



L G B T I WORKPLACE EQUALITY

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RESEARCH RESULTS



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VLADA REPUBLIKE HRVATSKE
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Project 'Alliance for LGBTI Workplace Equality is funded by European Union and The Government of the Republic of Croatia - Office for Cooperation with NGOs

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LGBTI WORKPLACE EQUALITY

RESEARCH RESULTS

The survey of employers in the Republic of Croatia on policies and practices related to LGBTI employees
The survey among LGBT persons in the Republic of Croatia about conditions in the workplace

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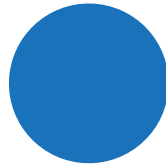
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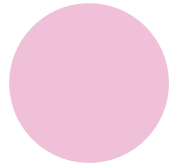
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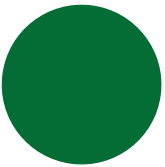
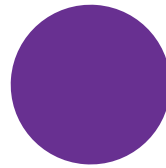
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1. INTRODUCTION

The modern work environment entails cooperation and interaction with different types of people on a daily basis. Diversity in the workplace results from various aspects: ethnicity, religion, the changes in the perception of "male" and "female" jobs, and so on. One aspect of diversity that we likely encounter every day but that is sometimes difficult to recognize in the heteronormative business world, is sexual orientation and gender identity and/or gender expression. This minority is often referred to in terms of "invisibility". This "invisibility" results from the need to "come out" in order to let other people know you are LGBT (Silva and Warren, 2009).

In the context of the heteronormative business world, lesbians, gays, bisexual and transgender/transsexual (hereinafter: LGBT) persons are faced with different forms of "invisibility". LGBT persons represent a significant proportion of the economically active population (between 5% and 15%), and because of their sexual orientation and/or gender identity and/or expression they are facing specific problems that are unique to this group (Hebl, King and Law, 2005). According to Ozeren (2014), LGBT employees make up between 3% and 12% of the workforce in the United States and between 5% and 7% in the United Kingdom. The data for the Republic of Croatia is not available. The majority of LGBT persons are not open about their sexual orientation and/or gender identity and/or expression in their workplace (EU LGBT survey, 2014).

LGBT people have different experiences in the workplace, ranging from having to hide their sexual orientation and/or gender identity and/or expression to hindered prospects for advancement or even being fired from their job because of their "difference". Ozeren suggests that sexual orientation is the "last acceptable and remaining prejudice" in the modern society and organizations compared with other aspects by which people are differentiated in the workplace. LGBT persons are stigmatized, and the stigmatization multiplies if the person belongs to more than one marginalized group (e.g. homosexual and African American) (Hebl, Martinez, Barron, King and Skorinko, 2014).

A series of studies dealing with this particular "difference" have been conducted over the years, but they are fewer than those dealing with other differences such as age, sex, ethnicity, etc. (Ozeren, 2014). In Croatia, no such research has been conducted to this day. Studies in this field are very valuable because of the influence they can have on organizations and their employees, and in order to create a quality organizational environment it is important to accommodate diversity, including LGBT people.

A review of a number of studies reveals that organizational heterosexism and homophobia are distinct phenomena that are disrupting the work environment. LGBT persons have to skillfully negotiate the personal and the social aspects of their lives in order to establish, develop and ultimately maintain their careers (Gedro, 2009). Human resources experts need to be trained and familiarized with the challenges facing LGBT persons in the workplace on a daily basis.

1.1. Discrimination and harassment of LBGTI persons in the workplace

The Croatian Anti-discrimination Act (Official Gazette 85/08, 112/12) defines discrimination as placing of any person in a less favorable position on the basis of race or ethnic affiliation, skin color, sex, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity, gender expression or sexual orientation. Aside from discrimination, a worker can experience harassment, i.e. any unwanted conduct from their coworkers and/or employer caused by any of the above stated basis with the purpose of violating the dignity of the person and of creating an intimidating, hostile, degrading or offensive environment.

Discrimination against LGBT workers is manifested in various forms. According to Croteau (1996), there are two forms of discrimination: formal and informal. Formal discrimination includes firing or refusing to hire persons based solely on their sexual orientation, reduced advancement prospects, unequal pay, and failure to achieve the same benefits as heterosexual employees. Informal discrimination, on the other hand, refers to verbal harassment, homophobic and bizarre jokes, and rejection from colleagues and superiors.

Studies that were conducted in two waves greatly contributed to the understanding of discrimination against LGBT persons in the workplace (Ozeren, 2014). The first wave included the issue of the different forms of ill-treatment of LGBT employees in situations in which they were not provided with legal and institutional protection. The second wave focused on the study of the legal framework that needs to be developed in order to address the various challenges facing LGBT workers – the ultimate goal being the establishment of a more inclusive work environment. There has already been some positive development in certain countries (e.g. in the EU, the Employment Equality Directive 2000/78). However, the legal framework alone cannot solve the problem of discrimination, and LGBT persons continue to be subjected to various, often very subtle, forms of discrimination. Many studies show that despite the existence of legal protection, inequality still occurs during the hiring process and in the wages (Ozeren, 2014).

1.1.1. The prevalence and consequences of discrimination against LGBTI persons in the workplace

Studies conducted from mid-1980s to mid-1990s showed that from 16% to 68% of LGBT persons experienced workplace discrimination at some point in their lives (Badgett, Lau, Sears and Ho, 2007; Badgett, Sears, Lau and Ho, 2009). Since the mid-1990s, additional 15 studies showed that from 15% to 43% of LGBT persons have faced discrimination in the workplace. Their experiences included layoffs or lack of employment opportunities, poor advancement prospects or negative work evaluation, verbal/physical abuse (or destruction of work space), and unequal pay or specific benefits – and all because of their sexual orientation (Badgett et al., 2007, 2009). A review of a study by Sears and Mallory (2011) confirms the discrimination against LGBT employees through data collected from various sources (e.g. scientific research, employee complaints, newspapers, etc.), concluding that the presence of discrimination against LGBT persons negatively impacts their health, wages, employment opportunities, productivity, and job satisfaction.

When the experiences of transgender persons were studied separately, the results resembled those obtained in relation to LGBT persons. Six studies conducted between 1996 and 2006 showed that from 20% to 57% of transgender individuals experienced discrimination in the workplace at some point in their lives (Badgett et al., 2007).

An interesting fact about discrimination on the basis of gender identity was revealed in a study involving transsexual persons (Schilt and Wiswall, 2008). The results showed that the wages of those individuals who transitioned from male to female decreased by approximately 32%, while the wages of those who transitioned from female to male increased by 1.5%. Additionally, it was revealed that those who transitioned from female to male felt more authoritative and respected by their colleagues, while those who transitioned from male to female encountered more harassment and discrimination.

A small number of studies focused on the experiences of heterosexual people in relation to witnessing sexual orientation-based discrimination against their coworkers. The data revealed that 12%-30% respondents had witnessed discrimination against their LGB colleagues in the workplace (Badgett et al., 2007).

Lau and Stotzer (2011) researched sexual orientation-based discrimination of employees in Hong Kong. Nearly one third of respondents (the research included 792 respondents) reported on some form of discrimination, and it was also revealed that discrimination is closely related to reduced life satisfaction and increased internalized homophobia. Moreover, a study by Ragins and Cornwell (2011) showed that LGBT persons experiencing workplace discrimination expressed more negative attitudes toward work, had lower job satisfaction, weaker organizational commitment, and fewer advancement prospects. Homosexual employees who reported discriminatory behaviour in the workplace – whether they experienced it or witnessed it – had less opportunities for promotion than other employees.

Problems surrounding discrimination also include stereotypes about the LGBT population which some heterosexual employees rely on, which can lead to a hostile work environment. Due to a discrepancy between LGBT stereotypes and the idea of what it takes to be a successful leader, LGBT employees are less likely to be promoted and are often overlooked when it comes to leadership positions (Silva and Warren, 2009). Workplace heteronormativity, along with gay and lesbian stereotypes (e.g. lesbians are seen as "not so beautiful women

who do not wear make-up but who wear comfortable shoes"), are also connected to the way gay or lesbian identities in the workplace are formed. Various studies confirm this connection for employees in different positions in their organization. The data shows that it is important to understand how stereotypes are created and to become actively engaged in the process of stereotyping and in the ways in which lesbian and gay identities are embodied in the workplace (Einarsdottir, Hoel and Duncan, 2015).

In order to gain deeper insights into discrimination against LGB people, some researchers have focused on conducting controlled experiments. That enabled them, for example, to compare the treatment of LGB and heterosexual people during job interviews in cases when the resume contained information about the applicant's sexual orientation, while all other information was same as in the heterosexual applicant's resume. In the works that were included in the review of controlled experiments, seven out of eight studies provided evidence that sexual orientation-based discrimination does exist (Badgett et al., 2007).

EU LGBT survey (2013) showed that one fifth of LGB persons and 29% of transgender persons felt discriminated against in the workplace and/or during job search. Data analysis of those who had held paid jobs at any point in the last five years until the beginning of the research showed that 67% of respondents encountered negative comments or witnessed negative treatment of individuals perceived as LGBT, and 66% of them experienced a generally negative attitude towards LGBT people. The survey also included data for Croatia, which showed that 26% of LGBT persons encountered discrimination in the workplace and/or during job search because of their sexual orientation. In the 2014 survey (EU LGBT survey), 24% of LGBT persons claimed they had encountered discrimination.

1.2. Coming out in the workplace

One of the most important aspects for the functioning of LGBT persons in both everyday life and the workplace is the process of coming out. The decision to disclose one's sexual orientation and/or gender identity and/or expression is a major event in any LGBT person's life. Research on the benefits of coming out, but also on the risks that are involved, shows that this decision needs to be considered very carefully. Studies indicating the benefits of being open about one's sexual orientation and/or gender identity and/or expression for both the person in question and their work environment have determined that being out in the workplace has to do with greater emotional connection to the organization and greater job satisfaction (see: Ozeren, 2014). A study by Griffith and Hebl (2002) has also pointed out the positive outcomes of coming out. They suggest that being out in the workplace is closely related to job satisfaction and that those workers who are out and whose coworkers are supportive of them feel happier and experience less stress in the workplace.

A study by Rostosky and Riggle (2002) has emphasized the role of organizations that have adopted specific measures aimed at preventing discrimination against LGBT persons who decide to come out. The results show that the process of coming out is much easier in such organizations since the working environment is perceived as a safe space. Moreover, a person's openness about their sexual orientation depends on whether the employer is implementing any non-discrimination policies, and on the extent to which the person in question has internalized homophobia. It should be noted that being out in the workplace is also affected by the position of one's partner in their workplace, i.e. whether the partner's workplace has any non-discrimination policies, and by the extent to which the partner has internalized homophobia.

In terms of supportive organizational policies, gay and lesbian workers are more likely to be out, report less job discrimination, more favourable reactions from colleagues, and more fair treatment from their boss or supervisor when their organizations have written non-discrimination policies, actively show support for LGB activities, and offer training that specifically includes LGB issues (Griffith and Hebl, 2002).

One study has shown that organizational support, transsexual identity centrality, and the degree to which a person is open about their transsexuality outside of their work environment all determine whether the person will disclose their identity in the workplace (Law, Martinez, Ruggs, Hebl and Akers, 2011).

Self-disclosure concerning one's transsexuality is positively linked to job satisfaction and organizational commitment, and negatively linked to work-related anxiety. Other employees' reactions are a mediator variable in these relations.

Wright, Colgan, Creegan and McKearney (2006) conducted a research in organizations in Great Britain that are considered to have "good practices" in the field of employment and work environment for LGB employees. More than a half of the respondents were out to everyone at work, a third of them were out to some people, and 8.4% said they were out to very few people or nobody at work. As it turns out, for LGB people the prevalence of openly homophobic attitudes was considered a key indicator of inclusion. An overwhelming majority (81.6%) of respondents felt that working in a gay-friendly environment had a direct impact on their job satisfaction.

In order to examine the impact of being open about one's sexual orientation on people's experiences in the workplace, Lau and Stotzer (2011) divided employees into three groups: (1) those who have not disclosed their sexual orientation at work and do not think their coworkers have any suspicion of their sexual orientation, (2) those who have not disclosed their sexual orientation at work, but think coworkers are suspicious of their sexual orientation, and (3) those who are open about their sexual orientation in their workplace. Only 8% of those in the first group reported experiencing sexual orientation-based discrimination in the past five years, while 46% of those in the second group and 34% in the third group reported some form of discrimination in the workplace. These findings reveal that self-disclosure at work and the suspicion of coworkers about one's sexual orientation can lead to a greater risk of discrimination in the workplace.

A review of one of the studies revealing the negative consequences of hiding one's sexual orientation and/or gender identity and/or expression has shown that LGBT workers are less productive at work when their cognitive capacity is preoccupied with hiding their sexual orientation (Madera, 2010). The author suggests that an LGBT person who is constantly controlling and monitoring their behaviour in order to avoid coming out in the workplace can easily exhaust their regulatory resources needed for work.

While examining the relation between coming out and the work environment, it is important to take into account that an LGBT person is confronted with this process every time they get a new job, or a promotion, or during any other change in their organizational environment. Einarsdottir, Hoel and Duncan (2015) report that this is something most researchers agree on. Some studies have shown that LGB workers do not always have control over the disclosure process, but are outed, directly or indirectly, by their coworkers (Ragins, 2008).

Looking at the role of LGBT people in organizational change, Martinez and Hebl (2010) suggest that the strongest impact they can make is to be out. Despite being aware of the fact that coming out in the workplace can be very difficult (particularly if the organization is unsupportive and possibly even hostile to LGBT people) since it exposes the person to potential discrimination, Martinez and Hebl believe that self-disclosure of LGBT workers would achieve three important goals concerning the inclusion of LGBT people in the workplace: (1) increase LGBT visibility in the organization and indicate to other employees that such a minority really does exist in the workplace, (2) relieve LGBT persons of interpersonal tensions, and (3) encourage intergroup interactions within the organization. The authors also stress that heterosexuals who support and accept LGBT persons can play a significant role in creating an inclusive organizational climate by clearly showing that the majority of employees do not tolerate prejudice and discriminatory behaviour.

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A number of studies conducted in the USA tested the hypothesis that self-disclosure of LGBT persons concerning their sexual orientation and/or gender identity and/or expression in the workplace can lead to diminished job performance of other workers ("Don't ask, don't tell"). The opposite turned out to be true: there were no job performance differences between LGBT and heterosexual employees; outed lesbians had better and more open relations with their coworkers; and the participants who worked with openly gay men scored higher on cognitive and sensorimotor tests than those who worked with sexually ambiguous partners (see: Drydakis, 2011; Everly, Shih and Ho; 2012, King and Cortina, 2010). Since one of the indicators of discrimination against LGBT workers is a wage gap between heterosexual and LGBT people with the same job, a number of researchers have focused on this issue (see: Badgett, Lau, Sears and Ho 2007; Ozeren, 2014). The author thus warns that the results of previously conducted studies – which claim that lesbians are a privileged sexual minority when it comes to income – should not be taken at face value, adding that context and life-cycle variation should also be taken into account. Similar studies have not yet been conducted about transgender people and their income, but other studies have shown that a significant proportion of transgender people are unemployed (6% - 60%), and many of those who are employed (22% - 64%) earn very little (less than \$25,000 a year) (Badgett et al., 2007).

1.3. Homo/bi/transphobia and the inclusion of LGBTI persons in the workplace

Organizations should take care that their employees are satisfied with their jobs and committed to their employer. Studies have shown that job satisfaction and organizational commitment are related to higher productivity and profitability, and to lower absenteeism and staff turnover (Silva and Warren, 2009). The presence of different forms of homophobia in the workplace leads to a hostile work environment for LGBT persons, which in turn prompts LGBT persons to look for a new job, or it creates difficulties for them to be authentic at work. Another workplace barrier listed by LGBT respondents in studies is a lack of senior LGBT employees who could demonstrate that LGBT people can occupy leadership positions and thus remove doubt that a person identifying as LGBT can reach those positions when no one else "like them" has already (Silva and Warren, 2009).

The theoretical concept of heteronormativity is useful in understanding the process of "silencing", which occurs when a person does not "fit" into the heteronormative concept or when they refuse to adapt to the limitations set by gender/sex. In such situations, the person becomes invisible and silenced within the organization. Heteronormative organizations and practices impede access to full participation in the workplace and undermine the development of one's professional identity that fully incorporates one's personal sexual identity.

A study by Priola, Lasio, De Simone and Serri (2014) has shown that employees felt discomfort when they talked to them about LGBT topics or their same-sex orientation coworkers. The respondents were also not familiar with LGBT-related terms. They justified the silencing of LGBT persons and LGBT-related topics in the organization by claiming it was a sign of respect and that sexuality was irrelevant in the workplace. This perspective creates equality based on the lack of diversity, thus negating different living conditions of LGBT people in both the social and organizational context (e.g. minimization of discrimination regarding the impossibility of legislating same-sex relationships and access to certain organizational benefits). In the organizations that the authors researched, LGBT topics were seen as something new that workers had to face in a formal environment, i.e. these topics were not discussed in meetings or group events regularly organized by the employer in order to support the inclusion of disadvantaged employees (except LGBT employees).

Organizations are facing complex challenges related to the inclusion of LGBT people and their protection in the workplace, and such challenges are not present in other groups. Organizational support can take several different forms (Hebl et al., 2014). Primarily, organizations can adopt formal policies aimed at protecting employees who are different on any basis, which includes ensuring equal benefits for the partners of LGBT employees (the same ones that are available to heterosexual employees' partners). The importance of introducing legislation aimed at reducing LGBT discrimination is also emphasized by Barron and Hebl (2010a). Organizations can encourage their LGBT employees to form groups within the organization and support those groups, or sponsor events organized by LGBT organizations. It has been shown that such

groups contribute to raising awareness of managers and other employees of LGBT topics (Ozeren, 2014) and that the existence of LGBT support groups is "good organizational policy" (Wright et al., 2006). According to the research cited by Hebl and others (2014), this is related to the employees' perception that there is less LGBT discrimination in the workplace.

One way to protect disadvantaged employees is to organize sensitization trainings (Hebl et al., 2014). However, unlike trainings for other employee groups (e.g. racial or ethnic minorities), trainings that would include raising awareness of LGBT topics present a problem for organizations because of the idea that confusion around gender identity and homosexuality as a variant of human sexuality seriously offends some people's moral and religious beliefs.

Studies have shown that despite the existence of different forms of discrimination, the existence of formal policies protecting LGBT employees' rights leads to less discrimination in the organization, and in these organizations LGBT employees are more likely to disclose their sexual orientation and/or gender identity (Ragins and Cornwell, 2001). Additionally, anti-discrimination legislation is related to more positive attitudes towards gay and lesbian coworkers (Barron, 2009). Of all the policies and practices, inviting one's same-sex partner to social events in the organization was most strongly related to perceived workplace discrimination (in the sense that inviting one's partner decreases the experience of discrimination) and also to the decision to come out (Ragins and Cornwell, 2001).

As Hebl and others (2014) have pointed out, the existence of policies correlates with job satisfaction, organizational commitment and increased productivity, and at the same time these policies contribute to employees' mental health protection. A review of the existing research done by Badgett, Durso, Kastanis and Mallory (2013) corroborates these claims. Even though there is no data linking sexual orientation-based workplace discrimination and physical symptoms (e.g. cardiovascular disease), some studies have shown that in the case of racial discrimination such a correlation is possible, so it is also possible that LGBT employees who are continuously discriminated against could develop health problems (Hebl et al., 2014).

In their study, Wang and Schwartz (2010) have demonstrated in what ways organizations can benefit from adopting affirmative policies and advocating the equal position of LGBT employees. Their findings show there can be financial benefits (higher stock value) for organizations that have anti-discrimination policies. King and Cortina (2010) and Barron and Hebl (2010b) claim that organizations have both social and financial interests in developing policies and practices that protect and support LGBT employees.

Even so, organizational policies can sometimes be inadequate and inconsistently implemented. The question remains which policies are the best or most protective, and what is the best way to implement them, but there are many reasons for creating an organizational climate that is informed, inclusive, and supportive of LGBT employees.

1.4. The Croatian legislation

Only some countries (mostly in the so-called Western world, e.g. USA, UK, Sweden) have developed satisfactory legislation regarding LGBT equality and inclusive work practices that protect LGBT workers' rights. In the Republic of Croatia, there is a number of laws prohibiting discrimination in the field of labour and employment on different basis, including sexual orientation. The majority of these laws were passed during the EU accession negotiations period since each Member State is obliged to harmonize domestic law with EU law.

The current legal framework stipulates that any worker, regardless of where they work (as a public servant; a tradesman; in a small or large, public or private company; in a government or non-government organization, etc.), can initiate proceedings for protection against discrimination or harassment/sexual harassment.

The Anti-discrimination Act (Official Gazette 85/08, 112/12), which entered into force on 1 January 2009, prohibits harassment and discrimination on various basis, including sexual orientation and gender identity. The said law is a general law (*lex generalis*) aimed at combating discrimination and harassment, and it protects from victimization all persons who reported, witnessed or in any way participated in proceedings against discrimination, and persons who refused an order to inflict discrimination. Should anyone put the aforementioned persons in a disadvantaged position, they shall be guilty of misdemeanour and sentenced to pay a fine.

The Gender Equality Act (Official Gazette 82/08) regulates the protection and promotion of gender equality and defines protection against discrimination. In Article 6, Paragraph 3, the said Act expressly prohibits discrimination on the basis of sexual orientation. Additionally, in Chapter IV, which refers to discrimination in matters of employment and occupation, it is stated that there shall be no discrimination in the field of employment and occupation in the public or private sector, including public bodies.

For the purposes of this text, it is relevant that the Anti-discrimination Act (Official Gazette 85/08, 112/12) and the Gender Equality Act (Official Gazette 82/08), pursuant to which civil proceedings may be initiated, also contain misdemeanour provisions providing for fines for whoever commits sexual harassment and/or harassment (creating an intimidating, hostile, degrading or offensive environment) on any discriminatory basis. In other words, the employer may be charged the fine for misdemeanour if it is proven they harassed their employees on any discriminatory basis. Aside from the employer, the responsible person can be a legal person, a state body, a legal person vested with public authority, a local and regional self-government unit, a sole trader or a self-employed person performing any other independent activity.

The Labour Act (Official Gazette 93/14) does not specifically define discrimination or harassment nor does it provide for a special procedure in this respect, but refers to provisions in other laws regulating these issues (Anti-discrimination Act, Gender Equality Act, Civil Servants Act, etc.), collective agreements (if any), agreements between the works council and employer (if any), and work regulations (if any). The Labour Act stipulates the obligations the employer must comply with and the rights of employees in cases of discrimination and harassment. The collective agreement and other documents may impose further obligations onto the employer and ensure better protection and more rights for the employees. However, in practice, the collective agreement provisions are generally copied from the Labour Act.

Article 134 of the Labour Act allows every worker the right to file a complaint to their employer claiming that they experienced discrimination, harassment or sexual harassment in the workplace. The employer, or the person authorized for handling complaints, is obliged to investigate the complaint within 8 days and undertake any actions aimed at protecting the worker. If the worker does not know who is the person authorized for handling complaints, they can file it to the responsible person, i.e. the director, a board member etc., who is obliged to deliver the complaint to the person authorized for handling complaints. If the complaint is not resolved within the stated deadline, or if the actions undertaken with the aim of protecting the worker are not adequate, the worker may stop working, but within further 8 days, they have to file a lawsuit in court and inform the employer about their course of action. Pursuant to the Labour Act, the employer may be charged with a misdemeanour only if they had not appointed a person authorized for handling complaints, and they are obliged to appoint such a person (if they employ 20 or more workers), or if they disclose information related to the complaint. The Anti-discrimination Act and the Gender Equality Act stipulate other misdemeanour proceedings. The worker may ask to stop working only when they claim they have been discriminated against or harassed on any basis (e.g. sexual orientation), but not in case of mobbing. In Croatian legislation, mobbing is regulated by Article 51 of the Occupational Health and Safety Act (Official Gazette 71/14, 118/14) as stress at work or in relation to work. This Article stipulates the ways of preventing stress due to overwork, poor communication and interpersonal relations and so on, and the worker may request compensation for damage from their employer pursuant to the provisions of the Civil Obligations Act (Official Gazette 35/05, 41/08, 125/11, 78/15).

The Same Sex Life-Partnership Act (Official Gazette 92/14), which entered into force on 5 August 2014,

prohibits any form of discrimination, direct and indirect, on the basis of a concluded life partnership, sexual orientation, and gender identity.

The Criminal Code of the Republic of Croatia (Official Gazette 125/11, 144/12, 56/12, 61/15) prohibits public incitement to violence and hate directed toward a group of people or an individual on the basis of race, religion, nationality or ethnicity, sex, sexual orientation, gender identity, disability or any other characteristics.

This brief review of the Croatian legislation reveals a relatively satisfactory coverage of the protection of rights and non-discrimination of workers on any discriminatory basis, including LGBTI diversity. The accession of Croatia to the EU, i.e. the harmonisation, has undoubtedly contributed to that. However, the existence of a legislative framework does not necessarily guarantee its implementation in practice, nor does it ensure the promotion of an inclusive work environment for LGBTI employees. Unfortunately, informal and subtle forms of discrimination and/or harassment of workers on the basis of sexual orientation and/or gender identity and/or expression are not rare. Even when it comes to direct forms of discrimination and/or harassment, LGBTI workers do not always file official complaints, and the witnesses remain silent. Inaction sometimes seems to be a better choice, since filing a complaint or a lawsuit – aside from getting the person a favourable and just outcome – could potentially expose them to other disadvantages.



2. THE RESEARCH OBJECTIVE



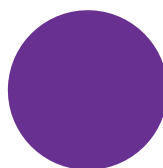
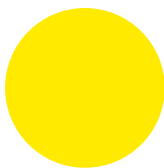
In the Republic of Croatia there are no studies examining the position and experiences of LGBTI persons in the workplace. There is also no data on anti-discrimination policies and practices in work organizations in Croatia aimed at protecting the rights and prohibiting discrimination against LGBTI persons. In order to collect this data for the first time, and to do so from different viewpoints, as part of this project two surveys have been conducted: one with employers, and one with LGBTI workers.

The employers' survey was conducted with the following objectives in mind:

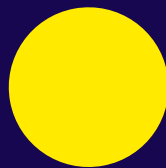
- (1) mapping the legal framework that regulates the issues of rights protection and non-discrimination, non-harassment and non-abuse of LGBTI persons in the workplace,
- (2) collecting the employers' experiences with complaints of discrimination and/or harassment and/or abuse of LGBTI persons in the workplace,
- (3) researching the existence of policies for promoting the inclusion of LGBTI persons in the workplace. The data on the number of LGBTI employees is impossible to acquire or determine, even though it would be very useful for our analysis. Employees' personal information is legally protected, so even if there are individuals who were open about their sexual orientation and/or gender identity and/or expression in the workplace, the employer cannot provide that information for any purpose, including research.

The survey of LGBTI persons with any work experience was conducted with the following objectives in mind:

- (1) examining to what extent and in what ways employees are familiar with the legal regulations prohibiting discrimination and protecting the rights of LGBTI workers, and whether there are any specific measures aimed at promoting inclusion in their workplace,
- (2) checking whether LGBTI persons are coming out in the workplace regarding their sexual orientation and/or gender identity and/or expression,
- (3) collecting the experiences of LGBTI persons in the workplace (discrimination, harassment and/or abuse).



3. DISCUSSION



The main research objective was to determine the position and experiences of LGBTI people in the workplace in Croatia. In order to accomplish that, several dimensions had to be taken into consideration. The first dimension are the laws laid down by the state by which all employers and all employees have to abide. The second dimension are the employers/organizations that have to operate within this legally prescribed framework, and that are accountable to both the competent authorities and their employees. The third dimension are the employees themselves, to whom specific legal documents help exercise their workers' rights and provide them with protection. Therefore, these are three distinct, but closely interrelated dimensions. The first step in achieving the equal position of LGBTI persons in the workplace in Croatia had been to insert provisions concerning LGBTI people into the existing laws. These changes had been prompted by Croatia's accession to the EU and the obligation to harmonize Croatian law with EU directives. This state-level change also affected the organizations themselves. Employers now have to abide by the legal framework that represents a fundamental step towards achieving the equal position of LGBTI persons in the workplace.

While designing this survey, our first step was to determine to which laws and regulations employers in Croatia must adhere and which documents and policies their organizations have to have. Having determined the legal aspect of the issue of LGBTI equality in the workplace, we moved on to examining the organizations' behaviour towards LGBTI employees and concerning LGBTI topics. The next step were "first-hand" experiences, i.e. what LGBTI people experience in their current workplace or their overall work experience. One must be very careful, though, when drawing conclusions based on linking the data on employers and the data on LGBTI employees, since these are two different and unrelated samples. Certain sections of the survey were the same for both groups, but this research did not specifically target LGBTI employees working for the participating employers.

Despite the laws in Croatia being good, their consistent implementation sometimes falters because of a "grey area". Discrimination against LGBTI workers can be very subtle, and it is possible that the employer sometimes fails to discern a basis for legal action if they are not aware of what exactly constitutes discrimination. LGBTI employees, in turn, may not report discrimination because they do not feel safe enough to do so, and the consequences of such a situation are what troubles LGBTI workers the most. The assumption that discrimination will not be recognized and acknowledged and that reporting it could result in endangering of one's welfare places LGBTI people in a passive position.

Action aimed at protecting the rights and preventing discrimination against LGBTI people has to take into account all three aforementioned dimensions. The state has defined the legislative framework, and it is its duty to ensure these laws are consistently implemented. Employers should obey the law and focus on adopting specific legal documents protecting the rights and prohibiting discrimination (beyond the legal framework) against LGBTI people in order to demonstrate to the LGBTI community that they respect all of their employees and want to create a supportive and productive work environment. Additionally, LGBTI employees should become more involved in advocating their rights since history has shown that change always comes "from below", which would then put pressure on the management to change the status quo.

3.1. Research participants

At the very beginning, we are going to provide an overview of the research participants, taking into consideration the shared variables – questions that were posed to both employers and LGBT employees. Data analysis shows that the highest response rate was from the public sector when it comes to employers (58.1%), and the private sector when it comes to LGBT employees (51.9%). The civil society sector was well represented, which, in a way, was expected since this sector is actively involved in advocating human rights and pointing to the issues facing marginalized groups, and participating in research such as this one can greatly contribute to achieving those objectives.

The highest percentage of LGBT respondents who are completely (46.3%) or partially (53.2%) open about their sexual orientation and/or gender identity and/or expression in their workplace are working in the private sector. It would appear that the working conditions in these organizations are more favourable to the expression of one's sexual orientation and/or gender identity. Civil society organizations represent the most supportive work

environment for being out (only 5.5% of LGBTI employees in this sector are not out, while 72.7% are completely out).

The highest percentage of LGBT employees and employers were from the City of Zagreb and the Zagreb County. A possible explanation for that is that a large number of employers are based precisely in this area, and many people gravitate towards the capital because there are more work opportunities here than in other parts of Croatia. It is also possible that many LGBT people choose to live in Zagreb and the surrounding area because the large population enables the emergence of "diversity" and makes it easier to express one's sexual orientation and/or gender identity and/or expression.

3.2. Information on documents and acts concerning the protection of rights and prohibition of discrimination on the basis of sexual orientation and/or gender identity and/or expression

The Anti-discrimination Act (Official Gazette 85/08, 112/12), the Labour Act (Official Gazette 93/14), and the Gender Equality Act (Official Gazette 82/08) are the fundamental laws regulating the protection against discrimination and harassment at work or related to work. Pursuant to Article 26 of the Labour Act, the employer employing more than 20 workers shall adopt and publish employment rules regulating, among other things, the procedure and measures for the protection of workers' dignity and measures for the protection against discrimination, except when such issues are regulated by a collective agreement.

Over half of the employers (53.9%) have a collective agreement, but only 40.8% of them have defined the protection of rights and prohibition of discrimination against LGBT persons. A quarter of the employers (25.8%) cited the employment rules, and only 4.5% of them said they had a special document regulating this area. Unfortunately, on the basis of the obtained data it was not possible to determine with certainty how many employers had documents and acts concerning the protection of rights and prohibition of discrimination based on sexual orientation and/or gender identity and/or expression. There are several reasons for this. Firstly, the survey was filled out on behalf of the employers by individuals of different professions and different levels of knowledge of legal documents, who, in some cases, did not interpret some of the questions properly. Secondly, the objective of this survey was to provide a broader insight into the practices of Croatian employers, and since we had not wanted to demotivate them from participating by the survey's length, we did not pose all the questions that would enable us to obtain reliable information about this issue.

It would appear that very few employers recognize the need to adopt special documents aimed at protecting the rights and prohibiting discrimination against LGBTI people in the workplace. Just 18 of them stated they had a special document regulating this area (a review of these documents can be found in the chapter containing the employers' results in Table 1). When asked to state the reasons for not having special legal acts, the employers usually responded that there was no need for them. While some of them substantiated this claim with a positive organizational climate, others suggested that would constitute positive discrimination, in which case they would have to adopt a number of special documents to accommodate all minorities and differences in the workplace. The positive discrimination argument stands; however, when considering this argument, one has to take into account the need to protect all minorities and differences with additional legal documents. The existence of special regulations provides minorities with a sense of security and a conviction that their needs are being recognized and respected. This could also be one of the factors that might contribute to the readiness of LGBTI persons to be open about their sexual orientation and/or gender identity and/or expression in the workplace.

The importance of organizational support in the form of formal policies aimed at protecting employee diversity has been corroborated by the results of numerous studies, some of which are listed in the introduction (e.g. Hebl et al., 2004). The existence of such policies has a positive impact on reducing discrimination against LGBTI people and encourages the process of coming out in the workplace, which leads to the realization of one's authentic identity, an increase in work efficiency and job satisfaction. The results of previous research are corroborated by the data from this survey, which shows that as much as 94.9% of LGBT employees completely or mostly agree with the claim that employers should clearly define the prohibition of discrimination against

LGBTI people in their legal documents. They justify the importance of such documents with their impact on the decision to work for a specific employer and their general work motivation.

When asked about their plans to adopt documents and acts aimed at protecting the rights and prohibiting discrimination against LGBTI employees in the next three years, 11% of employers responded that they intended to work on that. A portion (40%) of them responded that they had still not developed a strategy for the stated three-year period, so it is possible they would take into account the protection of rights and prohibition of discrimination against LGBTI people in the creation of documents and acts in the future. Informing the employers in Croatia of the results of this research can serve as an additional incentive for raising awareness of this subject matter, as well as an opportunity to learn about the possibilities of cooperation with civil society organizations specializing in LGBTI issues. The ultimate objective is to create a pleasant and equal workplace for all employees, including the members of the LGBTI population. It is interesting that 15.4% of employers think that the initiative for creating special documents ought to come from LGBTI employees themselves, which supports the circular responsibility thesis (employers think that change ought to come from LGBTI employees, while employees believe the responsibility lies with the organization). It is possible that employers would react positively to incentives from LGBTI employees, but it is also possible that LGBTI persons would not come out or put themselves at risk by making demands if they did not feel safe in their work environment. The data shows that one of the components of safety is precisely the existence of documents protecting the rights and prohibiting discrimination against LGBTI persons.

Before drawing conclusions about whether employers ought to have such special documents, it is important to consider the data on the ways in which they inform their employees of the existing regulations and acts as well as the data on the level of the employees' awareness thereof. Out of 12 listed ways of informing employees about such documents, the highest percentage of employers opted for publication on the bulletin board (23.6%), publication on the intranet (23.3%), the supervisor informing new employees (22.1%), and trainings that take place during the employment relationship (20.1%). Some employers selected more than one answer, while 11.4% of them claimed their employees were not being specifically informed about such documents. The data shows that only 23% of LGBT employees claim they are informed about the existence of documents and acts protecting their rights and prohibiting discrimination. The most common way of being informed is via the intranet (33.8%), trainings during the employment relationship (29.9%), and by their supervisor (24.7%). More than three quarters (77%) of employees stated that their employer did not have such documents or that they were not sure whether they existed at all.

The obtained data shows that those employers who have special regulations and acts should communicate this to their employees more directly and by using different means of informing. On the other hand, employees should seek information more actively; e.g. if the documents are available on the intranet, they should take a look at those documents and become acquainted with the rights and obligations arising from them. The employer may consider their task of informing complete by publishing the documents on the bulletin board or the intranet, but the mere fact of availability does not necessarily imply that the employees will read the documents or generally seek information about them, regardless of whether they have a workplace-related problem or not. In that respect, the responsibility lies with the employee.

The implications arising from the abovementioned data are discussed in more detail below. Taking into consideration the legal framework, the obtained data about the documents and acts in organizations in Croatia aimed at protecting the rights and prohibiting discrimination against LGBTI persons in the workplace, and the data on the awareness of LGBT employees of such documents and their importance, the following guidelines for action are recommended:

1. The employers should make the existing documents and acts easily accessible and visible. The means of doing that depends on the organization itself and its employees. People who use the computer and the internet/intranet on a daily basis will more easily access the documents if they are published in that manner. People who rarely or never use the computer will have difficulty accessing information in this way, so the employer should be easily noticeable, but it is not known how much time employees spend in front of it on a daily basis in order to read the posted information.

2. In these documents the employers should use simple and understandable language, i.e. adapt them to end-users. Laws and regulations are often lengthy documents full of legal jargon which is not always easily understood by lay people. Specific topics and provisions could be extracted from the existing regulations so that employees can easily find the relevant information (concerning, for example, the annual leave, the rights of pregnant workers, parents and adoptive parents, the protection of rights and prohibition of discrimination against LGBTI persons, etc.).
3. As most of the issues related to the protection of rights and prohibition of discrimination against LGBTI people (as well as some other minorities) are already regulated by law, certain smaller, thematic, concise and easily understandable documents could be created on the national level as well (competent ministries, Croatian Employment Service, etc.). The visibility and availability of such documents would increase the awareness of the presence of LGBTI people in the workplace or the labour market. For example, brochures containing Q&A related to LGBTI issues in the workplace could be printed or published on the websites of the competent ministries and the Employment Service.
4. When it comes to the role of employees in obtaining information about the documents protecting their rights and prohibiting discrimination, LGBTI workers should be encouraged to pay more attention to such documents and to actively seek information.
5. Civil society organizations specializing in rights protection and non-discrimination, non-harassment and non-abuse LGBTI persons could contribute to the implementation of the previous points in different ways. They could, for example:
 - a. devise projects that would ensure the resources (both financial and human resources) for adapting the existing documents, since one of the biggest potential obstacles to realizing that goal is a lack of resources within the existing job positions
 - b. inform LGBTI workers about their rights and the existing documents and acts in order to raise awareness of the legal support that is already available to them
 - c. inform the employers about the results of this research and their implications. For example, some employers have stated that there is no need for adopting special documents aimed at protecting specific groups of employees. Perhaps these employers would be interested to learn about the importance and function of such document as well as the benefits arising from them (more work efficiency, increased productivity and motivation, etc.).

3.3. Bodies representing employees

Data analysis has shown that employers have different bodies representing the employees (and some employers have selected more than one answer). The most commonly referenced bodies are the trade union and the employees' commissioner for occupational health and safety, followed by the works council and the workers' representative in employer's bodies (e.g. in the supervisory board). A little less than one third (29.3%) of employers stated they had no bodies that represent employees.

Only a small number (14%) of LGBT respondents said they were members of a body representing employees such as a union, work council, etc. Asked whether they believed the unions they were helping to protect LGBTI workers, 44.2% of employees responded they did not believe that, while 49% stated they were unsure whether unions dealt with these issues or not.

When it comes to improving the position of LGBTI persons in the workplace, a possible course of action is to increase the active involvement of LGBTI persons in those bodies. Perhaps civil society organizations focusing on LGBTI issues could encourage employees to become involved in the work of these bodies, since pursuant to Article 140 of the Labour Act (Official Gazette 93/14) "workers employed with an employer who employs at least 20 workers, with the exception of workers employed at state administration bodies, shall have the right to take part in decision-making on issues related to their economic and social rights and interests, in the manner and under the conditions prescribed by this Act". This could be one of the ways of advocating the protection of rights and prohibition of discrimination against LGBTI persons since through these bodies LGBTI employees would be able to suggest, for example, the drafting of special documents and acts.

3.4. Inclusive/tolerant work environment for LGBTI persons

Griffith and Helb (2002) list a number of positive outcomes for LGBT persons resulting from their organizations' non-discrimination policies, active support of LGB activities, and offering trainings related to LGB topics.

This survey also measured the prevalence of policies and behaviours among employers which demonstrated openness to LGBT persons and topics. The data has shown that in most cases (82.9%) employers do not have a special way of raising awareness of LGBTI topics. The civil society sector absolutely excels when it comes to creating a tolerant environment for LGBTI employees, which is not surprising considering their aforementioned activist role and objectives. It is possible that precisely because of such a working environment, civil society organizations have the highest incidence of outed LGBTI employees in the workplace.

It is reassuring that nearly 60% of employers have expressed willingness to participate in trainings, education and workshops for promoting diversity and inclusion of LGBTI persons in the workplace in the event that they be invited to take part. It is also interesting that the majority of employers believe that employee motivation is vital for the introduction of such programs and trainings, followed by binding laws and policies. It appears that the individuals who responded to the survey on behalf of the employer think that the initiative for such activities should come from outside the organization itself (training should be offered to them) or from LGBTI employees directly, "from below". However, the question is how many members of the LGBTI population would be willing to actively advocate the creation of such programs in their organization. This problem can also be solved "from above". Apparently, organizations will simply not deal with these issues until a legislative body prescribes that every organization shall have some form of program and/or training focusing on LGBTI issues. This data once again supports the circular responsibility hypothesis (transfer of responsibilities between employers, employees and the law), indicating the need for action at all levels.

In the survey we asked LGBT employees whether they participated in any programs (trainings, workshops, education) promoting diversity and inclusion of LGBTI people in the last three years in their organization or at the request of their employer. Slightly more than three quarters of LGBT respondents had not participated in any such programs or trainings in the last three years. It is interesting to note that on average the respondents gave a neutral answer to the question whether they believed that the employer should be organizing education and trainings aimed at raising awareness of LGBTI issues, and 14.4% of them disagreed or mostly disagreed with that statement. Consequently, LGBT employees as well as employers ought to be informed about the benefits of raising awareness of LGBTI issues in the workplace so they could take on a more active role in articulating the need for such activities and encouraging the employer to organize them. Numerous studies (e.g. Rostosky and Riggle, 2002) have indicated the role of organizations in the process of coming out and the prevention of discrimination against LGBT persons in the workplace. Creating an inclusive and supportive environment is important for the functioning of LGBTI employees, but also for the organization as a whole. Openness towards LGBTI persons is one of the ways in which employers can create a safe and comfortable working environment for their employees.

This survey has shown that the majority (80.4%) of employers do not have any particular means of expressing openness towards LGBTI persons and topics, which means that these employers are not contributing to creating an inclusive environment for LGBTI workers. In those organizations that do have specific means of action, the respondents most commonly referred to equal rights for same-sex and heterosexual partners, the use of non-heteronormative language, etc. The civil society sector once again excels in creating a tolerant and inclusive work environment, which is not surprising considering its aforementioned activist role.

LGBT employees also answered the question about the ways in which their current employer expresses openness towards LGBTI persons. The majority (60.6%) of respondents said they had not noticed any procedures, measures or policies aimed at expressing openness towards LGBTI employees. Those that did notice specific measures reported that they were the use of language that is respectful of LGBTI persons and the ability to express freely one's gender identity regardless of the sex assigned at birth.

The data obtained from LGBT respondents confirms the importance of a friendly and tolerant atmosphere for LGBTI persons in the workplace. Nearly all respondents pointed out that an LGBT-friendly atmosphere increased their work efficiency, and some claimed that in an organizational climate in which they would not have to worry about accidentally revealing their LGBTI identity they would have more cognitive capacity for work. This finding is consistent with a 2010 study by Madera, which found that a person who is constantly controlling and monitoring

their behaviour in order to avoid coming out in the workplace could easily exhaust the resources needed for performing their work.

The results of this study are not surprising given the fact that the need for raising awareness of LGBTI issues in the workplace and society in general is still not sufficiently recognized in Croatia, which indicates the need for a more active engagement of all relevant stakeholders.

3.5. Openness about being LGBT in the workplace

A number of studies have demonstrated the benefits of openness about being LGBTI in the workplace for LGBTI workers themselves, but also for the organization as a whole. Martinez and Hebl (2010) suggest that coming out increases LGBT visibility in the organization, signals to other employees that such a minority exists, relieves LGBT persons of interpersonal tensions, and encourages intergroup interactions in the workplace. The analysis of data obtained from LGBT employees shows that 36.7% of them are completely open about their sexual orientation and/or gender identity and/or expression in the workplace. They are more often open to their colleagues (with whom they are on equal terms) than to their superiors or board members, and it has been shown that it is precisely the colleagues who fully accept them as LGBTI. If we compare this data with the percentage of openness of LGBT employees in other countries – for example, in Great Britain, where over 50% of LGB employees are completely out in the workplace (Wright, Colgan, Creegan and McKearney, 2006) – it is evident that in Croatia the conditions for being out are still not favourable/stimulating enough.

The finding that LGBT employees do not feel safe enough to come out is further corroborated by the fact that out of 23.6% of respondents who have concluded a life partnership, more than half of them did not officially notify their current employer of it, even though that would allow them to exercise the rights and obligations arising from this relationship, such as tax cuts or paid leave for important personal purposes (concluding life partnership). This research has not determined the reasons for this, but it is possible that LGBT workers do not feel supported enough by their organization. It is likely that they fear that by concluding a life partnership they would be exposed to subtle forms of discrimination, and, from their perspective, it is preferable to avoid discrimination than to receive certain material and other benefits.

The implications arising from the above stated data are the following:

1. Employers should be educated on how they can contribute to creating a tolerant and inclusive environment for LGBTI persons and on the impact of an LGBTI-friendly environment on work efficiency and other outcomes that are relevant to employers.
2. Civil society organizations and all those dealing with human rights and equality should offer programs to employers aimed at promoting an inclusive work environment for LGBTI persons.
3. Members of the LGBTI community should be acquainted with the benefits of programs (education, trainings or workshops) implemented in organizations with the purpose of raising awareness of LGBTI issues. These trainings would encourage LGBTI persons to take on a more active role in motivating and supporting their employer in the organization of such programs.
4. Relevant stakeholders should lobby for the introduction of a legal obligation to organize programs and trainings aimed at raising awareness of LGBTI issues in the workplace.
5. It would be advisable to devise a system of rewarding employers who organize or support activities aimed at promoting openness towards LGBTI persons and issues and who contribute to creating a tolerant and inclusive work environment.

3.6. Discrimination, harassment and abuse of LGBT persons in the workplace

The current legal framework stipulates that any worker, regardless of where they work, can initiate proceedings for protection against discrimination or harassment/sexual harassment. Additionally, the Anti-discrimination Act (Official Gazette 85/08, 112/12) and the Gender Equality Act (Official Gazette 82/08) contain misdemeanour provisions including fines. The Labour Act (Official Gazette 93/14) stipulates with whom a complaint may be filed, what the employer is obliged to do when they receive a complaint, and the deadline within which the complaint must be resolved. The specificity of protection in case of discrimination or harassment is that the employee may stop working and file a claim to the court, and during that time, the worker is entitled to remuneration in the amount they would have earned if they had actually worked. However, this institute has to be used with caution because the Labour Act contains a provision according to which the employer may ask the refund of remuneration should the judicial decision be in their favour.

Article 134, paragraph 2, of the Labour Act stipulates that the employer employing more than 20 workers shall be obliged to appoint a person who would, in addition to him, be authorised to receive and deal with complaints related to the protection of the workers' dignity. The employer employing less than 20 workers may appoint a special person for dealing with complaints, and if they do not, then the responsible person in the employer is authorized for resolving complaints. According to the data from this survey, 65% of employers have appointed a person responsible for protecting the workers' dignity. On the other hand, less than a third (30.4%) of LGBT employees are informed of the existence of such a person.

We have obtained data on different forms of discrimination, harassment and/or abuse suffered by LGBT respondents in the workplace on the basis of their sexual orientation and/or gender identity and/or expression. The analysis shows that the majority of respondents (61%) have been exposed to homophobic comments and jokes at work, while some even experienced threats and physical violence. One in five people experienced criticism of the way they were doing their job, inability to advance, being framed for work-related problems, being assigned either too many tasks or none at all, and obstruction during the performance of their tasks. This points to a high level of mobbing faced by LGBT persons in the workplace, and in such an environment it is very difficult to be as efficient and productive as people working in a friendly and supportive environment.

Of 75.1% of LGBT employees who experienced some of the abovementioned forms of discrimination, harassment and/or abuse, only 11% of them reported their experience to the employer, which means that the majority of them had not filed a complaint even though it is their legal right. This finding is consistent with the results of the study conducted by Zagreb Pride (2013), which also indicated a very low incidence of reporting discrimination and abuse (in everyday life) to the police or civil society organizations specializing in LGBTIQ rights.

Employers were also asked about receiving and resolving complaints about discrimination and/or harassment on the basis of sexual orientation and/or gender identity and/or expression. Only 5% said they had received such a complaint, which is not that surprising considering the abovementioned low percentage of LGBT persons who had reported their experience to the employer. It follows that the rate of experiencing discrimination, harassment and abuse is much higher than the rate of reporting such experiences. Despite the existence of a robust legal framework and specific regulations at the state level, the practice is still unsatisfactory. The fact that between 63% and 74% of employers have a clearly defined procedure for receiving complaints, a person/commission/body responsible for receiving complaints, a well-defined procedure for resolving them, and a deadline within which they must be resolved does not seem to have significant impact on the reporting rate. It should be noted that the civil society sector, in comparison to other sectors, has the least defined procedures, which may not be that surprising if we consider the fact that these organizations are focused on protecting the rights of marginalized groups or drawing attention to certain areas that are not sufficiently protected by the current legal framework. According to the findings of the research on gender equality conducted as part of the project "Gender Equality Impact in Local Communities" (2014), people choose to work in the civil society sector because they believe in creating a better society, despite job burnout and low wages.

The reasons for nonreporting provided by the respondents of this survey are discouraging for both LGBT employees and employers. LGBT persons do not feel safe enough to report such experiences because the perpetrator was their superior (a person who is homophobic and conservative). Some LGBT persons perceive the process of reporting and resolving complaints through official channels as futile or difficult to prove, so they prefer to not even initiate it. Many do not report discrimination, harassment and/or abuse because they fear their complaint would result in further discrimination or mobbing. For employers, this finding is discouraging because it implies that the organization does not have a safe work environment, and that some employees, despite all the laws and regulations, do not feel safe. While it may seem that the percentage of LGBT employees is relatively small, it is important to emphasize that no one should feel threatened or unsafe in the workplace. Organizations ought to enable all employees to perform their tasks and foster work efficiency by allowing them to focus their attention on work and not worry if other employees are going to behave in an inappropriate or threatening manner because of one's sexual orientation and/or gender identity and/or expression.

The implications for possible courses of action in this area arising from the above stated data are the following:

1. Employers should inform their employees more explicitly about the procedure of reporting discrimination, harassment and abuse in order to make it clearer to those who have had those experiences what to do, whom to turn to, and what to do after filing the complaint. If the whole procedure is made more transparent, then it is more likely that LGBTI persons will initiate this seemingly stressful process.
2. Employers should inform their employees about the existence of a person responsible for protecting the workers' dignity: provide information about who that person is, when to approach them, and how to reach them.
3. Civil society organizations should inform their LGBTI employees about the legal requirement to appoint a person responsible for protecting workers' dignity if the employer is employing more than 20 workers. Employees could then ask their employer and other relevant persons in the organization for more information.

3.7. Survey limitations

It should be noted that there were certain limitations with regard to the conducted survey. Primarily, a convenience sample was used. The survey included only those employers who were motivated to participate for any reason (thus it is possible their experiences in this field are more positive and that they are more open towards LGBTI topics). In short, this means that the sample was not representative. Additionally, the highest percentage of employers were located in the City of Zagreb. This was beyond our control. The invitation to participate was sent twice, and the invitation letter contained the explanation of the importance of this survey. Another limitation was the inability to organize the survey in such a way that it would include the employees of the participating organization, which would enable us to compare the data and the perspectives of both the employer and employees when it comes to the position and protection of LGBTI persons in the workplace.

The limitations with regard to the interpretation of the obtained results also arise from the fact that the majority of LGBT respondents live and work in the City of Zagreb and Primorje-Gorski Kotar County. Once again, not all Croatian regions were equally represented, and it is possible that the experiences of these participants are more positive than the experiences of LGBT workers in other parts of Croatia. That may not be the case, but the fact remains that the obtained data cannot be compared with regard to, for example, the county in which the person lives and works since there has not been enough participants from every county.



6. CONSLUSION



Because of this survey, for the first time in Croatia we now have data from both employers and LGBT employees that provides an insight into the current state of affairs concerning LGBT equality in the workplace. Since the data was obtained from two relevant participant groups, the results represent a valuable contribution to the mapping of the situation in this particular field. The results can also serve as a starting point for developing guidelines aimed at creating an inclusive and safe work environment for LGBT employees as well as a basis for conducting future research in this field. In addition to that, since the introduction contains a review of relevant literature and studies conducted in other countries, this research can serve as a good incentive for further study of LGBT issues. It can even be said that the very implementation of this survey was a way of raising awareness of the importance of protection of rights and prohibition of discrimination against LGBT persons, but also of LGBT issues more generally.

The data points to a complex and interdependent relationship between legislative bodies, employers, and LGBT employees, which at times takes the form of a catch-22. For example, LGBT persons are not out in the workplace because they do not feel safe. In order for them to feel safe, we need non-discrimination policies and organizational practices that show openness to LGBT issues, which employers in Croatia do either rarely or not at all since they deem such policies and practices unnecessary, or they prefer to wait for the initiative from their LGBT employees. The question of who is going to instigate this interdependent mechanism remains. Change could come from LGBT employees themselves, who could become more visible in the workplace and signal their needs to their employer, encouraging them to start expressing their openness and awareness of LGBT topics. The other option would be to wait for the employer to create an inclusive and LGBT-friendly work environment, which would in turn positively affect the openness of LGBT persons in the workplace.

The fact is that LGBT persons are a part of the workforce. It is also a fact that all employees should have equal rights and work conditions, and it is the employer's role to provide those. Based on the results of this survey, we have proposed a number of guidelines for future action aimed at all levels. The final wish and objective would be for everyone to take their share of responsibility and initiate activities that will help in achieving the equal position of LGBT persons in the workplace.

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