

Stonewall

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.

ITALY



Population: 62+ million people



Stonewall Global Diversity Champions: 57



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations. Italy is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

Two further zones exist. In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution protects **rights to freedom of expression, association and assembly** under Articles 21, 18 and 17.

There are **no LGBT-specific restrictions or additions** to these rights.

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal**.

There is an **equal age of consent** of 14 years for sexual acts regardless of gender under Article 609 of the Italian Criminal Code.

The age of consent between minors is 13 years, as long as the other minor is a maximum of three years older.

Same-sex marriage is **not legal**.

Same-sex couples can legally **enter into civil unions** or register as 'de facto couples' under Article 1 of Law no. 76/2016.

A **marriage** entered into by a **person who** thereafter changes their **legal gender** is automatically **converted into a civil union**, if the relevant couple does not want to dissolve their union, as per Article 1 of Law no. 76/2016.

Same-sex couples cannot jointly adopt children as adoption is reserved for married couples under Article 6 of Law no. 184/1983.

Recently, **courts** have started to **grant second-parent adoption** to same-sex couples under particular circumstances (e.g. Court of Cassation, 22 June 2016, no. 12962).

EQUALITY AND EMPLOYMENT

Article 3 of the Constitution states that **everyone is equal before the law** but there is no reference to sexual orientation and gender identity.

Employment discrimination based on sexual orientation is prohibited under Article 7 of the Legislative Decree no. 165/2001, Legislative Decree no. 216/2003 and Article 15 of Law no. 300/1970.

These employment laws make **no reference to gender identity**.

The **prohibition on discrimination based on sexual orientation** is also included in some Italian national **collective bargaining agreements**, for example Article 58 of the Italian NCBA for the environmental service sector.

The provisions of national collective **bargaining agreements** that **grant rights to married individuals** (e.g. leave due to partner's serious illness) **extend to individuals** that have entered a **civil union** under Article 1 of Law no. 76/2016.

Hate crimes based on sexual orientation or gender identity are **not considered aggravating circumstances** in sentencing an offender under Article 3 of Law no. 205/1993.

GENDER IDENTITY

Trans people can change their **legal gender** (to 'female' or 'male') **and name** and obtain amendments of the relevant records in the official civil register and on identification documents.

To do so, a **two-step process** is required under Law no. 164/1982 and Article 31 of Legislative Decree no. 150/2011.

The **applicant must acquire authorisation from a judge for surgical intervention** when 'necessary' as well as authorisation to amend the legal records and identification documents.

Both the Constitutional Court and the Supreme Court held that **surgical intervention** is **only 'necessary' if considered so by the person seeking legal change of gender** (Italian Constitutional Court, 13 July 2017, no. 180; Italian Court of Cassation, 20 July 2015, no. 15138).

IMMIGRATION

Dependant visas are **available to same-sex partners** who have entered into a civil union with an Italian citizen or a foreigner with a work permit or residence permit (Circular of the Italian Ministry of the Interior, 5 August 2016, no. 3511).



A VIEW FROM ITALY

Igor Suran is the Executive Director of Parks – Liberi e Uguali, a non-profit organisation supporting businesses in different sectors to build respectful and open environments for their LGBT employees. Through training, panel events, conferences and a workplace LGBT diversity benchmarking index, Parks are setting the standard for how to be a truly inclusive employer in Italy.



Global Inclusion through LGBT Inclusion

What are some of the developments for LGBT equality in Italy?

The Civil Unions law was approved in 2016 but previously the lack of legislation recognising same-sex partnerships had repercussions, both for individuals and more broadly for the societal acceptance of LGBT people in a country where a religious, conservative tradition has often shaped opinions on divisive issues. However, the Civil Unions law is now legitimising and normalising same-sex relationships. Civil unions in Italy differ from marriage mainly in name and adoption rights: the right to adopt a same-sex partner's child is not part of this law and continues to be decided by judges on a case-to-case basis. Same-sex couples are also still not allowed to jointly adopt children.

What are some specific issues regarding lesbians, bi women and trans people?

Bi identities are largely off the radar. Lesbians used to lag behind in visibility and public recognition. Partly, this was because of a traditional culture that did not acknowledge the existence of lesbian relationships but also because of the general lack of gender equality in society. This is now changing, partially because of an increased focus on biological and fostered motherhood in lesbian couples. Parks has held roundtable events with high-ranking lesbians in the workplace to build awareness, which have shown that many lesbians in fact wish to first tackle gender discrimination in the workplace before looking at sexual orientation. With regards to trans rights, Italy has allowed legal gender reassignment since 1982. However, it wasn't until recently that the courts set precedents for legal gender change without the need for gender reassignment surgery. Parks work with a growing number of businesses on the creation of transitioning at work guidelines as a tool for managers.

How are LGBT people portrayed in the media?

Legislation exists against discrimination in the media based on sexual orientation and gender identity. However, until the Civil Unions law was passed, the representation of LGBT community was either non-existent or largely limited to humorous characterisations of effeminate gay men and other stereotypes. This is now changing with more serious and objective discussions about the LGBT community in the press and in TV debates. Fictional entertainment is becoming more open to true-to-life LGBT representation and several TV commercials now include LGBT people and families. More public visibility for LGBT people has also received a backlash, but in the long run will stimulate an open debate across society.

What is the workplace like for LGBT people?

All employers in Italy have had to implement benefit and leave policies for same-sex partners after the Civil Unions law was passed. Parks created a guide on how the provisions of the Civil Unions law change HR policies. Despite this positive progress, LGBT workplace inclusion is still not necessarily viewed as a legitimate concern. Bias, stereotypes and strongly embedded negative views, such as perceived lack of leadership skills, still largely prevent LGBT people from coming out at work. However, more and more businesses participate in awareness and consultancy courses to move the conversation in the right direction and challenge unconscious bias.

Do international or Italian organisations publicly support LGBT equality?

In the process leading to the Civil Unions law, inclusive businesses – while not publicly 'lobbying' for LGBT equality legislation – did lead by example. They did so through policies, such as extending equal benefits, and through having strong internal statements about non-discrimination. Some also spoke in the press about their policies and about the business case for inclusion. Pride parades in Italy have seen a growing number of businesses participating every year. The best employers extend their HR policies beyond legal requirements and recognise social or affective parenthood and facilitate gender transition for trans employees. In the past, foreign companies used to be the most progressive but today a growing number of Italian companies are at the forefront of LGBT inclusion. What used to be done by large employers is now increasingly happening in small- and medium-sized enterprises as well. Finally, a number of foreign diplomatic missions have historically been valuable allies to Italian organisations engaged in LGBT inclusion.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps that employers can take to start creating a supportive workplace environment for their LGBT employees in Italy:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote their commitment to LGBT inclusion and equality**
- ✓ **Audit and extend partner benefits to same-sex partners**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- ✓ **Establish employee engagement mechanisms like LGBT networks and allies programmes**
- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

BNP Paribas

BNP Paribas has a code of conduct that expressly prohibits discrimination based on sexual orientation and gender identity. In addition to legally required benefits, BNL, the commercial bank of BNP Paribas in Italy, also offers benefits and parental permissions to same-sex couples in a civil union that married different-sex couples are entitled to. In May 2017, BNP Paribas launched a local LGBT network in Italy, sponsored by the Italian CEO and HR Director. The network is open to LGBT employees and their allies and works to promote a supportive environment where LGBT employees are respected and valued. BNP Paribas runs LGBT awareness-raising events to train employees and mobilise allies. For instance, BNP Paribas Pride Italy organised a seminar on the language of inclusion, attended by around 130 employees. Senior managers have also been trained on the importance of being an ally through a webinar organised by the BNP Paribas Global Pride network. The bank partners with the local LGBT organisation Parks - Liberi e Uguali to create a more equal and inclusive workplace for BNP Paribas' LGBT employees in Italy. The bank participates in Parks' annual LGBT diversity index to measure its success and plan progress.

Vodafone

Vodafone Italy is committed to creating equal and inclusive workplaces for its LGBT+ employees and the company's policies and practices build the foundation for this. These policies explicitly ban discrimination and harassment based on sexual orientation and gender identity. They're implemented at Vodafone Italy, along with equal partner benefits for employees in same-sex relationships. To bring these policies to life, Vodafone collaborates with non-profit organisations to set up training activities on inclusion for employees. For example, a one-day training session for managers focused on building an inclusive workplace culture and included LGBT+ themes. A range of toolkits and training materials is also available to employees, including on gender identity and embedding LGBT+ inclusion into customer care. To make sure that LGBT+ employees feel supported to be themselves at work, Vodafone Italy also runs an LGBT+ Friends network for LGBT+ employees and allies of LGBT+ people. The network is supported by an executive LGBT+ sponsor, who provides leadership support and sponsorship of in-country activities. Vodafone also works to support LGBT+ equality beyond its own workplace. The firm has an ethical purchasing code, which includes Vodafone's stance on LGBT+ inclusion. Every new supplier must sign the code to confirm they will comply with it. In 2017, Vodafone was also an official sponsor of Milan and Rome Prides and promoted its involvement through social media and in local retail stores. For Valentine's Day, Vodafone ran a TV advert that featured a same-sex couple's kiss, reaching millions of people throughout the country.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – Rome Pride. www.romapride.it

June – Milan Pride. www.milanopride.it

September – Annual Forum: LGBT People at Work. www.parksdiversity.eu

Check the events websites for the most up-to-date information on dates.

December – Diversity Media Awards. www.diversitylab.it/dma/

December – Diversity Business Awards. www.diversitylab.it/dba/

All year – Prides throughout Italy. www.ondapride.it/londa



FIND LGBT GROUPS AND COMMUNITIES

Arcigay – an LGBT organisation operating throughout Italy and focusing on policy work, education and campaigns. www.arcigay.it

Arcilesbica – a group working to end discrimination against lesbians and to enhance the visibility of lesbians in Italian society. www.arcilesbica.it

Diversity Lab – an organisation working with businesses, including the media, to promote diversity and inclusion with a focus on sexual orientation and gender identity and expression. www.diversitylab.it

EDGE – a network of LGBT professionals, entrepreneurs and managers working to improve the personal and professional lives of LGBT people in Italy. www.edge-glb.it

Famiglie Arcobaleno – a group for gay and lesbian parents and prospective parents which aims to support them, foster dialogue and rethink what families can look like. www.famigliearcobaleno.org

MIT - Movimento Identità Transessuale – an organisation providing services to trans people and working for the advancement of trans rights. www.mit-italia.it

Parks – Liberi e Uguali – an organisation supporting businesses in different sectors to build respectful and open environments for their LGBT employees. www.parksdiversity.eu

Rete Lenford – an association of lawyers working to advance respect for the rights of LGBTI people. www.retelenford.it



GET LOCAL LGBT UPDATES

Gay News – an online LGBT publication. www.gaynews.it

Gay.it – an online publication for the gay community. www.gay.it

LGBT Italia – an online LGBT publication. www.lgbtitalia.it



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 57 ORGANISATIONS OPERATING IN ITALY.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of February 2018. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts. Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)