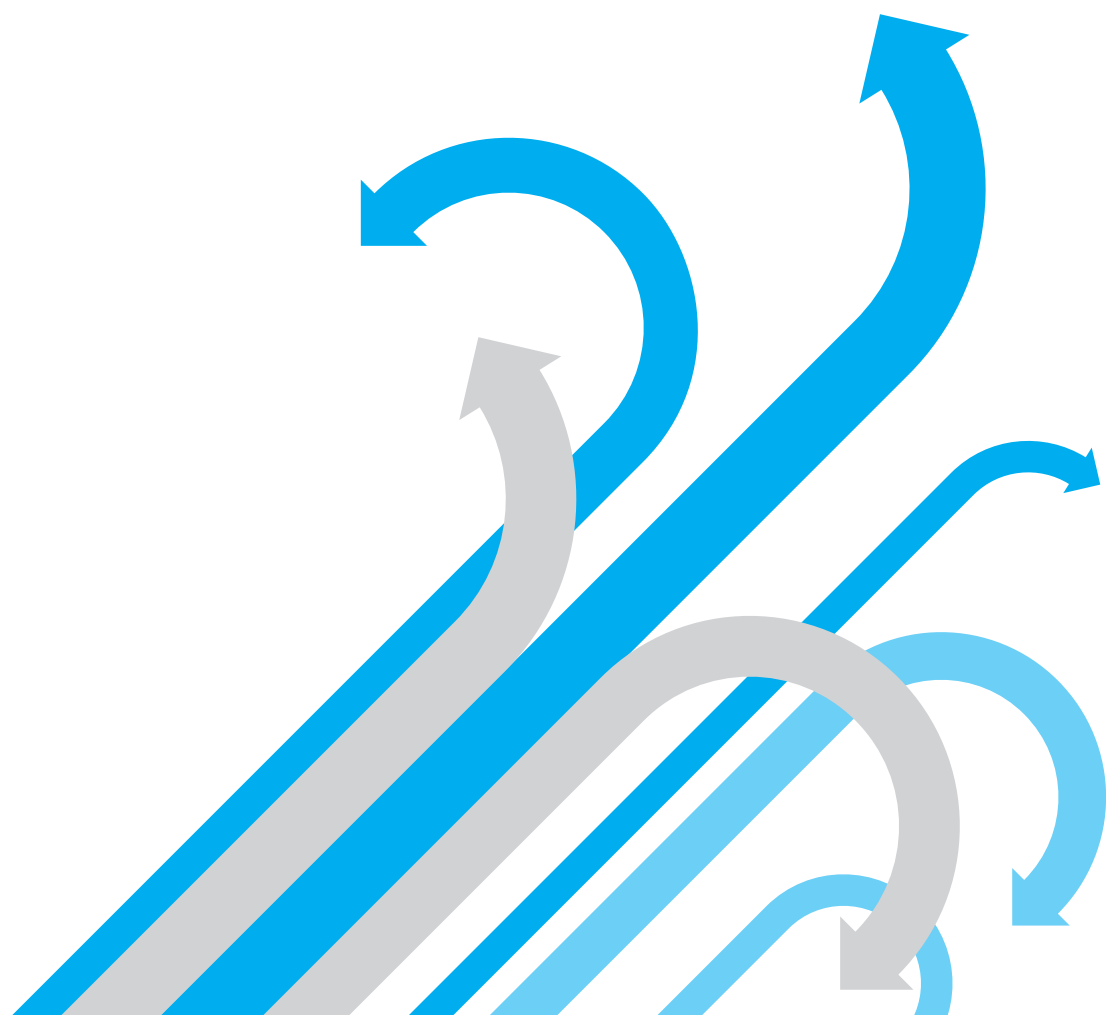
**Dawn Hough**  
**Program Director - Pride in Diversity**

Telephone: (02) 9206 2136  
Mobile: 0409 887 212  
Email: [dhough@acon.org.au](mailto:dhough@acon.org.au)  
Web: [www.prideindiversity.com.au](http://www.prideindiversity.com.au)

PO Box 350  
DARLINGHURST 1300  
Tel: (02) 9206 2136  
Fax: (02) 9206 2002  
Hearing Impaired: (02) 9283 2088  
Email: [info@prideindiversity.com.au](mailto:info@prideindiversity.com.au)







# prideindiversity®

