

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

DO ASK, DO TELL

Capturing data on
sexual orientation
and gender identity
globally

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FOREWORD

Stonewall is here to let all lesbian, gay, bi and trans people, here and abroad, know they're not alone. Our work with global employers is integral to this mission. Employers working across the world can have an enormous impact on the well-being of their LGBT employees, particularly in countries where LGBT people face persecution or where discrimination against them is sanctioned.

For employers who want to create inclusive environments, where every one of their employees is performing at their best, data monitoring is an integral tool. It gives organisations a deeper insight into the impact of their work practices and policies. It can reveal what work life is like for LGBT people and identify the hidden barriers they may face. The benefits that LGBT data capture exercises can reap for both the employee and the employer are far-reaching.

Monitoring exercises can also send powerful signals of alliance with your LGBT employees. It lets them know that you are thinking of them. It lets them know that they are not alone.

In some countries, including the UK, capturing LGBT data is common business practice and is well supported in the law. However, this is not always the case. For countries where having same-sex relationships is illegal or trans identities are not protected, collecting such sensitive data can seem daunting – Can we ask? Should we ask? How do we ask? – are common questions.

We have created this guide to address these questions and offer a clear, step-by-step approach to capturing data globally. This is the fifth guide of its kind in our global best practice series.

We believe we're stronger united, and partnering with organisations helps us to create real change for the better. Through our Global Diversity Champions programme, we advise our partners on how to create workplaces where LGBT people can flourish, and facilitate the sharing of best practice across businesses.

We would like to thank AIG, Barclays, Citi, EY, IBM, RBS and State Street for sharing their experience as case studies in this guide. We hope that this resource enables more organisations to start their journey towards capturing LGBT data and creating workplaces where LGBT people are accepted without exception, wherever they are in the world.

Ruth Hunt
Chief Executive, Stonewall

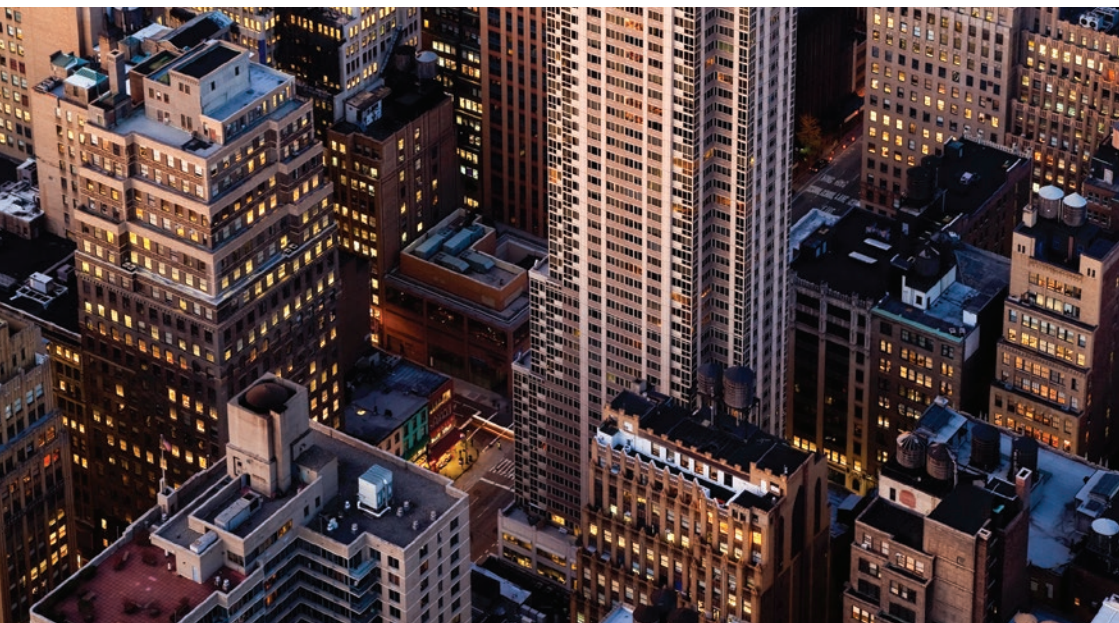


INTRODUCTION

Stonewall works in partnership with organisations to champion lesbian, gay, bi and trans equality and inclusion in the global workplace. The best employers work towards workplace equality wherever they operate while being mindful of different local contexts. Capturing data on sexual orientation and gender identity is a strong tool for championing LGBT equality and inclusion. It helps employers measure their success and enables them to identify the strategies that work well and those that do not, in any particular location.

While UK-based organisations are increasingly introducing this form of monitoring, there is sometimes hesitancy about doing this in other countries. Organisations fear that it may be illegal or culturally inappropriate. This guide offers detailed, practical advice on how to overcome these uncertainties, and how to introduce LGBT data collection systems where it is legal and appropriate to do so.

The guide explores the benefits of data capture and outlines the different forms it can take. Committed organisations also share their experiences and best practice through detailed case studies, providing practical examples of how employers can introduce LGBT data collection systems across their global footprints.



A photograph of a modern glass skyscraper with a person in the foreground. The building's facade is composed of a grid of glass panels, reflecting the sky and surrounding environment. The person in the foreground is out of focus, wearing a light-colored shirt. The overall scene is brightly lit, suggesting daytime.

CHAPTER 1

THE CASE FOR LGBT DATA COLLECTION

WHAT IS LGBT DATA?

Many employers have long captured data on their employees' gender and ethnicity to understand their workforce, evaluate and improve recruitment and retention and meet legal requirements.

Collecting LGBT data involves asking employees about their sexual orientation and gender identity. This may be through anonymous staff satisfaction and engagement surveys or at the recruitment, promotion or exit stages of the employee cycle. LGBT data may also be collected to be attached to an employee's HR records.

Collecting this data is not the same as encouraging LGBT employees to be open about their sexual orientation or gender identity. LGBT employees may confidentially or anonymously answer data questions, even though they are not out in the workplace.

WHY COLLECT DATA ON SEXUAL ORIENTATION AND GENDER IDENTITY?

LGBT data tells organisation about the number of LGBT employees and how their experiences compare to those of their colleagues.

Employers can assess job satisfaction among LGBT staff or identify barriers to their career development. For example, barriers may include the fear that coming out will prevent LGBT employees being given international assignments. In essence, data helps identify opportunities to develop targeted initiatives to improve the workplace for LGBT employees.

WHY GLOBALLY?

Capturing LGBT data across an organisation's global operations enables employers to compare results in different countries and regions. This encourages the sharing of experiences, while also identifying what works and what does not in any specific location. It is best to take into account social, cultural and legal differences regarding LGBT equality in the countries under comparison. By continuing to collect LGBT data, employers can find out whether targeted actions have had any measurable impact.

WHAT ARE THE BENEFITS?

Several elements form a strong business case for capturing LGBT data:

UNDERSTAND STAFF BETTER Employers can take targeted action if they understand the proportion of LGBT people in their workplace and the roles in which they are most represented. Identifying specific problems and barriers faced by LGBT employees can further inform actions to maximise the potential of LGBT employees.

IMPROVE EFFICIENCY Using LGBT data means that any initiatives undertaken to create inclusive workplaces are based on evidence rather than assumptions. This will increase their likelihood of success.

ENHANCE CREDIBILITY Publishing data to show that initiatives have improved the workplace for LGBT people enhances the reputation of an employer.

SEND A SIGNAL TO LGBT PEOPLE Collecting LGBT data lets LGBT employees know their experiences are taken seriously and can positively impact staff motivation and performance.

RESPOND TO LOCAL NEEDS Organisations can undertake targeted and culturally sensitive actions that respond to the local needs of LGBT employees. This can also prevent criticism that such actions are imposed from foreign head offices.

CHAPTER 2

APPROACHES TO COLLECTING LGBT DATA



There may be challenges to collecting LGBT data in some regions. It may be inappropriate or unsafe for individuals to disclose their sexual orientation or gender identity in data monitoring exercises, or there could be legal restrictions on collecting LGBT data. It is best to incorporate flexibility into global data collection systems to ensure questions are only asked where it is appropriate and safe to do so.

LGBT data can be collected at different stages of the employment circle and in a number of ways. Sometimes one form of data collection works in one country, while another works elsewhere. This does not mean that one is a replacement for another. Various methods can be used alongside each other to find out different things about a workforce.

This chapter outlines three approaches to global LGBT data monitoring:

- Attaching data to confidential HR records
- Anonymous staff satisfaction surveys
- Snapshots of employees

All three approaches have limitations as not everyone feels comfortable disclosing their sexual orientation or gender identity in data collection exercises. However, mindfully worded questions and good communication can increase the disclosure rate. These are explored in chapters four and five.

ATTACHING DATA TO CONFIDENTIAL HR RECORDS (SELF-IDENTIFICATION)

Optional demographic questions are often asked through HR information systems. Including questions on sexual orientation and gender identity allows for cross-reference of LGBT data with other information held on HR records.

Self-identification can start during the recruitment process or once employment begins. Answering LGBT questions should always be optional and it is important to enable employees to update or remove the data at any time.

ANONYMOUS STAFF SATISFACTION AND ENGAGEMENT SURVEYS

In staff surveys, LGBT questions can be asked as part of a larger set of optional demographic questions. They provide employers with information about the experiences of LGBT staff, as LGBT data can be cross-referenced with staff satisfaction and engagement scores. Surveys can also be used to ask specific follow up questions of those who have identified as LGBT.

SNAPSHOT OF EMPLOYEES

Snapshots of employees can be taken at different stages of the employment circle. Recruitment snapshots can indicate whether the application process is fair for LGBT people and if employers recruit from the widest talent pool.

Annual anonymous 'employee census' exercises give organisations a quick overview of the number of LGBT employees.

Capturing LGBT data at the exit stage can provide information on factors driving LGBT staff out of an organisation. It can also tell employers whether their dismissal procedures are fair.

For all forms of data collection, data should only be available to a small number of HR staff who are responsible for its analysis and employees should be reassured of this.

FORMS OF DATA COLLECTION - A COMPARISON

WHAT IT IS

Attaching data to confidential HR records

Allowing staff to state their sexual orientation and gender identity on confidential HR records.

The process of attaching confidential demographic data to HR records is often called self-identification.

WHY COLLECT LGBT DATA THIS WAY?

The data can be cross-referenced with other records held by the organisation about employees. These can involve pay and grade, periods of absence, performance management, career progression, instances of disciplinary action, grievances, and time in service.

The data can tell employers about the percentage of LGBT people within a given organisation, role type, or department.

WHAT THE DATA ENABLES YOU TO DO?

Tells you whether LGBT employees:

- are being promoted within the organisation
- are represented at all levels of the organisation
- are enlisted as having high leadership potential
- receive an equivalent rate of pay to other employees i.e. highlight LGBT pay gaps
- experience higher levels of absenteeism, stress, bullying or harassment than their non-LGBT colleagues
- take up training opportunities
- disproportionately face disciplinary action

Allows you to:

- identify underrepresented parts of the LGBT community you can target career development opportunities to
- identify discriminatory practices or barriers to progression

Anonymous staff satisfaction and engagement surveys

Adding LGBT data collection questions to anonymous staff satisfaction and engagement surveys.

It provides information about the experience, not just existence, of LGBT staff in an organisation.

The data can tell employers about the percentage of LGBT people within an organisation.

Tells you whether LGBT employees:

- experience higher or lower levels of job satisfaction than their colleagues
- believe they have stronger or weaker relationships with their colleagues and manager
- have higher or lower levels of engagement than their colleagues
- believe the organisation is committed to promoting equality in the workplace
- perceive that there are barriers to promotion
- think the recruitment process is fair

Snapshot of employees

Employees or job applicants fill out a one-off form that includes questions about sexual orientation and gender identity.

Snapshot exercises capture the diversity of the workforce or applicants at a particular moment in time, for instance at recruitment. The data is not attributable to any individual.

This approach provides limited data about circumstances at a particular point in time.

The data can tell employers about their workforce at specific stages of the employment cycle.

It is a good way of introducing LGBT data collection systems to the workplace and familiarising employees with LGBT questions.

Tells you whether LGBT employees:

- want to work for the organisation
- are reaching interview and are being hired at the same rate as other applicants
- are more likely to leave the organisation
- are more likely to be dismissed or made redundant
- are more likely to bring grievances
- are represented at senior levels of the organisation

OTHER CONSIDERATIONS

LGBT data should not be handled by shortlisting panels and applicants need to be assured this is the case. In rare cases, some countries have equality laws that may make it appropriate to consider LGBT data at recruitment. For example, if faced with candidates who are equally qualified, employers may lawfully appoint LGBT candidates to promote diversity.



CHAPTER 3

PROJECT PLANNING

Introducing global LGBT data collection can be complex and organisations should be clear about this before they enter the project planning phase. However, a good understanding of why this process is necessary and who should be involved can help the planning process.

GETTING STARTED

The following steps can help you getting started:

DECIDE ON A FORM OF DATA COLLECTION Different forms of data collection measure different things. Chapter two can help organisations to decide on the approach that is best for them.

INVOLVE SENIOR MANAGEMENT Considering the size of the project, senior management should be involved from the beginning. This will also enable effective roll-out of the project in different countries later on. Chapter one is a useful tool when building the case for LGBT data collection to get management on board.

GET HELP FROM OTHER TEAMS The Diversity and Inclusion team as well as HR, IT and legal teams are often involved in the planning process. Employee resource groups can also add value. The best organisations engage with LGBT network groups in all countries affected by the project. These network groups should reflect the diversity of the LGBT community.

PILOT THE PROJECT Piloting in selected countries is a popular option to test and refine the process. As data collection asks employees for deeply personal information, it is best to introduce it in countries where organisations already have a visible commitment to LGBT equality and inclusion.

EY Ernst & Young (EY) upgraded its HR system in the UK to a global system used by the firm worldwide. Flexibility has been built into the system so that questions about sexual orientation and gender identity, along with other diversity demographics, could be asked in countries that wish and are able to. The UK Diversity and Inclusiveness team has encouraged colleagues in other countries to make use of additional diversity monitoring questions where appropriate. This has been a useful opportunity to share good practice with colleagues in other parts of the world. In the USA, EY now asks self-identification questions on employees' sexual orientation and gender identity. Employees in countries where it would be unsafe or inappropriate to ask about sexual orientation or gender identity are unaffected by the change.

CITI Through participating in Stonewall's Workplace Equality Index, Citi was able to assess their achievements with LGBT equality in the workplace, both in the UK and globally. This process, as well as in-depth consultative feedback from Stonewall, contributed to Citi's plans to roll out a self-identification system in the UK and USA.

Preliminary discussions took place in the USA and UK to consider the scope of the self-identification project. Several stakeholders at Citi were involved in these conversations, such as the HR, Diversity and Inclusion and Legal departments. A strong case for self-identification was built, which was presented by the Head of Diversity and Inclusion in both diversity and senior leadership meetings.

The LGBT network group Pride was also deeply committed to introducing self-identification at Citi. After communications were sent out to the employees, the Pride network encouraged its members to confidentially declare their sexual orientation and gender identity through these means.

BARCLAYS Barclays undertakes an annual worldwide employee opinion survey, and first included a monitoring question on sexual orientation in the UK in 2006. Following the success of this, the bank introduced a programme to roll out full diversity monitoring to its offices worldwide. Barclays' UK-based diversity leads consulted with colleagues around the world, starting from the premise that a question on sexual orientation would be included unless there was a valid legal or cultural objection.

Working with both local HR contacts and members of its global LGBT employee network, Barclays was successful in introducing the question in over half of the countries in which the bank operates, covering 74% of their employees.

STATE STREET State Street consulted with industry peers before introducing sexual orientation and gender identity questions into its annual engagement and satisfaction survey. Exchanging information on best practice with other organisations enabled State Street to quickly understand relevant considerations, and constitutes best practice of working together across organisations to create equal and inclusive workplaces in different countries.

LEGAL CONSIDERATIONS

Organisations need to find out whether it is legal to collect and store LGBT data in any specific country. Laws on data collection and storage are not always clear or straightforward. However, committed organisations do not shy away from a legal assessment. As with any global long-term project, local laws need to be assessed and reviewed regularly.

Depending on the chosen form of LGBT data collection, different laws may apply. For example, it may be legal to collect LGBT data through staff surveys even though it is not legal to attach LGBT data to HR records.

The best organisations consult local lawyers to conduct a legal assessment. This can be done through commissioning a global law firm with local offices or a local law firm in the specific country. Local in-house lawyers can also be involved.

LEGAL QUESTIONNAIRES

Questionnaires for legal experts can help to frame the legal assessment of every country and allow for easy tracking of legal developments. In-house lawyers and data security experts can help to carefully draft the questionnaire.

It is essential that the questionnaire includes a section to explain the form of LGBT data monitoring that is proposed and explain why the organisation wishes to introduce it. This helps to avoid confusion and misunderstanding when the questionnaire is handed to different legal experts.

Among other relevant issues, the questionnaire should consider the following themes:

- whether the country's law allows for LGBT data collection and storage in the specific country
- the specific legal requirements around trans people to protect their privacy
- if collected data can legally cross borders and/or be saved in a different country
- the specific conditions that need to be satisfied to collect and store LGBT data
- whether explicit consent from employees needs to be secured, and if so how

Responses may not give definite answers on whether it is legal to collect LGBT data in a specific country. However, they enable organisations to make informed decisions on this. AIG have produced a useful legal questionnaire, which is presented in AIG's case study at the end of the chapter.

Other laws affecting LGBT people should also be assessed. The safety of employees should always be of paramount importance. However, the mere existence of laws that negatively target LGBT people does not automatically prevent LGBT data collection. Organisations should start by assessing if anti-LGBT laws exist and whether they are enforced. This can either be separate to, or be a part of, the legal questionnaire. Local LGBT network groups and LGBT NGOs can also be involved in this exercise.

A number of organisations have engaged in mapping exercises on the legal situation for LGBT people around the world. For more information, visit ilga.org and tgeu.org.

RBS Every two years, RBS undertakes a legal review of the inclusion laws in every country the firm operates in. A global law firm that is part of Stonewall's Diversity Champions programme undertakes the review, which indicates the law firm's commitment to LGBT equality and inclusion. The results of this review inform RBS's diversity policy as well as their monitoring project.

STATE STREET To understand the legality of monitoring in different countries, State Street conducted a review of the legal landscape in Europe, Middle East and Africa (EMEA). The assessment of the current legal realities in the region was carried out by internal Employee Relations Consultants, the Legal Department and HR Business Partners.

CULTURAL CONSIDERATIONS

Cultural context should be considered. If LGBT data collection is legally possible, only strong cultural arguments should be considered as a reason against introducing it. It can therefore be helpful to address the cultural considerations after the legal assessment.

Diversity and Inclusion leads, HR leads, LGBT network groups, allies and local LGBT organisations can be consulted to find out about cultural considerations. The form and scope of the advice sought should be clearly communicated to these groups.

CONFIDENTIAL HR SYSTEMS AND DATA SECURITY

HR record systems need to be secure and confidential before rolling out the project. Having a global HR record system in place is beneficial when introducing self-identification in several countries. This allows for easy introduction of the system in new locations once the legal and cultural assessments have been made. It also ensures data collection is consistent and can be accessed, processed and reported on effectively.

Access should be limited to a few specified people within the organisation. This ensures the security of the data and the safety of individuals. Some organisations may choose to store all global LGBT data in one specific country. However, this should be flexible in case local laws require the data to be saved in a specific location. If a global HR system is already in place, it is best to review if the system guarantees confidentiality and security of the data.

ANONYMOUS SURVEYS AND DATA SECURITY

Surveys and snapshot questionnaires that include demographic questions need to be processed in a way that ensures complete anonymity. This entails making sure that individuals are not identifiable by tracking down their responses to different questions. Raw data should not be available and reports should only include aggregated sets of data.

Anonymity can be ensured through reporting on aggregated data only where a sufficient response rate exists. Employers should be mindful that the trans population may be smaller than that of lesbian, gay and bi employees. This means that certain data may be available on lesbian, gay and bi employees, but not on trans employees.

Many employers outsource the collection and examination of the LGBT data and employers can only access aggregated reports. Outsourcing this process reassures individuals that employers cannot identify them through tracking down their answers.

RBS RBS has commissioned an external organisation to collect their LGBT data and provide aggregated reports. This assures employees that anonymity will be maintained throughout the process. The annual staff engagement survey is conducted electronically and can be submitted from home to maintain anonymity and make sure employees feel comfortable answering the questions.

STATE STREET An external vendor is responsible for carrying out State Street's annual engagement and satisfaction survey to ensure the anonymity of employees. State Street receives aggregated reports where the response rate for each answer is higher than nine people, which further secures anonymity. The generated data is then used to inform potential policy changes and to assist the programming and planning efforts of global pride employee resource groups.

SPOTLIGHT ON AIG'S SELF-IDENTIFICATION SYSTEM

In 2015, AIG started its project to pilot self-identification in the EMEA region. Introducing self-identification enables AIG to measure the success of its diversity work and to make future initiatives more effective.

To navigate the legal complexity of introducing a self-identification system in different countries, AIG formed a team consisting of the Head of Diversity and Inclusion for the EMEA region and a Data Protection Expert.

The team identified 10 countries within the EMEA region to first undergo the legal assessment, including Germany, France, South Africa, Russia and the UK. This allowed AIG to keep a focused approach and pilot the legal assessment before extending it to other countries.

The team carefully drafted a legal questionnaire, trying to anticipate the complete range of information they would need for each country. This questionnaire was sent to local lawyers to find out what was legally possible and socially acceptable. A summary of the factual background of AIG's aims was included in the questionnaire, describing what data AIG wished to collect and how they planned to use it.

AIG sent the form to local law firms in the 10 selected countries. Consulting with local legal experts not only helped to build a strong legal case for self-identification but was also thought to be beneficial when later presenting the project to in-country leaders at AIG. The local law firms were also instructed to transfer the extensive legal information into a one-pager created by the AIG team. This enabled the team to present the legal results in a concise way.

The legal information was presented to in-house lawyers and also formed the basis of conversations with AIG's global HR team. This information collected through the questionnaire enabled AIG to make an informed and risk-balanced decision on where LGBT data collection was legal.

In order to lay the groundwork for rolling out the self-identification project in different countries, AIG introduced a global HR system. Having a single HR system in place that captures the entire workforce allows AIG to generate more consistent data. It also makes accessing and reporting data more efficient. The system will usually save all self-identification data in the USA. However, flexibility is built into the system, allowing AIG to save the data elsewhere if local laws require it. AIG used its time effectively and worked on introducing its global HR system while the legal assessment for self-identification was carried out in different countries.

AIG's legal questionnaire reads as follows:

PLEASE ASSUME THAT AIG EUROPE:

- a. has given sufficient notice to employees regarding the collection of personal data, including the Diversity Data, and the Purposes;
- b. has an appropriate adequacy mechanism validly to transfer personal data, including the Diversity Data, outside the EEA; and
- c. has filed all necessary registrations with, e.g., the local data protection authority.

ADVICE SOUGHT:

Please respond to the questions below. Where your answers to the questions differ, depending on the type of Diversity Data, please highlight those differences.

1. Does the law allow the Diversity Data to be collected in your jurisdiction, i.e., can AIG Europe ask employees to provide data regarding their ethnicity, disability, sexual orientation, gender, gender identity, nationality, religion or belief, caring responsibilities and military service?
2. What conditions (if any) must be satisfied for the Diversity Data to be collected in your jurisdiction? As noted above, please assume that employees have been given notice of the collection of the Diversity Data and do not address any issues regarding the cross-border transfer of the Diversity Data post-collection.
3. If the law does allow the Diversity Data to be collected in your jurisdiction and any conditions relating to that collection of data are satisfied, are there any additional requirements regarding how AIG Europe should ask employees about their ethnicity, disability, sexual orientation, gender, gender identity, nationality, religion or belief, caring responsibilities and military service?
4. Does the law allow the Diversity Data to be used for the Purposes in your jurisdiction?
5. If the existing consent which AIG Europe has obtained to process employees' personal data is not sufficient (e.g. because it is not explicit enough), can an additional consent be obtained at the point of collection of the Diversity Data? If so, is there a particular form/format for such consent?
6. Is it inappropriate or culturally insensitive in your jurisdiction for organisations such as AIG Europe (that is, organisations in the same insurance sector) to collect employee Diversity Data?
7. FOR EU MEMBER STATES ONLY: Do you have any reason to think that the ability to collect the Diversity Data will significantly change should the draft Data Protection Regulation come into force?

SPOTLIGHT ON IBM'S SELF-IDENTIFICATION SYSTEM

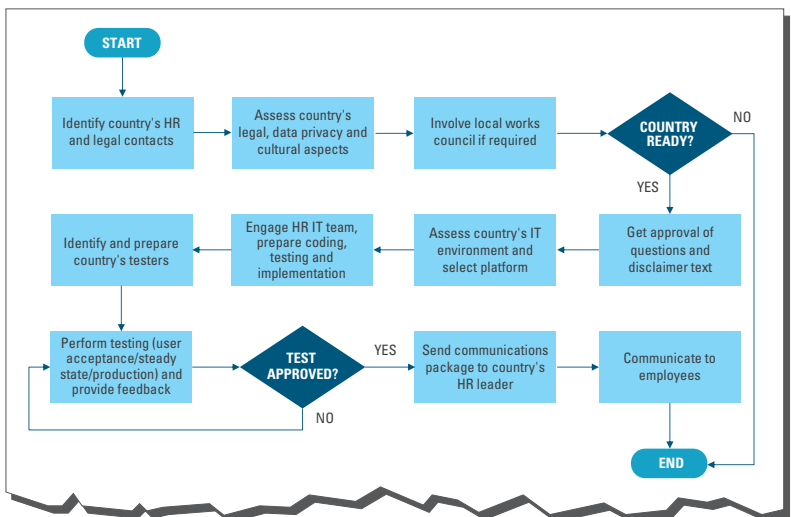
IBM's self-identification project was first rolled out in 2006 and as of 2016; 86% of IBM employees fall under the system globally. IBM have successfully introduced monitoring in 33 countries: Argentina, Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Germany, Ecuador, Hong Kong, India, Indonesia, Ireland, Israel, Italy, Japan, Korea, Lithuania, Mexico, New Zealand, Peru, Philippines, Singapore, South Africa, Switzerland, Taiwan, Thailand, United Kingdom, Uruguay, USA, Venezuela and Vietnam.

IBM conducts a rigorous legal examination in each country, assessing the country's data protection laws as well as legislation specifically affecting LGBT people. After in-country HR and legal contacts are identified, IBM assesses whether it is legal to collect and store data on sexual orientation and gender identity. The legal assessment also identifies whether permission needs to be sought from governmental bodies in order to collect and store the data. When uncertainties exist regarding the legal situation or the interpretation of laws, IBM consults with governmental bodies or legal counsellors. Where in-country HR and legal contacts advise against the introduction of self-identification, strong legal proof needs to be provided to support this.

IBM also assesses laws specifically affecting LGBT people in each country where they seek to introduce self-identification and considers the related punishments. The question of whether same-sex sexual activity is legal forms an important part of this assessment. Existing legislation with negative implications for LGBT people does not stop IBM from creating equal and inclusive workplaces. Only in countries where the death penalty exists as a punishment does IBM not start with the assumption that self-identification is possible. In all other countries, a cultural and legal assessment must indicate strong safety concerns in order to deter IBM from introducing the project.

Once IBM determines that it is legal and safe to introduce self-identification in a specific country, the local IT system is assessed and tested until it is considered ready. While employees access the self-identification platform through their HR records, the self-identification data is stored in a single detached database and is therefore held separate to any other HR related information. IBM stores all collected LGBT data in a database in the USA. Only two people at IBM have access to the data, namely a Data Analyst and the Global Programme Manager of the LGBT Constituency. This enables IBM to guarantee the confidentiality and security of the data.

The following chart outlines the different steps of IBM's self-identification implementation process:





CHAPTER 4 ASKING THE QUESTION

The way employees are asked about their sexual orientation and gender identity is exceptionally important. Inappropriate language may deter people from answering the questions, lead people to answer questions inaccurately or cause offence. Questions should enable employees to understand what they are being asked and should make them feel comfortable to answer the question. It is important to make diversity questions optional, for instance through a 'prefer not to say' option.

Monitoring questions on gender identity and sexual orientation should be kept separate. Trans people, like the rest of the population, may be attracted to people of the same or another gender, to more than one or to nobody.

Attention should also be paid to the translation of the question into local languages. It is important to avoid unclear, derogatory or sexual vocabulary, as it is offensive and can deter employees from answering the question. Sometimes an exact translation will not be possible. Employers can consult local LGBT organisations, with experts or with employees through in-country LGBT network groups to determine appropriate wording in each language.

RBS RBS regularly reviews the questions asked in the annual staff satisfaction and engagement survey. This allows RBS to use appropriate terminology and helps employees feel comfortable to answer diversity questions. As a result of this review, RBS added a question on gender identity to its staff survey in 2015. Two new follow-up questions were also included to find out whether LGBT employees feel supported at work.

I AM SUPPORTED TO BRING THE BEST OF MYSELF TO WORK: No Yes

MY MANAGER ENCOURAGES AN INCLUSIVE ENVIRONMENT IN THE WORKPLACE:
 No Yes

QUESTIONS ON SEXUAL ORIENTATION

Terminology to describe sexual orientation can vary and the question should recognise that not everyone within the lesbian, gay, and bi community identifies in the same way.

WHAT BEST DESCRIBES YOUR SEXUAL ORIENTATION?

Bi

Gay/lesbian

Heterosexual/straight

I use another term: _____

Prefer not to say

HERE YOU SHOULD CONSIDER INCLUDING A SHORT DEFINITION

OF BI: 'Bi is an umbrella term used to describe a romantic and/or sexual orientation towards more than one gender. Bi people may describe themselves using one or more of a wide variety of terms, including, but not limited to, bisexual, pan, queer, and some other non-monosexual and non-monoromantic identities.'

GAY/LESBIAN should be included as a single option, rather than having separate options for gay man and gay woman/lesbian. This means that people of all gender identities can choose the option that best suits them. You can cross-reference gender identity and sexual orientation data to break down responses from different groups e.g. responses from gay men and responses from gay women/lesbians.

Anonymous staff surveys can also include follow up questions. For example, they can ask how open someone is about their sexual orientation. This enables employers to evaluate whether their employees feel comfortable to be open about their sexual orientation in the workplace and whether it affects their employees' work satisfaction. This question can be asked in the following way:

ARE YOU OPEN ABOUT YOUR SEXUAL ORIENTATION:

At home

With your manager

Prefer not to say

With colleagues

At work generally

If staff satisfaction surveys ask about marital status, it is important that employees have the option of simply declaring that they are Married / In a civil partnership. This allows individuals to answer the question without disclosing their sexual orientation and encourages a higher response rate. The term civil partnership should be defined as including civil unions as the terminology differs between countries.

QUESTIONS ON GENDER IDENTITY

Gender identity refers to a person's deeply held sense of their own gender. For trans people, their own sense of who they are does not match the sex that society assigns to them when they are born. Collecting data on employees' gender identity must be done sensitively. Trans employees may not feel comfortable disclosing this information because of concerns about data security or if they are not openly trans.

Organisations should also be aware that some people who have transitioned (where someone has taken steps to live as the gender which they identify as; see also the glossary for a full definition) do not consider trans to be a part of their identity at all and would not use this word to describe themselves. For example, a person assigned female at birth and who transitions to male may identify as a man rather than as a trans man.

The following questions enable organisations to collect data on gender identity in an inclusive way.

WHAT BEST DESCRIBES YOUR GENDER:

Female Male

Prefer not to say I use another term (for example, non-binary):

.....

Giving employees the space to define their own identity for all questions is important – including an open text box will allow you to collect the most accurate information. This option will capture the experiences of employees who don't identify as female or male. These employees may use a range of terms including, but not limited to, non-binary. To ensure you're considering the experiences of all employees who identify outside of binary genders, you should report on the experiences of all employees who select this option. This analysis can be reported as 'responses of employees using another term' or it can be explained that, for example, 'respondents used a variety of terms, we will refer in our reporting to 'non-binary respondents' as an umbrella term for these respondents'.

DO YOU CONSIDER YOURSELF TO BE TRANS?

No Yes

Prefer not to say

HERE YOU SHOULD CONSIDER INCLUDING A SHORT DEFINITION OF TRANS:

'Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.'

ASKING THE QUESTION

When collecting LGBT data to be attached to HR records, employees should be able to answer and update the data when accessing their HR records on a computer. The diversity section including these questions should be clearly visible and easily accessible when employees log into their employment records. Old answers should be permanently deleted once information is updated. This can also help make employees feel safer when going on overseas assignments. Some employees may not feel safe having LGBT data attached to their HR records when going abroad.

When collecting LGBT data through staff surveys or snapshots, employees should be able to fill in the forms at home. This can help them to feel more comfortable and is especially important where employees work in an open office space.

When carrying out snapshot exercises, monitoring forms should be permanently detached from any information that may identify individuals. This should be clearly stated on the data collection form.



CHAPTER 5 COMMUNICATION

When an organisation is ready to collect LGBT data, a good communication plan needs to be implemented to explain the process. It is vital that employers take several steps to make employees feel comfortable and safe answering LGBT questions.

COMMUNICATING TO IN-COUNTRY TEAMS

Organisations should make sure that staff involved in the data collection know how the data is collected, stored, reported on and used. This includes all local staff involved in the data collection, as well as in-country HR staff. Communications about it can appear in a variety of ways, such as training or communication packs. In-country staff involved in data collection need a comprehensive understanding of the process so they can carry out their part effectively. For example, in-country HR staff need to be well-equipped to confidently handle difficult questions from colleagues.

COMMUNICATING TO STAFF

LGBT employees may be concerned about disclosing their sexual orientation or gender identity. This can be the case for several reasons, including the fear of having their sexual orientation or gender identity disclosed among colleagues. The concern may increase in countries where legislation negatively affects LGBT people, or where cultural or social norms have a negative impact on them. Non-LGBT employees may also be hesitant to disclose such information if they do not understand the purpose of the question. A lack of communication can therefore lead to low declaration rates that prevent organisations from using the data effectively. Concerns should be addressed to make employees feel comfortable answering LGBT questions.

It is best to send communications to all employees, including information on the following:

- why the organisation is collecting LGBT data and how the exercise links to the organisation's values
- how the safety of the data is secured
- where the data is stored
- who will have access to the data
- how the data will be used
- whether the data is stored and handled anonymously or confidentially
- how previous data collection exercises have led to improvements

Communication campaigns should be mindful of local contexts, as culturally inappropriate campaigns can deter employees from answering LGBT questions. Organisation can consult with LGBT NGOs and LGBT staff network groups on how best to run socially and culturally appropriate communication campaigns.

Communications to staff can be part of wider discussions about diversity data collection processes. This helps to clarify that the LGBT data can be used together with other demographic data to improve workplace equality.

Several parts of the organisation should be involved in the communication to staff. The involvement of senior management and local LGBT employee groups can help gain employees' trust in the process.

Stonewall has produced plain English guidance explaining the rationale for LGBT data collection in a clear and straightforward way. *What's it got to do with you?* helps people understand why they might be asked to complete monitoring forms. The guide also explains why it's important to fill them in. To access this guide, visit stonewall.org.uk

IBM Before being asked to disclose information on their sexual orientation and gender identity, IBM provides their employees with a disclaimer. The text provides information on IBM's commitment to diversity as well as their self-identification project. It explains how employees can voluntarily identify as LGBT and why IBM collects this data.

This information helps support and direct IBM's global diversity programs that support LGBT employees. If you elect to participate, you'll receive communications about professional networking and mentoring opportunities in addition to LGBT education, leadership seminars and advanced diversity training.

It also explains who in the organisation has access to this information and how it will be used. This encourages employees to self-identify and removes concerns regarding the safety of their data.

Your privacy is our chief concern. Your specific permission will be required before we share any information which identifies you as a member of the LGBT community. This data will not be shared with anyone on your team and will be held in the strictest confidence. (...) Any emails sent to you are done so anonymously so others in the community do not have access to your information. Aggregate information about members of the community may be created from time to time to enable us to better understand the needs of the community but will never be done in a way which identifies the individuals who elect to participate.

EY EY has introduced self-identification as a method for driving change in the UK, Ireland and the USA. In all three countries, employees are able to identify their sexual orientation and gender identity. The information is used to better understand the diversity of EY's workforce, and further enhance EY's work in championing LGBT equality and inclusion.

EY recognises that high overall declaration rates are needed to receive meaningful data and to translate this data into positive action. Through setting internal targets for increased declaration rates, EY makes sure to continuously encourage and remind employees to self-identify. New joiners are also encouraged to self-identify.

When self-identification of sexual orientation and gender identity was introduced in the USA, an initial email was sent to every employee. The message explained why the data is being collected, what it will be used for, and who has access to it.

Employees are frequently reminded to answer the self-identification questions through creative initiatives. The 'What makes you, you?' communication campaign covered the whole of the UK and Ireland.

In the USA, Ireland, and the UK, joiners are asked identification questions as part of their induction. LGBT events and activities, such as Prides and the International Day Against Homophobia, Transphobia and Biphobia (IDAHOT) are further used to remind employees to self-identify. For instance, during 2015 LGBT Pride Month, the home screen of each computer in the USA included a button that took the employees to update their HR records.

EY makes sure to encourage employees to self-identify when communicating to its staff about LGBT or wider diversity issues. The introduction of the system in Ireland was used to remind everyone in the UK to also answer the question about their sexual orientation. EY has also since introduced a question on gender identity in Ireland and the UK in late 2015. This introduction will include a follow-up to the 'What makes you, you?' campaign to remind and encourage people to answer all the diversity questions on the HR system.



What makes you, you?

A whole mosaic of different attributes go into making you the unique individual that you are.

As part of our commitment to Diversity and Inclusiveness, we'd like to better understand the make-up of our people, so are asking you all to take a few minutes to login to the HR system and update your D&I details, even if you select 'Prefer not to say' on some questions.

More on why we're collecting this information, how to complete your data and details on our commitment to keeping your personal information secure can be found by following:

EY Help > People/HR > My Personal Details

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CHAPTER 6

ANALYSING THE DATA AND TAKING ACTION

This chapter outlines how different sets of data can be analysed and what actions can be taken. Remember that the data may not represent in absolute and precise numbers the percentage and experiences of LGBT employees, although a good communication approach will have helped increase accurate disclosure rates.

IBM IBM uses self-identification data to target LGBT employees with high leadership potential. This is done through cross-referencing employees who have identified as LGBT with a list of employees displaying high leadership potential. IBM's Global Programme Manager, one of the two people who have access to the data at IBM, contacts identified employees with an offer to participate in career development programmes. If the employee wishes to take up the offer, the Global Programme Manager will have to secure express consent from the person before passing their information onto their manager, HR team and the Business and Technical Leadership team. All three groups are trained in handling sensitive personal information and will work in a confidential manner to enable the employee to participate in career development programmes.

ANALYSING DIFFERENCES BETWEEN LGBT PEOPLE

It is important to compare results between LGBT employees, rather than treating them as one homogenous group. Where data sets are large enough, differences between LGBT people who share other characteristics should also be assessed. These can include, but are not limited to, ethnicity, religion or belief and disability.

BARCLAYS Barclays uses data from its annual employee opinion survey to analyse levels of engagement and satisfaction among different populations. Various engagement scores, such as those concerning sustainable engagement and how employees feel about Barclays' values, working environment, or diversity efforts, are cross-referenced with aggregated data on sexual orientation and gender identity. A minimum response rate of 10 people must be reached before the data can be accessed and used in an aggregated way, guaranteeing the anonymity of employees. Through cross-referencing these sets of data, Barclays can find out whether differences exist between bi, lesbian, gay and straight people as well as between trans and non-trans people. This is done on a global level, as well as by region and in countries where Barclays has a very large number of employees. If a specific region has low engagement or satisfaction scores for a certain group within the LGBT community, Barclays will work with the LGBT employee network group in the region to find out the specific reasons behind these scores. Programmes or initiatives will then be developed to address those concerns.

FORM OF DATA COLLECTION

EXAMPLES OF ANALYSIS

EXAMPLES OF RESULTS

CONFIDENTIAL HR RECORDS (SELF-IDENTIFICATION)

Break down collected data by sexual orientation/gender identity and seniority. Cross-reference with:

- appraisals
- staff turnover
- pay
- absenteeism
- bullying and harassment

Compare data between countries and regions. Take into account differences regarding LGBT equality in the countries under comparison.

Cross-reference LGBT employees with data on employees displaying high leadership potential in your talent pipeline.

An analysis of the data may identify that barriers to career development exist for LGBT staff.

Continuous analysis can signal where barriers to career development have been removed over time.

The data may show that the staff turnover rate is higher among LGBT employees.

Specific LGBT employees can be targeted for career development programmes with an aim to increase diversity at top level.

STAFF SATISFACTION AND ENGAGEMENT SURVEYS

Cross-reference LGBT data with all other data on staff satisfaction and engagement collected through the survey.

Compare scores of LGBT employees with the scores of other employees to identify differences in engagement and satisfaction.

Identify if LGBT employees are out at work.

Compare data between countries and regions. Take into account differences regarding LGBT equality in the countries under comparison.

More instances of anti-LGBT bullying may be identified in a staff survey than have been formally reported.

The data may show that LGBT people have lower engagement scores than their colleagues in a specific country.

The data may establish that LGBT people have lower job satisfaction scores in countries where no LGBT network group exists.

SNAPSHOTS OF WORKFORCE

Identify the percentage of LGBT applicants and how many of those are successful in the application process.

Identify the percentage of LGBT people who are dismissed or leave the organisation.

Compare data between countries and regions. Take into account differences regarding LGBT equality in the countries under comparison.

The data may show that few LGBT people want to work in the organisation.

The data may establish that the recruitment process excludes LGBT people disproportionately.

The data may show that there are factors that are driving LGBT people out of the organisation.

REPORTING FINDINGS

It is important to report internally about the LGBT data collection. Reports should be created – and LGBT data collection exercises conducted – at regular intervals to track progress.

Remember that individuals should not be identifiable from reports. Findings from small data sets should be omitted from reports or aggregated with other data. The best employers compile reports with divisional or country-specific breakdowns. If data collection in one country does not reach the threshold level, organisations can create a regional report instead.

Reports should be submitted to senior management, who can help to set internal benchmarks and endorse required actions. The main findings, including actions taken, should also be made available to all staff, for example through the intranet or newsletters. Demonstrating positive changes as a result of LGBT data collection exercises can encourage participation in subsequent exercises. It is key to report findings back to employee support groups too, since they can help organisations interpret the data and identify actions.

Where the legal, social, and cultural context allows for it, the best organisations publish reports on their LGBT data collection externally. This shows that an employer takes its equality commitments seriously, particularly when improvements are shown over time.

TAKING ACTION

Once organisations have analysed the data, they can take actions by targeting resources at the particular problem areas.

BARCLAYS Through its 2014 employee opinion survey, Barclays discovered that few employees in South Africa felt comfortable disclosing their sexual orientation and gender identity. These results caused Barclays to launch an LGBT network group in South Africa; their first on the African continent. Through establishing an organised LGBT presence in South Africa, Barclays wanted to ensure that employees there are able bring their whole selves to work. The newly established LGBT network chapter held its first event in Johannesburg in March 2015.

RBS RBS senior leaders are vocal about their commitment to LGBT equality and inclusion. In locations where this was explicitly publicised, for instance through online stories from senior leaders, RBS was able to detect a great improvement in the engagement and satisfaction scores of lesbian, gay and bi employees in 2015.

Initiatives to address problems identified by LGBT data collection may include:

- setting up an LGBT staff network chapter
- improving staff training on sexual orientation and gender identity
- publicising a zero tolerance approach to homophobic, biphobic and transphobic bullying and harassment
- introducing a mentoring scheme for talented LGBT employees
- targeting job advertisements at potential LGBT recruits



TOP TEN TIPS

1. DECIDE WHAT LGBT DATA YOU WANT TO COLLECT and set clear aims and objectives

2. CONSULT LOCAL LAWYERS to find out whether it is legal to capture LGBT data in any given country, and what conditions need to be fulfilled to do so

3. ENGAGE LOCAL LGBT NGOS, EXPERTS AND LGBT NETWORK GROUPS to find out about laws and cultural contexts. Make sure the different groups consulted mirror the diversity of the LGBT community

4. MAKE THE SECURITY OF DATA A TOP PRIORITY and ensure a safe system is in place before rolling out the data collection project

5. EMPLOY APPROPRIATE CHOICE OF WORDING IN EACH LANGUAGE and consult with LGBT organisations and network groups when translating LGBT data questions

6. PREPARE IN-COUNTRY STAFF to answer any questions employees may have about the LGBT data capturing exercises

7. MAKE SURE COMMUNICATION CAMPAIGNS ARE MINDFUL of the local cultural and social context

8. COMPARE RESULTS BETWEEN COUNTRIES AND REGIONS and analyse results within a wider understanding of the local context

9. REPORT FINDINGS to local and global senior management as well as staff, and externally where it is appropriate and safe to do so. The anonymity of employees must always be protected

10. GET SUPPORT FROM STONEWALL to develop initiatives that target problem areas identified through the LGBT data collection

STONEWALL GLOBAL DIVERSITY CHAMPIONS

The Global Diversity Champions programme is Stonewall's best practice employers' forum for global employers who are committed to providing inclusive workplaces for LGBT employees worldwide. Our team can support you to establish self-ID systems, and to respond to the data you collect.

For more information about joining Stonewall's Global Diversity Champions programme visit [stonewall.org.uk/globaldc](https://www.stonewall.org.uk/globaldc)



GLOBAL WORKPLACE EQUALITY INDEX

The Global Workplace Equality Index is Stonewall's comprehensive annual benchmarking exercise. For your opportunity to be profiled as a Stonewall Top Global Employer, visit

[stonewall.org.uk/get-involved/workplace/global-workplace-equality-index](https://www.stonewall.org.uk/get-involved/workplace/global-workplace-equality-index)

PROUD EMPLOYERS

Proud Employers is Stonewall's job site featuring hundreds of UK and global positions. If you're looking to recruit the best people across diverse talent pools and make sure your organisation is recognised as an employer of choice, visit [proudemployers.org.uk](https://www.proudemployers.org.uk)

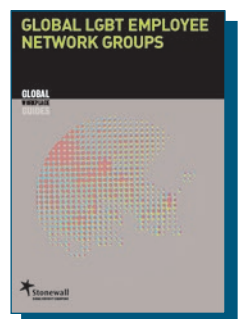
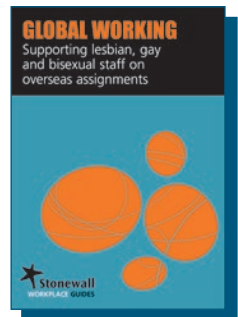
OTHER STONEWALL RESOURCES

This guide is part of a series of Stonewall resources to help you create an inclusive workplace for your LGBT staff.

To download your copies, visit [stonewall.org.uk/our-work/workplace-resources](https://www.stonewall.org.uk/our-work/workplace-resources)

Also in the series of global Workplace Guides:

- Global Values: Getting Started With LGBT Equality Worldwide
- Global Working: Supporting Lesbian, Gay and Bisexual Staff on Overseas Assignments
- Global Allies: Engage, Educate, Empower
- Global LGBT Employee Network Groups



GLOSSARY

Anonymity: In relation to data collection, the term means that an individual cannot be identified by name and that no link exists between the individual's identity and the individual's response to the questions

Cisgender: People whose gender identity matches the sex that society assigned to them when they were born. Non-trans is also used

Confidentiality: In relation to data collection, the term means that a link exists between the individual's identity and the data collected, but that the information is private and known only to a selected few

Coming out: A term referring both to the process of accepting one's own sexual orientation or gender identity, and to the process of disclosing one's sexual orientation or gender identity to others, for instance friends, family or colleagues. Coming out in terms of one's sexual orientation is not the same as coming out in terms of one's gender identity

Gender identity: A person has an internal, deeply held sense of their own gender. For trans people, their own sense of who they are does not match the sex that society assigns to them when they are born

Non-binary: Non-binary is a term for people whose gender identity does not fit into the gender binary of male or female. A non-binary person might consider themselves to be neither male nor female, or to be in some sense both male and female, or to be sometimes male and sometimes female. People who identify as non-binary will sometimes prefer to refer to themselves using pronouns which are not gendered, for example 'they' or 'ze'

Trans: An umbrella term for people whose identity differs from what is typically associated with the sex they were assigned at birth. People under the trans umbrella may describe themselves using one or more of a wide variety of terms – including transgender

Transition: Where someone takes steps to live as the gender which they identify as. What this involves varies from person to person. For some people this might involve medical surgeries. Not everybody wants to have these procedures or is able to have them. A transition also might involve things like telling friends and family, dressing differently and changing official documents

DO ASK, DO TELL

Capturing data on sexual orientation and gender identity globally

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