

# BEST PRACTICES FOR LGBT+ INCLUSION IN THE WORKPLACE



**FORWARD**  
Legal LGBT+ Network

# FORWARD'S BEST PRACTICES FOR AN LGBT+ INCLUSIVE WORKPLACE

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# 1. PREFACE

Why diversity and inclusion matter? Because people perform better when they can be themselves. Data increasingly shows that diversity and inclusion in the workplace can lead to a competitive advantage, and are a key for growth, as diversity and inclusion can contribute to a team's quality, productivity and ability to meet (internal and external) client needs. Creating an LGBT+ inclusive workplace is an integral part of this. In addition to being "the right thing to do", diversity and inclusion hence also has a strong business case.

**Diversity.** Creating a workplace in which different religions and beliefs, socio-economic backgrounds, sexual orientations, work methods, gender identities, etc. are represented and work together. The differences contribute to an increased creativity and capacity of the team. Diversity alone is, however, not enough.

**Inclusion.** We are all different, which means that each of us makes a unique contribution to a team. Creating a culture where every team member feels respected for their professional contribution and where team members approach each other with openness and respect is the next step. By fostering such behavior in the workplace, employees are given room to reach their full potential.

FORWARD aims to actively support the legal profession in realizing (more) diverse and inclusive workplaces. Through recommendations and concrete examples, this best practices document provides guidance to assist organizations in reaching their goals of diversity and inclusion for all legal professionals.

The last page of this document holds a **diversity and inclusion checklist** which can be used as a quick scan for your organization and, at the same time, is a summary of the best practices addressed in this document.

This English version of the best practices document is a translation of the original Dutch version. FORWARD much appreciates any suggestion or feedback on this best practices document. Feel free to send us an email at [info@stichtingforward.nl](mailto:info@stichtingforward.nl).

On behalf of FORWARD,



Lotte van der Leij  
Chairperson

***"The answer is resoundingly clear, diverse companies that also have an inclusive work environment perform better on multiple business dimensions" - Paul Polman (CEO, Unilever)***

***Quick win: share this document with the head of HR and the board of your organisation.***

## 2. COMMUNICATION

### 2.1 Draw up a diversity and inclusion policy

An organisation's culture is an important subject when it comes to inclusion. Creating and maintaining a positive and inclusive culture can form a challenge for employers. In drawing up a formal protocol, the position of LGBT+ employees can be clarified internally and this can provide for additional pressure to comply with the protocol. Such a protocol can be part of a broader diversity and inclusion document, of course.



“**LGBT+**” is an abbreviation for **L**esbian, **G**ay, **B**isexual, **T**ransgender and **+** stands for all other sexual orientations and gender identities. This abbreviation is sometimes also expanded to **LGBTQIA+**:

- **L**esbian: a female who is primarily attracted to other females;
- **G**ay: a male who is primarily attracted to other males;
- **B**isexual: an individual who is attracted to both genders or who believes that gender is entirely irrelevant in this respect;
- **T**ransgender: an individual whose gender identity does not correspond to the gender at birth and who, in some cases, has the desire to change physical traits;
- **Q**ueer: all individuals who do not specifically identify with a single sexual orientation and/or gender identity;
- **I**ntersex: an individual whose physical characteristics do not correspond to one gender;
- **A**sexual: an individual who does not feel sexually attracted to other people; and
- **+**: this symbol stands for all other sexual orientations and gender identities.

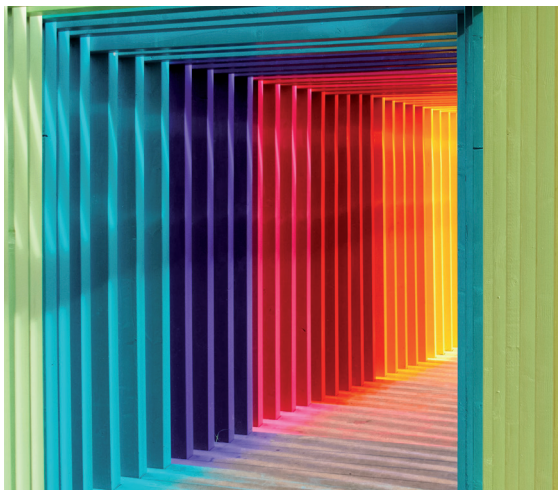
A general diversity and inclusion statement can, for example, be based on the declaration of intent regarding diversity of the Netherlands Bar Association (unofficial translation):

***“We are committed to fostering diversity in the legal profession as well as at our firm. Diversity is understood as differences in background, ethnicity, gender, sexual orientation, [gender identity,] [addition by FORWARD] belief and religion, nationality, age, physical ability, as well as marital and parental status.***

***By fostering diversity at our firm, we believe that we are more innovative, effective and representative of our clients. Moreover, we enrich our firm by having more variation in perspective and heterogeneity with regard to experience and background, as well as with as much talent as possible.***

***We believe that diversity is of considerable importance for the success of law firms and, more generally, the legal profession. Diversity is not about setting quotas, positive discrimination or other standards. Based on our own criteria and assessment standards, it is our objective to actually recruit, hire and retain employees with different backgrounds and offer them growth opportunities.***

***It is recognised that achieving diversity is a constantly developing process that demands dedication, ongoing reassessment and further elaboration. In part for this reason, we strive to implement so-called ‘best practices’ at our firm to realise this declaration of intent in our own way.”***



Such a statement can be published on an organisation's internet page and can be communicated internally by publication on the intranet.

Ultimately, a declaration of intent alone is not sufficient, but actually creating a culture in which all employees can be themselves is necessary. This means that there should not be any room for gossip or negative comments regarding a colleague's sexual orientation or gender identity. Colleagues should point out and/or actively correct such gossip and negative comments among themselves. Nor should LGBT+ employees be asked inappropriate questions.

***Quick win: publish a diversity and inclusion declaration and a statement from the board on the organisation's web page and/or on the intranet.***

## 2.2 Statement from the board

If the management board explicitly expresses its support for LGBT+ diversity and inclusion, this will send a clear message to the entire organisation. Such a statement can be published on the intranet, so that all employees can read it, and it could also be made public. The board could consider presenting the statement to the entire firm.

The Starbucks statement that was sent to all Starbucks employees on 9 May 2016 can serve as an example:

***“Dear partners,***

***Across the U.S., we are witnessing the introduction of local and state legislation condoning discriminatory treatment of lesbian, gay, bisexual and transgender (LGBT) persons. As partners, we share the same concerns about the impact this legislation has on the lives of our fellow partners and our customers.***

***At Starbucks, our Mission and Values are at the heart of everything we do. We treat each other with respect and dignity, and we embrace diversity and inclusion in order to create a place where each of us can be ourselves. Discrimination of any kind has no place in our company. As reflected in our Global Human Rights Statement, “Starbucks is committed to support and uphold the provision of basic human rights and to eliminate discriminatory practices.”***

***Consistent with our Mission and Values, and our long-standing policies and principles, Starbucks opposes any legislation or other similar policy initiatives at the municipal, state or national level that would have a discriminatory impact. This includes recent legislation that discriminates against the LGBT community, as stated in a recent letter released by the Human Rights Campaign and Equality North Carolina and signed by numerous CEOs, including Howard Schultz. In our stores, we continue to welcome partners and customers to use Starbucks facilities that correspond to their gender identity. In addition, we are looking into opportunities to have more gender-neutral signage in our restrooms.***

***We have always believed in equal treatment of all individuals and have a long history and commitment to our LGBT partners, including those who are transgender or transitioning.***

- ***For more than 20 years, we’ve offered health insurance coverage to partners in lesbian and gay relationships.***
- ***More recently, we broadened our health care coverage to include gender reassignment surgery and believe this level of accessibility to health care is a leading practice that all employers and providers should offer.***
- ***For nearly a decade, our Workplace Gender Transition Guidelines have supported partners who are transgender or considering transitioning.***
- ***In order to assist transitioning partners in self-identification, we updated our technology systems to ensure that documentation in stores reflects a partner’s “known as” name.***

***From our very earliest days, we have strived to create a company and culture that treats everyone – partners and customers alike – with respect and dignity. We will continue to champion these values and to stand for our partners, our customers and our communities.***

***With respect,  
Lucy Helm”***

## 2.3 Gender-neutral language

Gender-neutral language can be used in all forms of communication. For example, use ‘dear colleague’ instead of ‘dear sir/madam’ in salutations. In addition to not inquiring about one’s gender, those individuals addressed who do not strictly identify with their assigned birth sex will not be reminded of this in every invitation or salutation.

Gender-neutral language can also be used in external communication and contracts. It could make a large difference to refer to someone’s “partner” rather than “boyfriend/girlfriend”, which assumes that individual is attracted to a specific sex.



Asking a female client whether she has a ‘husband’ (for example in the scope of Article 1:88 of the Dutch Civil Code) may lead to legal errors if the client turns out to have a wife rather than a husband who must authorise specific legal actions. Again, the use of gender-neutral language such as ‘partner’ is more prudent and accurate.

Many forms request individuals to indicate whether they are male or female. The relevance of such question is not always clear. If an individual’s gender is irrelevant, it is preferable to omit this question. If an individual’s gender is relevant, depending on the situation, this individual could be asked “how do you wish to be addressed (‘male’, ‘female’, ‘otherwise, i.e....’)?”, or “what is your registered gender (according to the municipality’s birth register)”?

Another example is the company’s dress code, as provided to (new) employees. Instead of a dress code for men and women with references to ‘suit and tie’ or ‘dress and high heels’, a more general dress code such as ‘business attire’ could be used.

In English, “they” can be easily used as a gender-neutral (singular) personal pronoun. In Dutch, such a solution is not customary (*‘hen’* is sometimes used) and a solution must be found in the way something is formulated. It may be useful to use a checklist to verify whether a text is sufficiently gender-neutral.

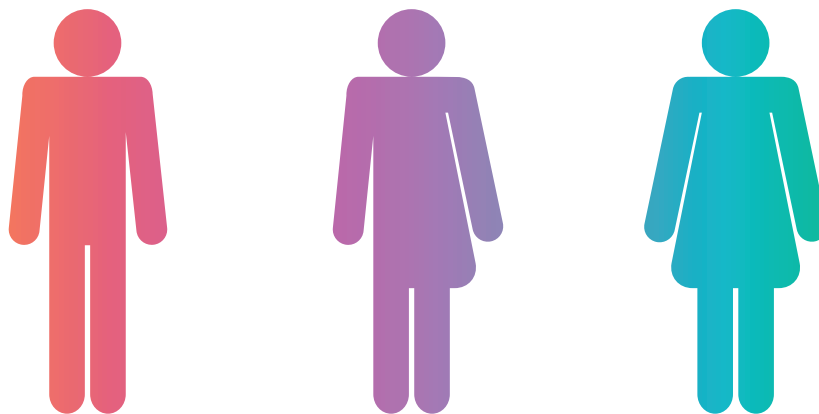
- Does everything in the text apply to both genders?
- Do both genders occur in the text?
- Are both men and women addressed?
- Are both female and male examples used in the text?
- Are both female and male images used by way of illustration?
- Is the possibility that the recipient of the text does not identify itself with either male or female gender taken into account?

**Quick win: use the term ‘partner’ instead of ‘boyfriend/girlfriend’.**

## 2.4 Provide (several) gender-neutral toilets

A gender-neutral toilet is simply a toilet without a masculine or feminine designation, which therefore can be used by anyone. A gender-neutral toilet can be satisfying for employees whose gender identity is not immediately clear. This prevents that an individual who, for example, identifies itself as a man but looks like a woman, is told at the men’s toilet that he does not belong there.

Not all toilets need to be gender-neutral. It is especially important to offer the possibility of a toilet that everyone can make use of. Properly communicating the underlying reason to employees is very important to avoid any situations where employees do not understand the reasoning or need.





## 3. HR AND RECRUITMENT

### 3.1 Include diversity and inclusion training in the introduction programme

In particular, on the first workday of a new LGBT+ employee, this individual may be uncertain about the openness and diversity and inclusion within the new workplace. As an employer, immediately making a clear statement on a new employees first day will make it easier for LGBT+ employees to come out. If



an employee is not comfortable to be open on their first day, it will become more and more difficult to be open at a later stage. Discussing diversity and inclusion during an introduction programme may make it considerably easier to come out. The specific diversity and inclusion initiatives of the organisation can be mentioned, such as a diversity and inclusion committee or LGBT+ network, the fact that the organisation is a FORWARD Founder or Friend or any other initiatives.

Such programme is preferably offered to all employees in an organisation: fee-earners, staff and students. For example, LGBT+ students joining for an internship will more readily feel free to be open about their own orientation or gender identity when they know that they are not the only LGBT+ employee.

***“Our employees are our greatest asset, so it is important that they experience job satisfaction and thrive. We are convinced that employees who are allowed to be who they are do better in the workplace and thus are more productive” - Anne Bornfeld (Human Resources Director Nordic, IBM)***

***Quick win: make a slide or session on diversity and inclusion a permanent part of the presentation that is used for recruitment purposes.***

### 3.2 Offer partners and department heads a specific diversity and inclusion training

Managers play an important role in creating an open work environment in which all employees can be themselves. By conveying a clear inclusive message, managers can make a significant contribution to a sense of safety and inclusion of LGBT+ employees.

***“I believe that it’s important to lead by example and be visible in my support for LGBT colleagues” - James Cowles (CEO Emea, Citi)***

The ability of being a role model comes more naturally to some people. In order to help managers be better role models, a training may be offered in which awareness is created in respect of the specific challenges that LGBT+ employees may deal with. By describing such challenges, managers who cannot draw on

their own experience will also be more aware of their environment. If a manager is part of the majority, this manager will not know from own experience what it is to belong to a minority. After all, it is not easy to realise that things that are natural to you may present an everyday challenge for others.

Coming out is a good example of this. Many people believe that this is a single event in the life of an LGBT+ employee. In reality, coming out is a frequently recurring moment. Each time a conversation is about one's personal life, an LGBT+ employee will have to decide whether or not they will be open about their sexual orientation and/or gender identity. This means that virtually every dinner with clients, every time new colleagues are met and every conversation over drinks will lead to the question 'do I come out or not?' For transgender people, who are visibly in transition, coming out may even be unavoidable, because others may be able to tell by the voice that the individual's gender at birth differs from the gender the individual is currently presenting.

### 3.3 Offer relevant secondary employment benefits

Secondary employment benefits should include equal benefits for all employees. As LGBT+ employees will frequently have different needs, adjusting the benefits to those specific needs will enhance inclusion within an organisation. In most cases, the different needs will be related to a less traditional family composition or the employee's gender identity. With regard to family composition, one could think of the difference between a marriage, registered partnership, or long-lasting cohabitation. Similarly, the position of biological children, adopted children and foster children can be considered. In the employment terms and conditions, no distinction should be made in that regard. In concrete terms, reference can be made to the right to special leave for certain anniversaries or special life events (marriage or death of relatives, etc.).

For transgender people, the employment terms and conditions are especially important in respect of a possible social and medical transition. For example, leave may be required for appointments with a psychologist or for surgery, agreements must be made in respect of a possible name change and the change in appearance, including any consequences thereof for the presentation on the workplace, should be discussed. Since a medical transition is unique for every transgender individual, it is especially important that the employer and the employee make clear agreements regarding responsibilities and expectations, in which both managers and (direct) colleagues can be involved. It is important to realise that a medical transition is an intense and extensive process for the employee; however, it is expected the employee will be happier and more productive in the long term. Sometimes, medical surgery can be performed in quick succession and this can take quite some time. Generally, the employee is also willing to make good arrangements in this regard.

***Quick win: add the following text to the special leave scheme: "in the event of a form of long-lasting cohabitation out of wedlock [, which long-lasting nature should be demonstrated by the fact that the partners have been registered at the same address for at least [one] year or entered into a registered partnership], the special leave scheme fully applies".***

### 3.4 Measure developments regarding LGBT+ diversity and inclusion

Data is knowledge. Many organisations conduct employee satisfaction surveys on a regular basis. Adding a question regarding the employee's sexual orientation and gender identity could provide more insight into the organisation's progress in the area of LGBT+ diversity and inclusion.

***“Collecting workplace demographics related to sexual orientation and gender identity can help an organization understand the personal characteristic of employees and whether these have any impact on measures such as retention rates, promotions, rewards and recognition.” - Alison Grenier & Jacq Hixson-Vulpe (Head of Culture and Research, Great Place to Work Canada & Coordinator LGBT Inclusion Index, Pride at Work Canada)***



In formulating such questions, it is recommended to use a blank field in which employees can describe their own sexual orientation and gender identity (whether or not based on a few examples). This way, the employer emphasises that there is room for everyone, not just for employees who can be labelled or categorised. Of course, the confidential nature of the collected information should be guaranteed.

Sample questions for an internal survey:

#### **Closed questions:**

1. *Do you identify yourself as belonging to the LGBT+ (Lesbian, Gay, Bisexual, Transgender, etc.) community?*
2. *At the office, have you “come out” and are you open about your sexual orientation and/or gender identity?*
3. *Do you feel that your work environment prevents you from being open about your sexual orientation and/or gender identity?*

#### **Open question:**

*How would you describe your own sexual orientation (e.g. heterosexual, homosexual, bisexual, lesbian, asexual) and your own gender identity (e.g. transgender, intersex)?*

### 3.5 Reach LGBT+ students in recruitment activities

If the number of LGBT+ employees is lower than may be statistically expected, this may be a result of the hiring policy. In particular, those who are responsible for the recruitment of new employees play an important role. They, for example, can evaluate the type of recruitment activities that are organised, where vacancies are posted and which (student) networks are supported or approached. In order to reach potential LGBT+ employees, specific recruitment events focused on (LGBT+) diversity and inclusion can be organised. In addition, advertisements for new positions might be designed to address a broader public, for example by expressing the commitment to openness and diversity and inclusion of the firm. Supporting LGBT+ student associations or specific LGBT+ activities of student associations can also be considered. Finally, during regular recruitment activities, attention can be paid to the LGBT+ initiatives within the organisation and the involvement with FORWARD, or an LGBT+ employee can be asked to take care of the introduction during a recruitment activity.

***Quick win: use days such as International Coming Out Day (11 October), International Day Against Homophobia, Transphobia and Biphobia (17 May) or Pride Amsterdam, Utrecht Canal Pride or Rotterdam Pride to make LGBT-related recruitment statements.***

## 4. NETWORKING POSSIBILITIES

### 4.1 Offer the option of establishing an LGBT+ network

Offering recourses (including financial recourses) to set up an LGBT+ network can also further contribute to the visibility and acceptance of LGBT+ employees within an organisation. The added value of a network specifically is the creation of a platform where specific challenges and opportunities can be discussed with like-minded people. At several organisations, including law firms, an internal LGBT+ network has contributed to social interaction between colleagues and also resulted in (ad hoc) collaborations with clients or other (foreign) law firms. This demonstrates that an LGBT+ network may provide interesting opportunities and can contribute to overall job satisfaction, both for the organisation and the individual employees. In addition, drinks or lectures may help to enhance visibility, understanding and acceptance among non-LGBT+ colleagues. Providing feedback regarding such initiatives to the management board and possibly posting a message on the intranet is also recommended, to achieve that the subject matter is widely supported within an organisation.

An additional advantage of an LGBT+ network is that it offers a clear point of contact for LGBT+ related questions within an organisation and for addressing issues or problems. An LGBT+ network can help in providing guidance to new employees, taking part in discussing diversity and inclusion issues or providing input for business pitches.

FORWARD can also play a role as legal LGBT+ network. Both for smaller organisations, in which an internal network is not feasible, and for larger organisations, that might have a need of a broader network in addition to their own network. By means of semi-annual drinks and other events, FORWARD offers all employees of affiliated organisations a platform to get in touch with each other.

### 4.2 Provide for a confidential counsellor

Many employers already have a confidential counsellor to assist employees. In addition to a general confidential counsellor, it may be helpful to designate a confidential counsellor who can be specifically addressed for LGBT+-related issues.

If it is difficult to designate a specific LGBT+ confidential counsellor internally, firms may also turn to FORWARD. Employees can always approach the FORWARD board members or one of FORWARD's mentors for LGBT-related questions.

***Quick win: inform employees of the possibility to contact FORWARD board members or mentors as confidential counsellor.***

### 4.3 Connecting through LGBT+ networks

The strength of LGBT+ networks is easily underestimated. Many large business centres in the world have strong LGBT+ networks (for example, the LGBT Bar Association in New York or InterLaw and InterBank in London). Especially because the members of these networks feel connected through a personal matter they have in common, close ties often arise naturally. Moreover, the combination of a business and personal connection provides a more natural and durable network.

In addition to FORWARD, other business LGBT+ networks in the Netherlands include the “Roze Zuidas”, Workplace Pride and the COC business network.

***Quick win: include activities of LGBT+ networks in an office-wide events calendar.***

### 4.4 Financial means for internal and external networks

“Put your money where your mouth is.” One requisite part of enhancing diversity and inclusion is making available sufficient financial resources. By including diversity and inclusion expenditures in the general budgets, an employer clearly expresses its recognition of the need and importance of having an inclusive workplace.

The budget can be used for things like in-house trainings, activities of internal and external LGBT+ networks, participation in LGBT+ related events or the organisation of a specific client or recruitment event.

### 4.5 Embrace the added value of diversity and inclusion

By recognising diversity and inclusion as an added value, an organisation can present itself as more productive and innovative. In addition, this may contribute to further building and strengthening client relationships.

If you can be yourself at the workplace, this will increase your productivity. No energy is lost due to conforming to an imposed norm or even lying about or hiding your personal situation. In addition, a diverse team has an innovative advantage. Just ask yourself: are the best solutions, most innovative ideas and most surprising strategies achieved by brainstorming with like-minded individuals or through collaborating with colleagues whose background, expertise, point of view or focus differs from your own?

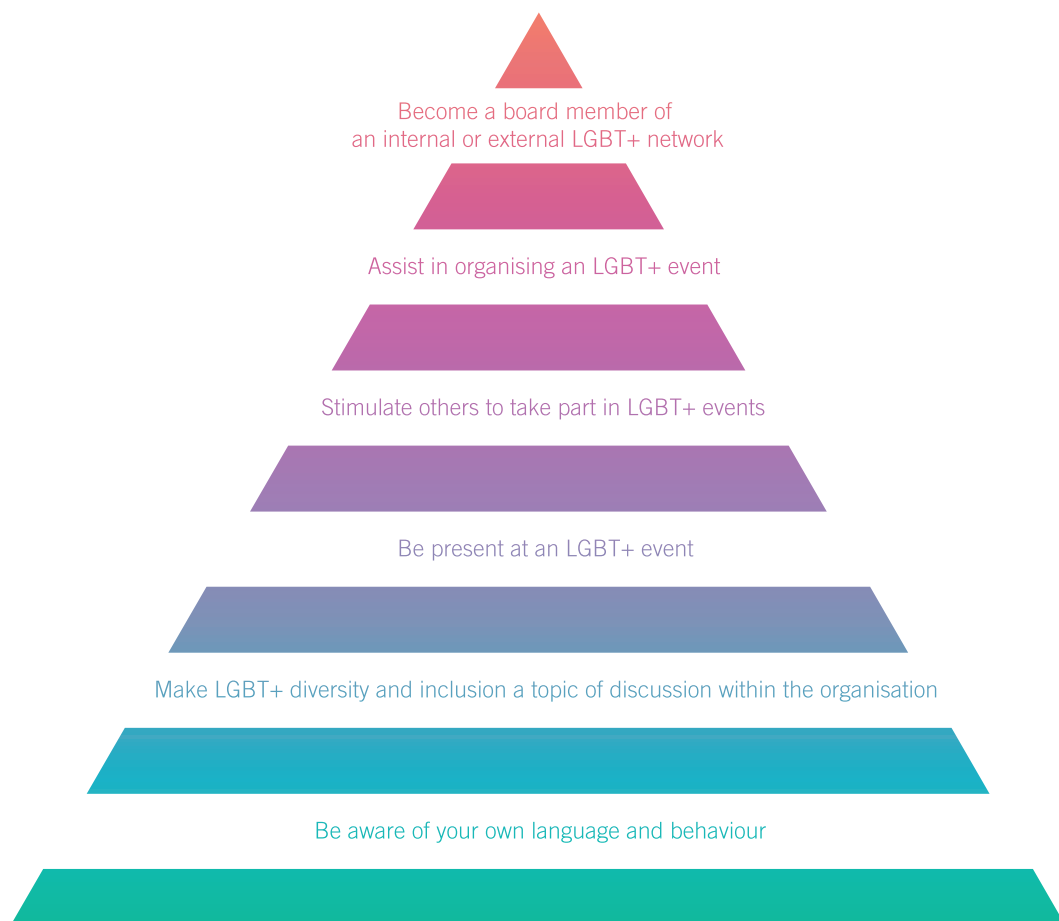
Clients also see this advantage, not only because they know from their experience the added value of diversity and inclusion. Nowadays it is not unusual for clients to consider the diversity and inclusion policy of their service providers when choosing a service provider. This means that diversity and inclusion can contribute to the client relationship, because the firm’s own organisation better reflects the client base, on the one hand, and because diversity and inclusion is regarded as a “*competitive advantage*”, on the other.

***“LGBT people are often very loyal customers, as they find it tiring to have to “come out” every time they switch banks or the like. I myself am openly gay and, as a former bank manager, I found that many customers would switch branch in order to keep me as their bank manager” - Jørgen Weis (Head of Special Hosting Services Nordea)***

## 4.6 Involve straight allies

LGBT+ employees are usually already convinced of the importance of diversity and inclusion. Therefore, any cultural change towards increasing diversity and inclusion will only be possible if the LGBT+ minority is supported by the non-LGBT+ majority. This makes these so-called “straight allies” an important target group for all LGBT+ initiatives.

Bearing this in mind, all FORWARD activities are explicitly open to everyone who embraces the aim to enhance LGBT+ inclusion. To reach the group of straight allies, it may help to emphasise the common goal of many LGBT+ activities: not one’s own sexual orientation or gender identity, but the notion that everyone should be able to be themselves irrespective of their sexual orientation or gender identity. In addition, it is recommended to explain that their involvement may take different forms, depending entirely on the time and energy that straight allies are prepared to devote to the subject. The pyramid of involvement varies from inclusive language to being involved in an LGBT+ network or even being part of the board of such a network.



## 5. CONCLUSION

In the past few years, many of the organisations affiliated to FORWARD have taken large steps by joining and supporting FORWARD, by providing a platform for an internal LGBT+ network, by offering training to new employees or managers or by publishing a diversity and inclusion statement. However, there is always room for further development or improvement. Diversity and inclusion are not static notions. The desires and needs of LGBT+ employees may change over time and may be different per organisation; this makes the topic a continuous challenge for employers. However, this is not without benefits.

An employer that manages to provide a diverse and inclusive workplace will benefit enormously from this. Clients will appreciate the out of the box solutions and feel connected to a progressive organisation. The pool of potential employees will be increased when nobody feels excluded in advance. Existing employees will go to work more satisfied if they feel that they can be themselves and to perform to the best of their ability. Thus, creating an open workplace is not only the right thing to do, but also a strong business case.

For more information or questions, please contact FORWARD through the website ([www.stichtingforward.nl](http://www.stichtingforward.nl)).

**Article 1 of the Dutch Constitution (unofficial translation): “All individuals in the Netherlands will be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, gender or on any other ground whatsoever is not permitted.”**

**Article 7:646 (1) of the Dutch Civil Code (unofficial translation): “An employer may not discriminate between men and women when entering into an employment contract, nor when providing training for employees, determining the terms and conditions of employment, deciding on promotion or terminating an employment contract.”**



## 6. DIVERSITEIT EN INCLUSIVITEIT CHECKLIST

### Communication

- Is there a formal policy regarding LGBT+ inclusion?
- Has the board expressed its support for LGBT+ diversity and inclusion, for example through a video message or statement on the website?
- Is the language used in internal and external communication gender-neutral?

### HR and recruitment

- Is a diversity and inclusion training part of the introduction programme?
- Is guidance offered to managers in their role as role model for an inclusive workplace?
- Are the secondary employment benefits relevant for LGBT+ employees?
- Are developments and statistics regarding LGBT+ diversity and inclusion measured and kept track of?

### Network possibilities

- Is there an (internal) LGBT+ network for employees?
- Is budget available for LGBT+ initiatives?
- Are LGBT+ networks deployed commercially?
- Are non-LGBT+ employees involved in LGBT+ initiatives?



# FORWARD

Legal LGBT+ Network