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Discrimination is not the right word

SUMMARY

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Background and assignment

The Netherlands Equal Treatment Commission (CGB) wishes to improve its understanding of the factors that may contribute in employment situations to discrimination on the basis of sexual orientation. The main area of interest is the treatment of homosexual men and lesbian women in the workplace. The Commission has posed the following question: 'What problems do homosexual men and lesbian women perceive with the way they are treated at work (e.g. jokes, exclusion and discrimination), and how do the problems of these two groups differ in terms of their gender?' The Commission engaged the Verwey-Jonker Institute in 2007 to perform research in order to clarify this issue. The Commission hopes that the knowledge acquired in the research will help it improve the instruments for preventing or resolving discrimination against the target group.

Research structure

The Verwey-Jonker Institute performed the following four types of qualitative research in the assignment.

- Research 1 involved a survey of the obstacles and problems at work with assistance from experts on homosexuality and discrimination. The process involved consulting employees of organizations such as COC, Schorer, the Knowledge Centre for Lesbian and Homo Emancipation Policy (part of MOVISIE Netherlands centre for social development), and the HomLes group of the ABVAKABO Dutch Trade Union Federation.
- The second track was an extensive analysis of the available Dutch literature (to the end of 2007) about the gender-specific aspects of treatment and the instruments to be used in response to discrimination.
- The third research component examined treatment by colleagues and managers in three employment sectors: public administration, transport and communication, and health care. These sectors vary in gender (in terms of both personnel composition and connotation). Their answers to the question about the presence of discrimination against homosexuals (M/F) at work also produced divergent scores (the *National working conditions survey*, Statistics Netherlands (CBS), 2007).

We spoke with staff with monitoring duties (confidential counsellors, company welfare officers and company doctors), homosexual employees (M/F), managers and HR managers employed at a commercial firm, a municipality, and a hospital. The interviews explored employees' options within the organizations for drawing attention to any instances of improper treatment.

- The fourth approach was to hold expert meetings for each sector to place the research findings about the organizations in a broader context, and to discuss the appropriate instruments for each sector with HR professionals, policymakers and union representatives.

The repercussions of researches three and four are covered in Chapter 3 (At work) of the report. Chapters 4 and 5 present the quick scan instruments and the literature study, plus the Commission's recommendations. The list of obstacles, including the Commission's own analysis of complaints, served as the basis for the entire report.

3.1 Literature survey

The literature survey showed that for more than a decade various researchers have been drawing attention to problems with the treatment and everyday relations of homosexuals (M/F) at work. Between 7% (M) and 14% (F) of homosexuals report issues at work, and between 6% and 14% of respondents (both heterosexual and homosexual or lesbian) answered 'yes' when asked whether there was an 'occasional or regular element of discrimination on the basis of sexual orientation or preference at their place of work' (Baker & Vanwesenbeeck, 2006; CBS, 2007).

Henny Bos and Theo Sandfort observed in 1998 firstly that the way homosexual employees perceive work is more negative than heterosexual employees in a statistical sense, and secondly that lesbian women generally have more problems at work than homosexual men. This conclusion is at odds with the findings of Saskia Keuzenkamp et al. almost ten years later. While they too conclude that the working environment for homosexuals and lesbians is far from ideal, they differ in finding that homosexual men experience more problems than lesbian women. This study looked for possible explanations for these differences in research institute findings, plus findings from empirical research into several workplaces that vary in gender composition and gender connotation: a municipality, a hospital, and a transport and communication firm.

3.2 Research at work

Homosexuality is currently barely conspicuous in mixed M/F and male dominated workplaces, and homosexuality appears to be of no significance, either as a category in HR policy, or in the workplace. That, at first glance, would appear to be an end to the matter: there is no problem, and therefore no need for policy. A closer look, however, reveals a problem with treatment at work, precisely where homosexuality is the least conspicuous. In the female sectors, which were represented in our study by the health care services of the municipality and the hospital, it is acceptable and possible for homosexuals (M/F) to be much more visible. There is much more awareness in these environments of who is homosexual (Hermanussen & Serail, 2005), and improper treatment is less frequent.

Flagrant discrimination, such as intimidation, physical violence, and discrimination in pay or fringe benefits, is rare. If discrimination occurs nonetheless and is reported, it is taken seriously. The most frequent problem that homosexuals (M/F) perceive and report with the way they are treated at work appears to be concerned in particular with remarks and ostensible jokes that result in eve-

ryday discomfort: incidental or more regular remarks, innuendo and references of little import for heterosexuals, but that could be offensive to homosexuals (M/F). The remarks and jokes may be either direct or indirect in nature, may be oriented to an individual, or addressed generally. Consciously, but more often unconsciously, colleagues and managers do discriminate on the basis of sexual orientation. This discrimination may occasionally lead to everyday discomfort for the homosexual employees involved. People in our study would then appear to attempt to ignore the remarks, to put up with the atmosphere, to answer back on the spot, or look for a different job.

The everyday practice of homosexual men and lesbian women at work has much to do with the social acceptance of homosexuality, and is not necessarily related to the work. For example, there will be no presumption in a heteronormative environment that a given person is homosexual. As long as the person concerned says nothing on the subject it will be assumed that he or she has a regular heterosexual partner. This may be awkward in everyday relations at work, where it is becoming increasingly common to discuss private matters.

3.3 Corporate culture and instruments

Our study also confirmed that the working climate in the Netherlands is not generally homopositive. The hospital that was investigated, which is a female workplace, is an exception to this rule, in that most employees felt comfortable there. This was not only because of the pleasant working atmosphere, but also because of the range of options for raising discussion of unpleasant experiences (and discrimination) of varying degrees of seriousness. Use is indeed made of those instruments.

Employers and HR departments are now still too ready to conclude without clear evidence that no problem exists (whether in connection with homosexuality at work, or other aspects of diversity). Companies gather almost no data of their own about the scale of problems with the way homosexuals are treated. The casual assumption that homosexual men and lesbian women will report any improper treatment or homosexual negativity at work to managers and confidential counsellors, displays a certain naivety and ignorance of the matter.

The instruments invoked at work to resolve problems of improper treatment could be better developed in many places. There is a variety of instruments that may help in detecting discrimination and everyday discomfort. They range from complaints committees to confidential counsellors, from company welfare officers to company doctors, and from performance appraisals with managers to employee commitment and motivation surveys. However, the problem with these instruments is that they seldom work well in detecting, or resolving, issues with the way homosexuals (M/F) are treated. There are various possible explanations for why not.

- The first is that many of these instruments reach only a small proportion of employees in companies and organizations. There are several workplaces where there is precious little scope for raising discussion of matters related to treatment (perceptions, observations, problems, discrimination, or even enjoyment of work).
- The second is that the instruments are not designed for surveying the complaints of this group, and neither are staff with monitoring duties trained to recognize possible problems encountered by homosexual men and lesbian women.

- The third is that most homosexuals (M/F) have so little confidence in these available avenues that they are little inclined to raise the alarm when problems of treatment occur at work.

There would appear to be a mismatch between managers and staff with monitoring duties on the one hand and homosexual employees (M/F) on the other with respect to issues of treatment at work. The instruments are often poorly accessible, particularly in male workplaces with an unsatisfactory atmosphere. Furthermore, the managers, who are the first and sometimes the only people able to identify problems with treatment at work, do not always have the antennae to pick up problems with the treatment of sexual orientation. For example, many managers in the municipality took a 'no news is good news' approach, without actually asking if there was any news.

If our study makes anything clear, it is that 'at work' does not exist in a general sense. Treatment is always linked to corporate culture, and this varies from one company to another, and even more from one sector to another. Putatively female sectors have a more positive attitude towards homosexuals (M/F) than sectors dominated by men. Male sectors have the most trouble with homosexual men, and somewhat less with lesbian women. The work location also appears to be significant: the difference between the Randstad conurbation and provincial areas emerged as relevant more than once (in the hospital sector and in the transport and communication sector), even in terms of liberalism and religiosity.

3.4 Male environments, macho culture: homonegativity as a social matter

Our study yielded most knowledge about the treatment of homosexual men. We found the 'Hey, homo!' form of address, albeit often detached from the sexual preference of the target, mainly in the municipal services and the transport and communication firm: in other words, in male workplaces. Remarks such as 'I wouldn't dare bend over in front of your desk' tend to be made only there, and in the company of other men. If a homosexual man is in the company of a single colleague, forms of address of this kind are not used.

The homonegativity in the male workplace is therefore a social matter that serves to confirm individuals' own masculinity and the masculinity of the group. Homosexual and other men who deviate only slightly from the socially expected gender role in the male workplace run the risk of being a laughing stock. Men who deviate substantially, such as 'queens', have a thoroughly difficult time. It is already clear from the literature that workplaces with exclusively men are the most homo-hostile, and that homosexual men are well advised to keep quiet about their sexual orientation in these places.

'Butches' do have some opportunity for a moderately pleasant working environment, in that they tend to be viewed as 'one of the lads'. Hetero-women, on the other hand, generally have a hard time with jokes and remarks in these contexts, like homosexual men. This would appear to confirm the hypothesis that hetero-men have difficulty with 'femininity' in workplaces that they dominate, irrespective of whether the femininity is embodied in homosexual men or heterosexual women. Either way, they feel superior to the 'female' groups. They set the tone and determine what is 'funny'.

3.5 Lesbian women and treatment

It proved to be difficult to gather new material about the treatment of lesbian women. We did speak with a few lesbians in all three organizations, but lesbian women tend to express themselves less explicitly than homosexual men about issues of treatment. They also appear to be less conspicuous (as lesbians) in employment organizations. Lesbian women are also less assertive when it comes to denouncing issues of treatment.

We know from the literature (based on anonymous reports) that the problems lesbian women have at work are of different kinds than those of homosexual men. In *Seksuele gezondheid in Nederland (Sexual health in the Netherlands)* (2006), lesbian women say they have more problems than homosexual men with open disapproval. Women have somewhat less of a problem with abusive language, but then again more of a problem with avoidance and being ignored. On not being understood or taken seriously, lesbian women even score 13%, compared with homosexual men 0%. Furthermore, women have much more of a problem with sexually tinted remarks and gossip (Baker & Van Wesenbeeck, 178).

According to Bos and Sandfort, lesbian women in local government and in hospitals have always had poorer relations with colleagues and managers, more work stress, and significantly more absence through illness than heterosexual men, heterosexual women and homosexual men. The finding of Bos and Sandfort, that lesbian women in the hospital enjoy work less and have more social problems, would appear not, or perhaps no longer, to apply. At any rate, our workplace survey is unable to confirm this conclusion. It is equally indisputable for us that the hospital is a pleasant working environment for homosexual men, but the lesbian women we spoke to were also comfortable there.

3.6 Recommendations

As with all issues of treatment at work, employers and employees are the best equipped to detect, evaluate, prevent and resolve improper treatment and everyday discomfort at work. The Gay Straight Alliance that FNV and Company Pride Platform formed in 2008 is a step in the right direction. The objective of the alliance is to improve 'the acceptance of homosexuals, lesbians, bisexuals and transgenders in the workplace'. This is not to suggest that the Equal Treatment Commission should not also take up our study in actively promoting the improvement of the instruments. Firstly, the Commission could urge employers' and employees' organizations, and agencies such as Statistics Netherlands, to gather better and more data about treatment and sexual orientation. Specific questions in employee commitment and motivation surveys are needed in order to shed light on the work perception and enjoyment of work of various groups of employees. Secondly, the Commission should raise awareness of instruments that are effective. Examples would be training courses for managers and confidential counsellors, the appointment of a company ombudswoman, or a place on intranet to make anonymous reports of improper treatment. The publicity for these instruments should firstly be oriented to the sectors where improper treatment is most likely to occur.