

Stonewall

ABOUT THIS RESOURCE

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

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

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

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

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

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

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

STONEWALL GLOBAL WORKPLACE BRIEFINGS



GLOBAL PACK

Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Czech Republic, France, Germany, Hong Kong, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Malaysia, Mexico, Nigeria, Poland, Qatar, Russia, Singapore, South Africa, South Korea, Spain, Thailand, The Philippines, Turkey, Uganda, United Arab Emirates, United Kingdom and United States of America





Population: 44+ million



Stonewall Global Diversity Champions: 28



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Argentina is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist. Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries, sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Article 14 of the Constitution (1853) protects the **right to publish ideas** without prior censorship and to associate for useful purposes.

International conventions approved by Argentine laws also generally protect the rights to **freedom of expression and association**.

There are **no LGBT-specific additions or restrictions** to the rights to freedom of expression, association and assembly.

Federal Non-Discrimination Law No. 23,592 (1988) determines civil and **criminal sanctions for limiting, restricting, obstructing or impeding** the free and full exercise of the **constitutional rights** of any person **based on discriminatory reasons**.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are not criminalised and are therefore **legal**.

There are **equal ages of consent** for sexual acts regardless of gender under Articles 25 and 26 of the National Civil and Commercial Code (2015).

Same-sex marriage is legal under Federal Civil Marriage Law No. 26,618 (2010).

Articles 402 and 509 of the National Civil and Commercial Code (2015) provide for equal effects, rights and obligations within marriage for same-sex couples and different sex couples. In addition, same-sex and different-sex couples can **enter cohabitation unions**.

LGBT people have **equal rights to adopt** under the federal Civil Marriage Law No. 26,618 (2010) and Article 599 of the National Civil and Commercial Code (2015).

An **adoption existing prior to the change of legal gender can be maintained** under federal Gender Identity Law No. 26,743 (2012).

Since federal Gender Identity Law No. 26,743 (2012) came into force, **no marriage restrictions exist for trans people**.

EQUALITY AND EMPLOYMENT

Article 17 of the Labour Contract Law (1976) **prohibits** any kind of **discrimination against workers** based on sex. Even though **sexual orientation and gender identity are not expressly mentioned**, these **are considered included** within the term "sex".

The Trade Unions Law (1988) provides that **trade unions cannot establish differences for sexual reasons** and should abstain from providing a discriminatory treatment to its members. Sexual orientation or gender identity are considered included within the term 'sexual'.

The Constitution (1853) states that all inhabitants of Argentina are **equal before the law** and admissible to employment without any condition other than that of aptitude.

Every person has the right to not be discriminated in any way. This is determined under several laws, such as Article 43 of the Constitution.

If murder is motivated by the victim's sexual orientation, gender identity or expression, this will be **considered an aggravating circumstance** in the sentencing under Law No. 26,791 (2012).

Other non-labour laws regarding discrimination that could be applied to labour relationships include federal Non-Discrimination Law No. 23,592 (1988) and Fight Against AIDS Law No. 23,798 (1990).

In the Province of **Buenos Aires**, at least **one per cent of staff in the public sector** should be **trans people** under Law 14,783 (2015).

GENDER IDENTITY

Legal gender recognition exists for trans people under federal Gender Identity Law No. 26,743 (2012).

All legal documents can be changed to reflect the legal change in gender and name. The law is ambiguous in that it does not mention whether the legal gender can be changed only to 'female' or 'male' or also another gender. The Argentine Civil Registry only allows the legal gender to be **changed to female or male**.

No surgical intervention, hormone or other psychological or medical treatment is required for the legal change of gender or name.

Persons **under the age of 18** with the **assistance of the minor's lawyer** may request the respective rectifications through a legal representative or the court, as determined by Article 5 of federal Gender Identity Law No. 26,743 (2012) and Article 27 of Law No. 26,061 (2005).

IMMIGRATION

Argentine law does **not distinguish** between **same-sex** and **different-sex relationships for immigration** purposes.

A VIEW FROM ARGENTINA

Lucila Lancioni and Mariano Ruiz are Secretary of Labour Inclusion and LGBT Employment Advocate at the Federación Argentina de Lesbianas, Gays, Bisexuales y Trans (Argentinian LGBT Federation). This is a network of organisations across 24 provinces working together to promote equality and non-discrimination for LGBT people in Argentina. Mariano is also the Latin America Outreach and Communication Policy Manager at International Day Against Homophobia, Transphobia and Biphobia (IDAHOBiT).



Is there a gap between the legal realities and lived experiences for LGBT people in Argentina?

Despite a number of progressive laws, LGBT people in Argentina experience discrimination in many areas of their lives. This is the case especially within education, employment and healthcare and is gravest outside bigger cities. Often lesbian, gay and bi people are not open about their sexual orientation in order to avoid harassment. Trans people in Argentina have an average life expectancy of 42 years, and face high levels of violence, including from the police. Although medical transitioning support is supposed to be free, few hospitals provide this, and medical staff are largely untrained to do so. Many trans people are also rejected by their families and become homeless while still young. This and discrimination in employment and education often forces trans people to engage in sex work as the only way of earning money.

What needs to happen for this gap to close?

Progressive policies, programmes and initiatives are needed to achieve equality in employment, education and healthcare and to develop acceptance in society. Inclusion must be promoted, and children taught to celebrate differences. The police and medical staff need to receive LGBT-specific training to deliver their services without discrimination. Positive developments include a recently introduced district law establishing that one per cent of public servants in Buenos Aires need to be trans employees. If implemented well, this law could serve as an example for other districts. Scholarships for trans people to finish their education could also help.

What is the workplace like for LGBT people?

It is often difficult for lesbian, gay, bi and especially trans people to access employment. However, if they succeed they also experience discrimination in the workplace itself. LGBT staff often face bullying and harassment from their colleagues and aren't promoted due to their sexual orientation and gender identity. As there is no federal legislation that had been effective in prohibiting such discrimination, LGBT employees can do little about this, and are often forced to hide their sexual orientation and gender identity.

What can businesses do in Argentina to promote LGBT equality?

Internal anti-discrimination policies that specifically refer to sexual orientation and gender identity are key in creating inclusive workplaces for LGBT staff. The introduction of equal benefits is also vital. Some multinational corporations already have such policies in place, and more need to follow their lead. Visible LGBT role models can further contribute to a more inclusive workplace, as they let LGBT employees know they are not alone. Organisations can also drive change outside of the workplace. Partnering with local LGBT organisations and participating in Pride parades are two examples. Businesses can also contribute through advertising their products and services in an inclusive way and stating their commitment to LGBT equality in job adverts.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

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

NEXT STEPS

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

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

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

LGBT INCLUSION IN THE WORKPLACE

Thomson Reuters

Thomson Reuters has a global network for LGBT employees and their allies. In 2010, a local chapter of the Pride at Work network was established in Buenos Aires. The Argentine chapter approached people in offices throughout Argentina and Latin America to participate in the 'It Gets Better' project. This is a movement in which employees post videos sharing their personal stories and letting LGBT people know that they are not alone. Collaboration on the video resulted in new Pride at Work chapters opening in Chile and Costa Rica. Since then, the Buenos Aires chapter has regularly collaborated with colleagues throughout Argentina and the region for various projects, such as running events for IDAHOBiT. The network also collaborates with the local chapter of the employee resource group Women at Thomson Reuters to address issues of intersectionality. Thomson Reuters in Argentina runs a series of informative legal sessions on women and LGBT issues. The sessions are open to all employees and are run by La Ley, Thomson Reuters local subsidiary and legal information provider. Thomson Reuters collaborates with employers on LGBT equality issues, such as the LGBT Chamber of Commerce and the GNETWORK tourist event in Argentina.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

November – Festival Internacional de Tango Queer.
www.festivaltangoqueer.com.ar

November – Marcha de orgullo LGBTIQ / Pride Festival in Buenos Aires.
www.marchadelorgullo.org.ar

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



FIND LGBT GROUPS AND COMMUNITIES

Comunidad Homosexual Argentina – an LGBT advocacy group offering free legal advice, a mental health clinic and telephone information service. The group is also active in the prevention of HIV/AIDS. www.cha.org.ar

Movimiento Antidiscriminatorio de Liberación – a group dedicated to ending discrimination against the trans community and providing educational and legal advice. www.grupomal.blogspot.co.uk

Federación Argentina de Lesbianas, Gays, Bisexuales y Trans – a network of groups across 24 provinces working together to promote equality and non-discrimination for LGBT people in Argentina. www.falgbt.org

Sociedad de Integración Gay Lésbica Argentina – a group organising recreational events, counselling, lectures and offering HIV/AIDS consultation services. www.sigla.org.ar

Grupo Nexo – a community support organisation seeking to improve the quality of life for LGBT people, offering arts workshops, therapy and educating about health issues. www.nexo.org

PFALYG Argentina – a support group for parents and friends of LGBT people who work to support the community. www.familiaresdegays.com.ar

La Fulana – an organisation dedicated to lesbians and bi women, creating an open space to discuss feminist and queer issues in Buenos Aires and Argentina in general. www.lafulana.org.ar



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 28 ORGANISATIONS OPERATING IN ARGENTINA.

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

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Legal Partner



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AUSTRALIA



Population: 23+ million



Stonewall Global Diversity Champions: 64

Stonewall
GLOBAL
DIVERSITY
CHAMPIONS



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Australia is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Australian **Constitution** does **not explicitly guarantee rights to freedom of expression, association and assembly**.

The High Court of Australia has recognised a limited, **implied right of freedom of communication** in relation to political and governmental issues.

Each State and Territory permits **freedom of assembly and association**, subject to restrictions relating to public order, public health or public amenity.

Some States and Territories (New South Wales, Queensland, Victoria, the Australian Capital Territory and Tasmania) **prohibit vilification of LGBT** persons.

FAMILY AND RELATIONSHIPS

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

There is an **equal age of consent** for sexual acts regardless of gender.

Same-sex marriage is **legal** as a result of the law reform in December 2017, the Marriage Act 1961. **Overseas marriages** between same-sex persons are **automatically recognised** under Federal law.

Unmarried same-sex couples are **recognised as de-facto couples** under Australian Federal law, with **most of the same rights** as married couples.

Same-sex de-facto couples have **equal recognition** in respect of **taxation, social security, health** and other Federal government services.

Same-sex couples may also enter into **civil unions or domestic partnerships** in **some States and Territories** in Australia.

Same-sex couples have **equal rights to adopt** children in all States and Territories in Australia except the Northern Territory.

Trans people may enter into a **marriage with a person of either gender**.

By 9 December 2018, all States and Territories must **no longer ban married trans people** from **changing their gender** to that of their married spouse **without first divorcing**.

EQUALITY AND EMPLOYMENT

The Sex Discrimination Act 1984 **prohibits discrimination in employment** and certain areas of **public life on the grounds of sexual orientation, gender identity and intersex status**.

Some States' and Territories' sentencing legislation **treats crimes based on a person's sexual orientation** or because of hate towards a group of people as an **aggravating factor in sentencing**.

In **some States and Territories** it is a **criminal offence to incite hatred** towards, show serious **contempt** for, or severe **ridicule of, people** who identify as **LGBT**.

GENDER IDENTITY

Each State and Territory **allows trans people to change their legal gender and name on birth certificates and official registers**.

The **majority of States and Territories** only allow for the gender to be changed to 'female' or 'male' but **do not permit a person to change their gender to 'unspecified'**.

Passports can be **issued** with a person's **changed legal gender (including noting the gender as indeterminate/ unspecified)** under the Australian Passports Act 2005.

Each State and Territory, except the Australian Capital Territory, requires **medical intervention and medical evidence** to support an application to change a person's legal gender.

Intersex people in the **Australian Capital Territory** can **change their legal gender without medical intervention**.

If a person is **under 18 years** of age, the **Family Court must authorise any gender reassignment surgery**, even where there is parental consent to the treatment.

IMMIGRATION

The Migration Act 1958 enables **temporary and permanent residency of same-sex partners** of Australian citizens, residents and eligible New Zealand citizens.

A VIEW FROM AUSTRALIA

Mark Latchford is the associate director of Pride in Diversity, an organisation dedicated to LGBTI workplace inclusion. Pride in Diversity offers support, training and consulting to employers to further LGBTI workplace inclusivity. Pride in Diversity also publishes the Australian Workplace Equality Index (AWEI), and aims to tackle homophobia, biphobia and transphobia in sport and healthcare via its partner programmes, Pride in Sport and Pride in Health + Wellbeing.



What have been some recent legal developments for LGBT people in Australia?

In the last few years, the legal landscape for LGBTI rights in Australia has changed significantly. Discrimination on the grounds of sexual orientation, gender identity and intersex status is prohibited by federal legislation (as well as most state and territory laws). Same-sex conduct offences have been removed in all Australian jurisdictions – and there are some efforts to help erase historical criminal convictions. The partial defence of an unwelcome 'homosexual advance' to the charge of murder is no longer available. The greatest recent legal change has been the legalisation of same-sex marriage in December 2017. This was the result of 13 years of campaigning, as well as a postal survey that served as a non-binding referendum.

What's been the impact of the same-sex marriage postal survey?

The government promised it would pass the Same Sex Marriage Bill if the 'yes' vote was successful but would squash the bill if it was not. Although the 'yes' vote won with 61.6 per cent and marriage equality was passed, campaigns for the 'no' vote had a harmful effect on the LGBT community. Hurtful and wrong information was released as part of these campaigns. For example, one TV ad stated that boys would have to wear dresses to school if people voted 'yes'. The overall impact of the hate messages on the LGBT community will not be known for some time. However, a survey carried out by the Australian Institute, which included LGBT people, their friends and families, showed that almost 90 per cent of LGBTI people said that the campaign had a negative impact on them to some degree. For example, the number of LGBTI respondents experiencing depression, anxiety and stress increased by more than a third after the announcement of the postal vote. Almost 70 per cent of LGBTI people said they 'avoided' being with people in general at least some of the time as a method of coping. However, resilience and positive coping strategies were also evident. For example, 80 per cent of respondents participated in LGBTI-affirmative activities such as attending marches, raising awareness and displaying 'yes' or rainbow images.

What are the biggest barriers to inclusion in Australian society?

Although a lot of progress on LGBTI inclusion has been made in many major Australian workplaces, institutional barriers continue to exist in sport, health and other human/social services. As an example, the recent Out on the Fields research indicated that 80 per cent of participants witnessed or experienced

homophobia in sport (both LGB and non-LGB participants). It is for this reason that Pride in Diversity has expanded its scope to specifically target these areas. We launched Pride in Sport in March 2016 and in 2017 we'll launch a programme dedicated to health.

What is the workplace like for LGBT people in Australia?

Although direct and indirect discrimination against LGBTI people in the workplace is generally prohibited by federal legislation for all employers (there are some religious exemptions), there is still a lot of work to be done in engaging employers in LGBTI workplace inclusion. The 2017 AWEI benchmarked 116 employers nationally and saw 16,759 employees respond to the accompanying employee survey. The number of employees out in the workplace is often an indicator of an organisation's inclusivity. However, the survey showed that fewer lesbian, gay and bi people were open about their sexual orientation in the workplace than in previous years. Respondents working at those organisations active in inclusion were more likely to be out (77 per cent) than those working at organisations new to inclusion (64 per cent).

What can employers do to support their LGBT employees and the LGBT movement in Australia?

There are many social barriers to inclusion for LGBTI people in Australia. Young people in our community are exposed to these barriers from a very early age, including through political discourse and messaging in the media, which can influence the behaviour of their peers in schools. Accordingly, workplaces trying to build an LGBTI-inclusive culture, have to address the impact of these social disadvantages in order to make a real difference to the lived professional experience of their LGBTI staff. This involves first learning about how these social barriers have an impact on people's professional lives. It also means creating specific structural initiatives that support LGBTI staff in very explicit terms.

Part of the training that we offer through Pride in Diversity helps workplaces to understand why ambiguous messaging can reinforce the reluctance of LGBTI people to bring their full selves to work. Once these foundational steps have been taken, workplaces that have experienced a lot of success in this space have entered into a phase of meaningful engagement with the LGBTI community, in order to understand how they can best support their staff and input into important LGBTI causes that have wider relevance.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

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

NEXT STEPS

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

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

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LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Pinsent Masons Pinsent Masons believes everyone should be fully equal in the workplace. Within months of the opening of Pinsent Masons' new offices in Melbourne, Sydney, and Perth in 2016, the firm's commitment to LGBT equality was confirmed by its new team and communicated locally. Shortly after the launch, head of Pinsent Masons in Australia and senior ally, David Rennick, publicly stated the firm's support for the marriage equality campaign with an open letter published by the Australian Marriage Equality Organisation. More recently, David communicated to the office the firm's position on diversity and inclusion, providing a link to support employees through the marriage equality debate and vote at the time. Allies at Pinsent Masons make a commitment to championing LGBT equality across the business, working together to create a culture where everyone is equal. With senior-level support from two partners in Australia, Pinsent Masons successfully rolled out a global ally initiative with a poster campaign in Melbourne and Sydney. This raised the profile of the programme among colleagues and encouraged new members to join. Allies in the Australian offices are visible on a day-to-day basis, identified with rainbow mugs on their desks and profiled on the firm's intranet to help clearly demonstrate their support for the initiative. In 2015, during a secondment to the firm's Australian offices, one of the firm's London-based LGBT network representatives established a relationship between Australian allies and Pride in Diversity, an Australian organisation seeking to promote sexual orientation and gender identity diversity in the workplace. Pinsent Masons remains represented at their roundtable discussions with other prominent organisations in Australia. In 2016, the firm's Melbourne and Sydney offices participated in a new LGBT-inclusive webinar training course on unconscious bias, and in 2017, completed a compulsory LGBTI awareness session. This training now runs annually for all new starters. The three offices also actively participate in the firm's annual Diversity Week event.

Allen & Overy A&O, Allen & Overy's global LGBT staff network, aims to create an equal and inclusive workplace for LGBT employees across the world. The chapter in Australia plays a key part in contributing to global initiatives and driving change locally and across the Asia Pacific region. With visible support from the firm's regional managing partner, A&O host events in support of LGBT equality and shares best practice by taking part in networking and round-table events with other businesses and LGBT groups. In 2016 the firm formally launched their global allies programme to increase the level and visibility and support for their LGBT colleagues. The initiative has been hugely popular and the firm now have over 700 allies globally. In the Sydney office the reception area boasts an 'ally wall' where allies can pledge their support for the LGBT community. The wall is a way of raising the visibility of the network to staff members and visitors and encouraging new members to sign up. Rainbow flags and branded coffee mugs for LGBT staff and allies also make support in the office evident and colourful. A partnership with a local LGBT organisation, Pride in Diversity, help Allen & Overy get a better understanding of the local context for LGBT people. Training has been key to Allen & Overy's success. Internal practices have been improved thanks to Pride in Diversity's face to face and online training sessions and, as an active member of the Diversity Council of Australia, the firm has benefited from training sessions and webinars on LGBT equality topics.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

January / February – Midsumma Festival. www.midsumma.org.au

February / March – Sydney Gay and Lesbian Mardi Gras.
www.mardigras.org.au

March – Brisbane Queer Film Festival. www.bqff.com.au

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

September – Alice Springs Pride Carnivale.
www.facebook.com/AliceSpringsPrideCarnivale

October – Feast Festival Adelaide www.feast.org.au



FIND LGBT GROUPS AND COMMUNITIES

Diversity Council Australia – a membership organisation for diversity and inclusion in the workplace. www.dca.org.au

Gay & Lesbian Rights Lobby – a group working to advance equality of the LGBTIQ community, providing referral and educative resources to the media, policy makers and the LGBTIQ community. www.glrll.org.au

Kaleidoscope Australia Human Rights Foundation – an organisation working to advance LGBTIQ rights in the Asia Pacific region through shadow reporting, awareness raising and capacity building with local communities. www.kaleidoscopeaustralia.com

National LGBTI Health Alliance – an alliance for groups and individuals focused on health issues within the LGBTI community, offering a range of training and professional development opportunities to its members. www.lgbtihealth.org.au

Pride in Diversity – an organisation dedicated to LGBTI workplace inclusion, offering support, training and consultation to employers. www.prideindiversity.com.au

Switchboard Victoria Incorporated – a volunteer organisation providing telephone counselling and information services for LGBTI people. www.switchboard.org.au

Zoe Bell Gender Collective – a Melbourne-based group providing support, information and educational seminars for trans and gender-diverse communities. The collective also acts as a network for trans people to advertise rooms, events and groups to one another. www.zbgc.com.au



GET LOCAL LGBT NEWS

Lesbians on the loose – an online magazine for lesbian, bi and queer women. www.lotl.com

QNews – an LGBTIQ lifestyle magazine from Queensland. www.qnews.com.au



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Legal Partner



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

BELGIUM



Population: 11+ million



Stonewall Global Diversity Champions: 55



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations. Belgium is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people. Two further zones exist. In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries, sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY	FAMILY AND RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Articles 19 and 25 of the Constitution include the right to freedom of speech and expression. Articles 26 and 27 include the right to freedom of association and assembly.</p> <p>LGBT people fall within these general provisions but there is no explicit reference to sexual orientation or gender identity.</p> <p>The right to freedom of assembly is subject to police regulations guaranteeing public order and safety.</p>	<p>Sexual acts between people of the same sex are legal.</p> <p>There is an equal age of consent of 16 years for sexual acts regardless of gender under Article 372 of the Penal Code.</p> <p>Same-sex marriage was introduced by the Law of 13 February 2003, modifying the Belgian Civil Code.</p> <p>Registered partnership is open to all couples, including same-sex couples under Law of 23 November 1998.</p> <p>Trans people may legally marry a person of the sex opposite to their acquired gender under Article 143 of the Belgian Civil Code (modified by the Law of 13 February 2003).</p> <p>Same-sex and different-sex adoption are equal under the Federal Law of 18 May 2006.</p> <p>The wife of a biological mother of a child is automatically registered as a parent in accordance with the Law of 7 July 2014, which entered into force on 1 January 2015.</p> <p>Two male parents do not have automatic parental rights according to Belgian law. They need to go through an adoption procedure.</p>	<p>Article 3 of the federal Anti-Discrimination Law of 10 May 2007 explicitly prohibits discrimination on the grounds of sexual orientation and gender. This includes discrimination based on change of gender, gender identity and gender expression. It covers a broad range of activities, including employment.</p> <p>There are in total 11 legislative texts aimed at combating particular forms of discrimination, including on the basis of sexual orientation and gender, which includes discrimination based on change of gender, gender identity and gender expression.</p> <p>Article 10 of the Belgian Constitution states that 'the Belgians' are equal before the law.</p> <p>Hate speech on the basis of sexual orientation is a crime under Article 22 of the 2007 Anti-Discrimination Law.</p> <p>If certain 'common' crimes are committed with a 'discriminatory' motive, including on grounds of sexual orientation, it will constitute aggravating circumstances in sentencing (Law of 25 February 2003).</p> <p>Blood or tissue donations by men who engage in sexual activity with men are possible if the man did not engage in sexual activity with another man for at least 12 months, in accordance with the Law of 11 August 2017, which came into force on 7 September 2017.</p>	<p>The Federal Transgender Law of 25 June 2017 provides trans and intersex people the right to change their legal gender to male or female as well as to change their first name.</p> <p>The legal gender and first name can be changed on all identification documents, including the birth certificate. This applies to Belgian citizens and aliens enrolled in the population registers.</p> <p>For a person above the age of 18, the change of legal gender is subject to a written application and an advice of the public prosecutor (to prevent fraud). The procedure to change the legal gender takes three to six months.</p> <p>For a person aged 16-17, the change of legal gender is subject to parental consent and a psychological opinion, confirming that their decision was made freely.</p> <p>A person aged 12-16 can only change their first name but not their legal gender. The change of name is subject to parental consent or, in case of disagreement, via an ad hoc guardian appointed by family court. A written application is required.</p> <p>For a person above the age of 18, the change of first name is subject to a written application and a number of documents including birth certificate, proof of residence, extract criminal register. The procedure to change the first name takes six months to one year.</p>	<p>The Aliens Act enables family reunification between same-sex partners. Under the Belgian Code of International Private Law, it is sufficient that one of the partners is from a country that permits same-sex marriage.</p> <p>Immigration Law states that persecution or ill-treatment on the ground of sexual orientation is considered a valid reason for granting asylum or subsidiary protection in Belgium.</p>

A VIEW FROM BELGIUM

Katrien Van Leirberghe is policy officer at Çavaria, an umbrella organisation comprised of over 120 member associations across the Flemish region in Belgium. The collective aims to address LGBT equality on a structural level.

Frank Schoenmakers is coordinator at RainbowHouse, home to different French-speaking and Flemish-speaking LGBTQI associations from Brussels.



What are the legal challenges LGBT people face in Belgium?

Katrien: There are especially large gaps and barriers in the legal framework governing gender identity and expression. Trans people are protected from discrimination in the workplace and other areas. They can also change their legal name and gender marker in every region in Belgium on the bases of self-determination. However, trans people can only change their gender to male or female and not, for example, to non-binary. When it comes to transphobic hate crime, it's still very difficult to prosecute, even when transphobic bias is an aggravating factor. This is the case for several reasons. The list of crimes to which the aggravating circumstance applies, is extremely limited for trans people. The criminal code also refers to "sex change", which is more limited than gender identity. At the police level, they do not always identify and properly register the biased motive, and further do not always send their reports to the public prosecutor. Cases that do get to the public prosecutor are often quickly closed as they don't consider hate crimes as a priority for prosecution, or because there is a lack of evidence (often because of flawed police actions). Another factor is that access to justice is very costly unless the person qualifies for free legal assistance. In order to qualify, the income must be close to the poverty line. At the same time, compensations for damage are relatively low.

Frank: In terms of laws affecting lesbian, gay and bi people, there is currently no law on surrogacy. As is the case for everyone else, it's therefore neither forbidden nor allowed, and also not properly regulated. However, the LGB community itself does not have a unified opinion on the issue yet, so for the moment we are mostly working on this issue internally. Another 'battle ground' in the coming years will be the rights of intersex persons. Medically unnecessary interventions are still being carried out on babies and children, obviously without their own consent, which is a severe violation of their bodily integrity. The parents' consent is often given under pressure from the doctor, and from a society with a persisting binary view on gender and sex. We should change society, not the bodies of intersex babies.

What are some of the problems LGBT people face in society in Belgium?

Katrien: Because we have a good legal framework, many people assume problems no longer exist for LGBT people. However, LGBT people in Belgium face social exclusion in every aspect of their lives. Mental health issues are prominent and suicide rates are higher than among non-LGBT people. Not a single organisation in the Flemish

region receives money from the Health Department to tackle these issues. There's also an underreporting of discrimination and violence against LGBT people, and so it's sometimes hard to know if we're working on the right issues. As for trans people, they often face administrative problems in regard to their name and gender on legal documents.

Frank: I agree that there's a gap between the legal framework and how we put it to use. The laws that exist need to be more consistently applied by authorities. LGBT people also need to be made aware of their rights and how to access them. In general, Belgium remains tolerant rather than accepting – it's OK to be LGBT unless you're 'too open' about it.

What is the workplace like for LGBT people?

Katrien: Research carried out by the University in the City of Brussels in 2014 has shown that 46 per cent of LGBT people are not out at work. Many feel that it might become a problem if they were to be open about their sexual orientation and gender identity. Equally, it's hard to convince employers that this is not a private issue.

Frank: Often non-LGBT people can be open about their private life while many LGBT employees who are not out have to hide it. This can be very subtle, for example when talking about your weekend in the kitchen at work, but can cause distress. The number of people not out in the workplace is shocking and increases as the position becomes more senior.

How can employers support their LGBT employees and the LGBT movement in Belgium?

Katrien: Employers need to make sure they have an open and safe workplace culture where LGBT people are not discriminated against, harassed and bullied. They need to be working at every level to ensure this. Anti-discrimination policies should be expressly inclusive of LGBT people and companies should also be outspoken about LGBT issues and equality. Companies should also reach out to LGBT organisations and listen to our expertise.

Frank: Companies are welcome to offer support to our movement but they must really mean it. It's not enough to simply march in a Pride parade while not having worked on diversity and inclusion issues internally. Inclusive companies should work towards equality at all levels.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

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

NEXT STEPS

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

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

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Accenture

Accenture is committed to a diverse workplace and leads initiatives to create equal and inclusive supportive workplaces for LGBT employees in Belgium. New joiners at Accenture learn about diversity and inclusion, including LGBT issues, during their induction. Managers and recruitment staff members are required to participate in unconscious bias training. The firm has an LGBT and allies employee support network, sponsored by a senior management member. The network works to champion LGBT equality at Accenture and to make LGBT employees feel safe and supported. Despite the existence of progressive laws for LGBT people in Belgium, Accenture recognises that much remains to be done for societal equality and acceptance. To this end, the network raises awareness through internal and external events. These include workshops on LGBT-related topics, as well as participation in Belgium's annual Pride parade. Allies also play a huge role in fostering an inclusive work environment. They show visible support by wearing LGBT lanyards and online support by having an Accenture LGBT badge in their email signatures. The network is further committed to encouraging other employers in Belgium to champion LGBT inclusion and diversity in the workplace. In April 2016, Accenture partnered with other organisations to launch Open@Work in the Accenture Brussels Office, which has continued to grow. Open@Work offers space for exchanging best practices on LGBT and ally networks, and gives interested companies an opportunity to listen to talks, expand their business networks and attract diverse candidates. To further share best practice and continue to learn, Accenture supports and participates in several conferences on LGBT topics. Accenture also partners with Belgian LGBT organisations, such as Çavaria, KliQ vzw, The Rainbow House, and Maison Arc-en-Ciel de Liège, to support the wider LGBT community in advancing LGBT equality.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

May – The Belgian Pride. www.pride.be

May – Brussels Pride Festival. www.rainbowhouse.be/en/projet/pride-festival-2

August – Antwerp Pride. www.antwerppride.eu

October – Tels Quels Festival. www.telsquels.be/festival

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



FIND LGBT GROUPS AND COMMUNITIES

Brussels Gay Sports – a group offering members the opportunity to practice sport and other activities in a welcoming and friendly setting. BGS is open to the LGBTQI community and allies. www.bgs.org

Çavaria – an umbrella organisation comprised of over 120-member associations across Belgium aiming to address LGBT equality on a structural level through policy work, campaigns, information service and training. www.cavaria.be

Égalité – an association of LGBT+ staff members of EU institutions. www.egalite-online.eu

ILGA Europe – an international organisation that lobbies for LGBTI rights on a European level. Based in Brussels, the group is affiliated with over 400 LGBTI organisations across 45 countries. www.ilga-europe.org

Maison Arc-en-Ciel de Liège - Alliège asb – an LGBT association based in Liège, focused on challenging discrimination, offering counselling services and referral to other groups across Belgium. www.macliege.be

Genres Pluriels – an organisation working to improve the visibility and rights of Belgium's trans community. www.genrespluriels.be

Homoparentalites – an association for gay and lesbian parents, offering legal support and organising meetings and activities for children and parents. www.homoparentalite.be

The Rainbow House – an LGBT information and training centre and home to different French-speaking and Flemish-speaking LGBTQI associations in Brussels. www.rainbowhouse.be

Tels Quels – an LGBT association focused on social and cultural activities. www.telsquels.be



GET LOCAL LGBT NEWS

Têtu – an LGBT news and lifestyle publication. www.tetu.com

ZiZo – a print and online LGBT news publication. www.zizo-online.be



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 55 ORGANISATIONS OPERATING IN BELGIUM.

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

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Legal Partner



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

BRAZIL



Population: 207+ million people



Stonewall Diversity Champions: 50



THE LEGAL LANDSCAPE

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Brazil is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Federal Constitution protects the **rights to freedom of expression, association and assembly** generally.

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

FAMILY AND SAME-SEX RELATIONSHIPS

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

There is an **equal age of consent** of 14 years for sexual acts regardless of gender under Section 217-A of the Criminal Code.

Same-sex marriage is legal and same-sex couples can also enter **civil unions**.

These rights were recognised by the Federal Supreme Court in 2011 and in 2013 the National Justice Council passed Resolution No. 175 prohibiting any registry office to refuse to perform marriages or refuse to convert domestic partnerships into marriages between people of the same sex.

Same-sex couples have **equal rights to adopt children** under the Child and Adolescent Statute.

EQUALITY AND EMPLOYMENT

The Federal Constitution states **'all persons are equal before the law**, without any distinction whatsoever' (Article 5), but it **does not explicitly refer to LGBT people**.

The Brazilian Labour Code and Labour Laws **prohibit employment discrimination in regard to several listed aspects**, however **gender identity and sexual orientation are not included** in this list.

Several parts of Brazil, such as **Rio de Janeiro** (2000) and **São Paulo** (2001), have **labour protection laws prohibiting discrimination based on sexual orientation and gender identity**.

Hate crimes based on sexual orientation or gender identity are **not expressly considered aggravating circumstances** in sentencing.

The **use of discriminatory language by public sector actors in regard to gender identity** is **banned** under Decree No 8.727/2016.

GENDER IDENTITY

In March 2018, the Supreme Court ruled that **trans people no longer need to undergo surgery**, provide a **medical report and get a court ruling to change their legal name and/or legal gender** on official records. Instead they can do so by requesting this at the civil registrar's office. The legal gender can only be changed to female or male.

The Federal **Public Administration is required to respect** a trans person's **'social name'** under Decree No 8.727/2016. This means that all public administration records must have the possibility of using the 'social name' alongside the 'civil name'. Trans people can further request the inclusion of their 'social name' on official documents.

In 2013 a **Gender Identity Bill** was introduced to allow trans people to change their legal gender and name without judicial approval. However, the Bill **has not yet been passed as law**.

National health services can perform gender reassignment surgery under Decree No 457/2008, issued by the Ministry of Health.

IMMIGRATION

Dependant visas are, without discrimination, **available for individuals** that are **married** or have entered a **civil union** under Article 3 of Law 13445/2017.

Temporary visas based on family reunion may also be **granted** to a spouse or partner **without any kind of discrimination** under Article 45 of Law 13445/2017.

A VIEW FROM BRAZIL

Toni Reis is the president of Aliança Nacional LGBTI, a network of activists dedicated to promoting and defending the human rights of the LGBTI community in Brazil.



Everyday life

Brazil's culture is contradictory when it comes to LGBT people. The more open-minded parts of society are accepting but a prevailing *machista* culture, which tends to see women as inferior, produces discriminatory, even violent attitudes and reactions towards gender nonconformity and those who break traditional gender roles. The biggest challenges facing LGBT people in Brazil are violence, homicides and increasing religious intolerance. Every year over 300 LGBTI+ people are murdered in Brazil just because they are LGBTI+ and the law provides no specific legal protection.

In larger cities it's easier for LGBT people to be themselves, or to be 'out', than in smaller municipalities, but even in cities LGBT people experience discrimination. A 2017 survey of Curitiba and its surrounding areas found that 84 per cent of LGBT people had suffered discrimination because they were LGBT. 10 per cent had been rejected by their families, and 43 per cent felt they were not fully accepted by their families.

However, we've also seen positive change. Over the last 20 years, LGBT people have become increasingly visible in society. There's been a move away from perceiving LGBT people according to stereotypes and towards understanding differences. This has been helped in particular by soap operas featuring gay, lesbian and trans characters and dealing with the issues seriously. New generations of LGBT people have benefitted from this visibility and also from the efforts of the LGBT movement, including organised Pride events since the mid-1990s. As a result, young people are starting to be less afraid of coming out and being visible in society.

LGBT groups and advocacy

The Brazilian LGBT movement began to organise itself in the late 1970s. Since then, it has suffered setbacks but also celebrated huge successes including some major legal breakthroughs. The Supreme Court ruled in favour of adoption by same-sex couples in 2005. In 2011, it gave equal status to same-sex civil unions, which led to nationwide recognition of same-sex marriage in 2013. In March 2018, the Supreme Court ruled that trans people have the right to gender identity. This means they no longer need to have medical reports, undergo surgery or go to court to get their name and gender changed on official records. Instead they can do so by requesting this at the civil registrar's office.

Despite these successes, in the past seven years, intolerant religious groups have attempted to influence laws and public policy. We're also still fighting for nationwide legislation that prohibits discrimination based on sexual orientation and gender identity. This has been on the agenda of the National Congress since 2001, but has been systematically barred by fundamentalist and reactionary groups within parliament. The movement is also trying to achieve such legal protection through the judicial branch and two cases have now been filed.

Workplace

Equal treatment and opportunities are essential for a decent workplace. However, the 2017 survey of Curitiba and its surrounding areas found that 11 per cent of LGBT people had suffered workplace discrimination. It's also particularly difficult for trans people to find employment. As well as anti-trans workplace prejudice, trans students can find it hard to remain at school because of discrimination, and so often do not have the academic qualifications employers require.

In recent years, several leading companies have started to promote respect for diversity, including sexual and gender diversity. In 2013, the Forum on Companies and LGBT Rights was established, whose members include companies, governments and UN agencies. The forum has opened up the debate and helped to promote respect for LGBT people in the workplace.

Healthcare

Brazil has had a national policy on LGBT health since 2009, which seeks to meet the specific healthcare needs of LGBT people as well as to reduce stigma. However, its implementation differs between states and it cannot be said to be fully available nationwide or outside of state capitals. Since 2008, public health services have been required to call trans people by the name they wish to be called by. Gender reassignment surgery is theoretically available according to the Ministry of Health ordinances, but implementation at state level is uneven and even in 2018 not all states are yet able to offer this service.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

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

NEXT STEPS

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

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

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Accenture Accenture has put its inclusive policies and diversity values into practice by offering its employees in Brazil the opportunity to include their same-sex spouses as beneficiaries of their private healthcare plan. The LGBT staff network at Accenture Brazil also works to raise awareness of LGBT issues among the workforce and promote respect and an equal working environment. Internal awareness is raised through events such as the Inclusion & Diversity Week or business lunches where network members, executives and allies meet to discuss topics the LGBT staff network is working on. To celebrate LGBT Pride Month, Accenture participates in the Pride parade each year with dozens of employees joining. Accenture also provides diversity training to its employees with the aim of giving individuals the necessary tools and resources to create an inclusive workplace, where LGBT employees can perform at their full potential. Accenture's Diversity & Inclusion team also provided training to the Brazilian leadership team on how to support trans employees who transition. The training entailed education on the LGBT community, including differences between sexual orientation, gender identity and gender expression. It also focused more specifically on steps that can be taken to support a trans employee through transition in the workplace, such as the importance of using the correct pronouns. The firm also seeks to contribute to the local community and collaborated with other companies to provide skill training to local trans youth to better prepare them for the labour market.

Procter & Gamble Procter & Gamble (P&G) in Brazil has been investing in creating equal and inclusive workplaces for its LGBT employees. The firm's internal policies expressly prohibit discrimination and harassment based on sexual orientation, gender identity and gender expression. These policies build the foundation for an LGBT-inclusive work environment. A related diversity statement is publicised on P&G's website. P&G reviewed all employee benefits in Brazil to ensure they applied equally to same-sex and different-sex couples. These included health insurance, life insurance plans, leaves of absence and privileges like company cars and relocation support. P&G Brazil also runs an LGBT employee network called GABLE. The network has active members, including LGBT employees and allies, in all P&G offices and manufacturing plants across Brazil. GABLE leads on activities to raise awareness about LGBT matters. For example, the network provides training to all employees and partners on how to create an LGBT-inclusive workplace. GABLE also communicates its stance on LGBT equality externally. In 2017, an advertisement was launched that featured same-sex couples. The GABLE Brazil leader, a trans man, has also been featured in a magazine where he spoke about being trans in the workplace. GABLE also published a social media statement against a court case in which the so-called 'gay conversion therapy' was approved by a judge.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – São Paulo Pride Parade. www.paradasp.org.br

November – Rio de Janeiro Pride Parade. www.arco-iris.org.br

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



FIND LGBT GROUPS AND COMMUNITIES

ABGLT - a national LGBT rights network which brings together over 300 organisations defending the rights of LGBT people and preventing discrimination. www.abgl.org

Fórum Empresas e Direitos LGBT - a forum for companies committed to respecting and promoting the human rights of LGBT people. www.forumempresaslgbt.com

Grupo Arco-Íris – an LGBT equality organisation working in the areas of health, education, culture, human rights and citizenship. www.arco-iris.org.br

Grupo Dignidade – an LGBT organisation engaging in advocacy, campaigning, training, the provision of information and other services. www.grupodignidade.org.br

Instituto Ethos – an organisation that helps companies to manage their business in a socially responsible way. Advancing equality and diversity is one of Instituto Ethos' key areas of expertise. www3.ethos.org.br

ParadaSP – an association of individuals and community groups who organise the annual Pride Parade in São Paulo. www.paradasp.org.br

Rede Trans Brasil – an organisation monitoring human rights violations, violence and homicides against trans people in Brazil. www.redetransbrasil.org

Sexuality Policy Watch – a Brazilian-based global forum composed of researchers and campaigners engaged in mapping developments in sexual and human rights globally. www.sxpolitics.org

TRANSEmpregos – a network of employers and jobseekers aimed at facilitating job opportunities for trans people. www.facebook.com/transempregos/



GET LOCAL LGBT UPDATES

iGay – an online LGBT news publication. www.igay.ig.com.br

ATHOS GLS – an online LGBT news portal. www.athosgls.com.br



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 50 ORGANISATIONS OPERATING IN BRAZIL.

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Legal Partner



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CANADA



Population: 35+ million



Stonewall Global Diversity Champions: 57

THE LEGAL LANDSCAPE

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Canada is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Section 2 of the Canadian Charter of Rights and Freedoms, a constitutional document, **protects the fundamental freedoms of expression, association and assembly.**

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex **are legal** under the Criminal Law Amendment Act, SC 1968- 69, c 38.

The **age of consent** is **16 years** for vaginal and oral sex but is **18 years** for anal sex.

HIV non-disclosure is criminalised, which means people living with HIV must be able to produce proof that they disclosed their HIV status prior to sexual activities.

Same-sex marriage was **legalised** in 2005 with the enactment of the Civil Marriage Act SC 2005, c 33, providing a gender-neutral definition of marriage.

As a result, there are also **no marriage restrictions specific to trans people.**

Same-sex couples are as eligible as opposite-sex couples for all forms of **recognised partnerships** in Canada.

In 2000, the Parliament of Canada passed Bill C-23, Modernization of Benefits and Obligations Act, which provides same-sex couples with the **same social and tax benefits** as opposite sex couples in common-law relationships.

There are **no legal prohibitions to same-sex adoption** in Canada.

EQUALITY AND EMPLOYMENT

Section 15(1) of the **Canadian Charter guarantees equality** and serves to **protect minority rights**. In 1995, the Supreme Court of Canada ruled that **"sexual orientation" should be read into the Charter.**

Gender identity has **not been expressly recognised** as an analogous ground of discrimination **under Section 15** of the Charter **but trans individuals** have **previously been able to rely on the section** to assert their equality rights.

Section 3(1) of the Canada Human Rights Act **prohibits discrimination on the grounds of sexual orientation, gender identity or expression.**

In 1998, the Supreme Court of Canada ruled that **provincial human rights legislation** must **protect individuals against discrimination on the basis of sexual orientation.** Now all provinces and territories provide such legal protection, particularly in matters of employment, accommodation and contract.

Ontario became the first province to specifically **prohibit discrimination on the basis of 'gender expression'** in 2012, followed by **several other provinces.**

Section 718.2(a)(i) of the Criminal Code provides an **aggravating circumstance** relevant to sentencing **where the offence was motivated by bias, prejudice or hate based on the sex, sexual orientation, or gender identity or expression** of the victim.

GENDER IDENTITY

Trans people have the **right to change** their **name and legal gender.**

However, the **requirements** for changing name and the legal gender marker on official documents **vary greatly** from province to province and legal gender change **may require proof of gender-reassignment surgery.**

Subject to varying requirements, the **legal gender** can be **changed on most identification documents**, including birth certificates, passports, driver's licenses and Social Insurance Number cards.

On a federal level, proof of gender-reassignment surgery is no longer required to amend a person's gender marker on immigration and citizenship documents.

Adult persons will **soon be able to change the gender marker on their passports to 'female', 'male' or 'X'** (unspecified). Until the 'X'-option is available, the person may request a note to be added to their passport which indicates that the gender marker should be 'X'. These interim measures were put in place starting 13 August 2017. It is unclear when the note will be replaced with the 'X'.

IMMIGRATION

The Immigration and Refugee Protection Act provides same-sex spouses with the **same immigration opportunities** as opposite-sex spouses.

Trans migrants cannot change the legal gender marker on their residency and immigration documents **before receiving citizenship in some provinces**, such as Quebec.

A VIEW FROM CANADA

Kathleen Pye is Director of Research and Policy at Egale Canada Human Rights Trust. The group seeks to advance the human rights of lesbian, gay, bi trans, queer, questioning, intersex and Two Spirit (LGBTQI2S) people through research, education and community engagement. Egale conducts research on LGBTQI2S matters and produces educational materials and reports.



What are the gaps in the legal framework for LGBT people?

It is problematic that there are inconsistencies in the LGBTQI2S-related legislation across the territories and provinces. While all territories and provinces have legislation that prohibits discrimination based on sexual orientation, only 10 out of 13 have similar provisions for gender identity and/or expression. The new government has pushed this matter at a national level and there is some positive movement. Bill C-16 is currently underway and would include gender identity and expression as grounds of prohibited discrimination in the Canadian Human Rights Code among other things.

However, other matters remain to be legislated for by territories and provinces, for example health and education. It is important that we keep addressing concerns where they exist. Bill C-36 introduced in 2014 is also problematic, and especially affects trans and gender diverse people. The law makes it illegal to purchase sexual services but legal to sell them. Trans and gender diverse people often work in this sector, not least because they face barriers in accessing other areas of the job market. The law further restricts their ability to earn a living.

What are some specific problems that affect trans people?

The lived situation for LGBTQI2S people can differ greatly depending on the area. In general, the situation is worse for LGBTQI2S people who are also affected by other forms of marginalisation, for instance indigenous LGBTQI2S people.

We see that rates of homelessness are especially high among trans and gender diverse people, but also bi people. In terms of health care, trans and gender diverse people often face difficulty in accessing appropriate and comprehensive health care. While such services may be easier to find in Ontario, waiting lists are long. In other areas, especially in more rural areas, the situation can be very bad. In terms of education, schools are getting better at promoting diverse and inclusive learning environments. For instance, some schools have inclusion policies in place, though they still need to get better at the implementation of such policies. Gender and sexuality alliance groups are also being formed at schools and can have very positive impacts. But again, how inclusive a school is will often depend on the area.

What problems do LGBT people face in the workplace?

A preliminary problem is that there hasn't been a lot of research on this topic in the Canadian context, and so we often have to rely on research done in the USA. More research now exists in regard to lesbians and gay men in the workplace, but less so for trans, gender diverse and bi people.

We do know however, that trans and gender diverse people in particular face extreme barriers when trying to access the job market. Unemployment rates are very high among these groups. Safety within the workplace is also a concern. Although legislation exists to protect LGBTQI2S employees from discrimination, there's not a lot of preventive work that's done. This means that often something needs to go wrong before LGBTQI2S staff can truly rely on their rights.

What can employers do to support LGBT employees and the LGBT movement in Canada?

Many employers feel they are constrained in what they can do or don't know where to start. However, there's a lot employers can do to create equal and inclusive workplaces for their LGBTQI2S staff. In all their efforts, employers should be reaching out to and learning from the LGBTQI2S community. This also makes it easier to start and to work around resource constraints. In general, employers should start by building LGBTQI2S-inclusive policies. Consulting the LGBTQI2S community ensures that the policies are well formulated, adequate and comprehensive.

But policies alone are not enough. It is absolutely necessary that employers have an appropriate implementation plan in place and that they act in a preventive rather than reactionary way. Employers can also support the LGBTQI2S community more generally, but they need to be mindful of their impact. Here it is important to reach out to LGBTQI2S communities to ask what businesses can do and whether their support is wanted. It's also important to seek feedback to improve any initiatives.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|---|--|
| <ul style="list-style-type: none">  Audit and extend equal benefits to LGBT partners  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|---|--|

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Gowling WLG

Much of Gowling WLG's LGBT diversity and inclusion work derives from the firm's strong engagement with Canadian LGBT organisations and initiatives. The firm partners with Pride at Work, a national organisation that supports LGBT inclusion in the workplace. In 2015, Gowling WLG sponsored the organisation's workplace conference, which was attended by some of the firm's senior staff. In order to raise awareness about LGBT workplace issues, Gowling WLG received all-staff training from Pride at Work. Since 2015, firm-wide activities have been held to acknowledge and support Day of Pink. Established by the Canadian Centre for Gender and Sexual Diversity, the event combats homophobia and transphobia. Since 2016, the UK and Canada offices have worked together to spread awareness of Day of Pink to other locations. As a result, partners and staff from all Gowling WLG's offices including Moscow, Dubai and Singapore have participated and worn pink in active support of the cause. Members of the firm regularly attend events for Start Proud in Canada. These provide a forum for university students to network and learn about careers and being "out" in the legal and corporate communities. The firm celebrates Pride activities across Canada including participating in Pride parades in some cities, and has a strong social media presence, regularly posting messages and photos of events that are supportive of the LGBT and other equality-seeking communities.

PwC

GLEE is PwC Canada's network for LGBT employees and their allies. It was set up in 2006 to enable LGBT employees to bring their whole selves to work. The network has also helped PwC Canada become actively involved with recruitment and business networking organisations focused on LGBT equality in the workplace. This includes a partnership with Pride at Work Canada, which provides support and networking for LGBT professionals. Such partnerships help PwC Canada to support its LGBT employees, while also positioning the firm as an employer of choice for the LGBT community. GLEE Canada, which today has over 130 members, annually hosts a Pride BBQ in the Toronto office. In 2016, the event was attended by over 200 clients and staff, which is a manifestation of GLEE Canada's steady growth. The network's development has also coincided with strong progress in some of PwC's key diversity and inclusion metrics. For example, out-of-university new starters have reported that GLEE and the experiences shared by LGBT employees have been instrumental in their decisions to select PwC as an employer. PwC has further generated client relationships and positive client feedback through the reach of GLEE and the GLEE Pride BBQ.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – Pride Toronto. www.pridetoronto.com

August – Vancouver Pride. www.vancouverpride.ca

August – Montreal Pride. www.fiertemontrealpride.com

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



FIND LGBT GROUPS AND COMMUNITIES

Action Sante Travesti(e)s et Transsexuel(le)s du Quebec (ASTTeQ) – an organisation promoting the health and well-being of trans people through peer support, advocacy, education, outreach, community empowerment and mobilization. www.astteq.org

Canadian Gay & Lesbian Chamber of Commerce – a group aiming to build a coalition of LGBT-owned and operated businesses and serving as a network for LGBT business proprietors and professionals. www.cglcc.ca

Egale Canada Human Rights Trust – an organisation working to advance the human rights of LGBT people through research, education and community engagement. www.egale.ca

The Lesbian & Gay Immigration Taskforce – a group sharing information and lobbying for changes to immigration regulations concerning same-sex couples. www.legit.ca

PFLAG Canada – a group of parents and families of lesbian, gay and bi people with an aim to support their LGB family members and each other. www.pflagcanada.ca

Pride at Work Canada – an organisation working with employers to create equal and inclusive workplaces for their LGBT employees in Canada. www.prideatwork.ca

QMUNITY – an LGBTQ/2S centre in Vancouver. www.qmunity.ca

Trans Lifeline – a group operating in the USA and Canada and offering a confidential information and counselling service for trans people in crisis. www.translifeline.org

The 519 – an LGBTQ community centre based in Toronto. www.the519.org

Welcome Friend Association – a group promoting understanding and cooperation between the LGBT community and its allies, offering advice on a range of topics as well as running trainings and a Rainbow Camp for young people. www.welcomefriend.ca



GET LOCAL LGBT NEWS

IN Magazine – an LGBT lifestyle publication. www.inmagazine.ca

PinkPlayMags – an LGBT lifestyle magazine in the Greater Toronto Area. www.pinkplaymags.com

The Buzz – a Toronto LGBTQ community magazine. www.thebuzzmag.ca

Xtra – an LGBT online news source. www.dailyxtra.com



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

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

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Legal Partner



GOWLING WLG

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

CHILE



Population: 17.9 million



Stonewall Global Diversity Champions: 54



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Chile is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Article 19 No. 12, 13 and 15 of the Constitution protect **the rights to freedom of expression, association and assembly**.

These may be restricted under specific circumstances but there are **no LGBT-specific restrictions or additions** to these rights.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex over the age of 18 are not criminalised and are therefore **legal**.

The **age of consent is 18 years for same-sex intercourse** between men and **14 years for opposite-sex intercourse** under Articles 363 and 365 of the Criminal Code. Constitutional Court rulings have established the age of consent for **same-sex sexual intercourse between women as 14 years**.

Same-sex marriage is not legal under Article 102 of the Civil Code and Law No. 19,147 as marriage is defined as a union between a man and a woman.

All couples, including **same-sex couples**, can enter a **civil union** under Law No. 20,830. These unions mainly provide financial rights, such as inheritance in the case of the death of a partner. They do not provide equivalent rights to marriage.

Same-sex couples have **no legal right to adopt** children as only married couples can adopt children.

EQUALITY AND EMPLOYMENT

Employment discrimination on the grounds of **sexual orientation and gender identity** are **prohibited** under Article No. 2 of the Labour Code.

Discrimination on the grounds of **sexual orientation and gender identity** is also **criminalised** under Law No. 20,609 and Article 5 (b) of Law No. 21,120, which comes into effect in October 2019.

Article 19 No. 2 of the Chilean Constitution provides for **equality before the law**. There is no explicit reference to sexual orientation and gender identity.

Hate crimes based on **sexual orientation and gender identity** are considered an **aggravating circumstance** in sentencing under Article No. 12.21 of the Criminal Code.

GENDER IDENTITY

Trans people **can change their legal gender** under Article No. 6 of Law No. 21,120, which comes into effect in October 2019. **No documents are exempt from this**.

Legal gender can **only be changed to male or female**. There is no option to change legal gender to a third gender.

For those aged 18 or older, legal gender change is subject to a **formal application to the Civil Registry and statements from two witnesses**.

For minors, legal gender change is subject to a **formal application** submitted before a Family Court and **completion of a psychological test**.

Under Law No. 21,120, which comes into effect in October 2019, trans people can **change their legal name** through the same procedure as a legal gender change.

IMMIGRATION

The Chilean Immigration Department **grants visas for same-sex partners**, however, this is **not legally regulated** and is at the discretion of the Immigration Department.



A VIEW FROM CHILE

Stonewall spoke to **Emilio Maldonado**, General Director of **Iguals Servicios Educativos y Consultoría** and the Coordinator of **Pride Connection Chile**. **Iguals Servicios Educativos y Consultoría** works towards the full inclusion of LGBT people in Chilean society by advocating for policy change, increasing education on sexual orientation and gender identity, and supporting employers to create inclusive workplaces. **Pride Connection Chile** is a network of over 50 major businesses working towards full LGBT inclusion.

Stonewall spoke to **Matías Valenzuela Cortez**, Legal Consultant and **Franco Fuica**, Coordinator of Legislation and Public Policies at **Asociación OTD Chile (Organizando Trans Diversidades)**. The organisation works towards the recognition and empowerment of trans and intersex people through research, advocacy, and training programmes with employers in Chile.



Everyday life

Emilio: “Chile has become a much better place for LGBT people. Legislative goals like civil unions, anti-discrimination law, and the Gender Identity Act have been achieved. However, people still face discrimination, especially in rural areas. Some conservative groups attack LGBT people and while physical violence is unusual, verbal and psychological violence is not uncommon. Gender impacts LGBT people’s experiences. Gay and bi men face fewer challenges than lesbians, bi women and trans people, particularly trans women, due to the patriarchal culture here.”

Matías and Franco: “Inequality significantly impacts trans people’s lives. Trans people also face discrimination, with trans men and trans women experiencing this differently. Trans women are more likely to be poor and face extreme day-to-day discrimination. However, trans men can face other types of harm such as ‘corrective’ rape and violence.”

LGBT groups

Emilio: “LGBT groups can operate freely and aren’t usually harassed or persecuted. However, LGBT organisations lack resources and funding. They’re very grassroots as the government and businesses haven’t fully realised the importance of LGBT organisations. Many LGBT groups focus on legal recognition in areas like marriage equality and adoption and on violence against LGBT people. Iguals Servicios Educativos y Consultoría is focusing on workplace equality.”

Matías and Franco: “While LGBT groups can generally operate freely, right-wing politicians use support for LGBT rights to appear progressive and downplay their historic responsibility for human rights violations. Trans people can also face a lot of hate speech online. The state offers no financial support to LGBT groups, making it much harder to operate.”

Visibility

Emilio: “Many LGBT people are out to friends and family in private. In public, it depends on whether a space is considered safe. LGBT people are somewhat visible in the media, particularly gay men and some trans activists. However, lesbians and bi people are much less visible.”

Matías and Franco: “There have been some steps towards trans visibility. The release of *A Fantastic Woman*, which won an Oscar, has been hugely influential. Some people working in trans rights organisations and the private sector are very visible, although this is an exception. Trans people and trans issues are somewhat visible in the media but are often not addressed sensitively.”

Workplaces

Emilio: “Workplaces are conservative and most LGBT people, especially trans people, are afraid of being fired if they come out. Trans people also face significant barriers to formal employment. We hope the implementation of the Gender Identity Act in October 2019 will slightly improve the situation, as people will be able to obtain documents matching their gender identity.”

To support LGBT employees, employers need to take LGBT inclusion seriously. Businesses need to genuinely commit to implementing inclusive practices, such as ensuring policies explicitly include LGBT staff. However, to be a true ally to the LGBT community, employers also need to publicly demonstrate their support. This might involve participating in Pride and making their marketing LGBT inclusive. It would be helpful if employers advocated for LGBT rights. This can be done by lobbying the government and highlighting the benefits of LGBT inclusion for businesses and Chile.

Additionally, as workplace ignorance is a challenge, employers can promote inclusion and support local LGBT organisations simultaneously by asking LGBT groups to provide training for staff. This is particularly important for small groups who may not be able to connect with large employers otherwise.”

Matías and Franco: “Discrimination causes many trans people to leave education, making accessing employment difficult. When employed, trans people often lack contracts and social security, making it easy to fire people because of their gender identity. Trans people also face discrimination and harassment, but barriers to justice mean perpetrators are rarely held accountable. To support trans employees, businesses must make eradicating discrimination a core goal. This can be achieved through training, which could be conducted by a local LGBT organisation.

Employers can lobby for positive legislative change for the trans community – the influence of businesses on legislation is very strong. Additionally, businesses can use platforms like advertising to present trans people positively and combat discrimination. Accessing employment is difficult, so concrete commitments to employing trans staff would be transformative. Many multinationals make a commitment to trans inclusion that isn’t reflected in Chile. Global LGBT commitments should be implemented here, too.”

Healthcare

Emilio: “In theory, trans people should be able to access inclusive healthcare, but this isn’t the case. Healthcare for LGB people is not inclusive. Apart from HIV treatment, which is state provided, no healthcare addresses LGB people’s specific needs, especially lesbians. For example, lesbians can’t access state-funded reproductive support that straight cis women can.”

Matías and Franco: “Access to adequate trans-specific healthcare is very limited: if a person is unemployed (as is the case for most trans people), they’ll receive the lowest level of care within the public system. Waiting lists are very long, and only 11 hospitals offer hormone therapy and gender confirmation surgery. Access to information also is a barrier – within the public system, it isn’t clear how a trans person would access such treatments.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Chile employers can work to:

1. Implement LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Chile with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Accenture

In Chile, sexual orientation and gender identity are expressly included in Accenture's anti-discrimination policy and equal benefits are provided for same-sex partners. Accenture also has a transitioning at work policy, with guidelines for team leaders, human resources, and transitioning individuals. Accenture's policies are brought to life through all-staff training sessions on LGBT inclusion in the workplace.

Several events and activities are run to raise awareness, coinciding with key dates celebrating LGBT identities. For IDAHOBIT, Accenture has an office-wide day of reflection and education, as well as celebrating 'Pride season' for all of June and walking in the Pride parade. Intersectionality is a key part of Accenture's approach to diversity and inclusion in Chile. In October, 'Diversity Week' is celebrated in the office, which is dedicated to understanding how the different parts of people's identities make them who they are. During this week, speakers give presentations and group discussions are held on how people can work together to create a culture of equality.

Accenture partners with Fundacion Iguales, a Chilean LGBT organisation, and is a member of Pride Connection. The firm has also worked to address the systemic barriers faced by trans people by providing materials and running workshops for Escuela Amaranta, a school for trans children who have not been accepted in the formal education system.

GET INVOLVED



THE ANNUAL LGBT CALENDAR

July or November/December – Pride/Open Mind Fest www.movilh.cl/gayparade/gay-parade

October – Transfest, organised by OTD Chile www.otdchile.org

October – Cine Movilh www.movilh.cl/cine/el-festival

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



FIND LGBT GROUPS AND COMMUNITIES

Fundacion Iguales – an organisation working towards equality of rights and non-discrimination on the grounds of sexual diversity. www.iguales.cl

MUMS Chile – a national non-governmental organisation that defends LGBTIQ+ rights through political advocacy and community strengthening. www.mums.cl

MOVILH – a national organisation defending social, cultural, political, economic and legal rights of LGBT people. www.movilh.cl

OTD Chile – a Chilean group promoting the human rights of trans and sexually diverse people. www.otdchile.org



NATIONAL HUMAN RIGHTS INSTITUTION

Instituto Nacional de Derechos Humanos – www.indh.cl

The Instituto Nacional de Derechos Humanos is the Chilean National Human Rights Institution where complaints of human rights violations on the grounds of sexual orientation and gender identity can be made.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 54 ORGANISATIONS OPERATING IN CHILE.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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Legal Partner



Freshfields Bruckhaus Deringer

CHINA



Population: 1.37 billion people



Stonewall Global Diversity Champions: 68



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

China is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution guarantees rights to **freedom of expression, association and assembly** under Article 35.

LGBT assemblies and associations are subject to the **same laws and regulations governing all** other assemblies and civil society organisations.

Under **copyright rules** passed in 2017, **online content will be edited or even banned** if it concerns "abnormal sexual behaviours" which is meant to **include same-sex relationships**.

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal** and were decriminalised in 1997.

In 2001, the Chinese Ministry of Health **removed homosexuality** from its **list of mental illnesses** in the third edition of the Chinese Standards for Classification and Diagnosis of Mental Disorders.

There is an **equal age of consent** of 14 years for sexual acts regardless of gender under Article 237 of the Criminal Law.

Same-sex marriage is **not legal** because the Marriage Law defines marriage as a union between one man and one woman.

Same-sex relationships are **not otherwise recognised** by law.

Same-sex couples have **no legal right to adopt** children. Although no law expressly prohibits same-sex couples from adopting, this is generally not allowed in practice.

EQUALITY AND EMPLOYMENT

Article 35 of the Constitution states **everyone is equal before the law**, but there is **no explicit reference to sexual orientation and gender identity**.

Employment discrimination based on **certain grounds** is **prohibited** under Article 12 of the Labour Law. **Sexual orientation and gender identity are not included** in the list of grounds.

GENDER IDENTITY

Trans people can change their **legal gender** from **female to male** or vice versa on **identity cards** and for **Household Registration (Hukou)** under Guidelines published by the Ministry of Public Security dated 23 October 2008.

Legal gender change is **subject to sex reassignment surgery, a medical certificate** and a certificate from the **notary/judicial appraisal authority**.

Trans people can change their legal **name** on **identity cards** and for **Household Registration (Hukou)** under Article 18 of Regulation on Household Registration. The legal **name on passports can also be changed** after relevant changes have been made to identity cards and Household Registration.

Legal name change is **subject to local administrative rules**.

IMMIGRATION

There are **no legal provisions** that specifically **support immigration of same-sex partners**.



A VIEW FROM CHINA

Jacob Huang is the corporate programmes director at Aibai Culture and Education Centre, based in Beijing. Aibai was established in 1999 and has three key strategies: strengthening community alliances, public advocacy and providing medical services and care to people living with HIV. Its work also involves cooperating with national and multinational corporations to promote workplace diversity.



How are LGBT people treated by society in China?

LGBT people are largely invisible and neglected in society, mainly because of the serious lack of education and awareness about sexual orientation and gender identity in schools, workplaces and other public spheres. This leads to many LGBT people being closeted their whole lives. However, for younger generations the social mobility and access to information provided by the internet is changing the conversation quickly. Theoretically, LGBT people in China enjoy the rights to freedom of expression, association and assembly but in reality, these rights are often violated. However, the reasons for this can be very complex and require deeper study of China's cultural and political background.

What specific issues do lesbians, bi women and trans people face?

Lesbians and bi women face not only homophobic and biphobic discrimination, but also sexism. This is especially prevalent in the workplace. There is also a lack of any prominent lesbian role models in Chinese society. In addition, within the LGBT community the voices of bi women often go unheard.

The trans community faces multiple challenges and mostly has to remain invisible in order for trans people to survive. There are now some young trans leaders and younger generations are starting to raise their voices. But compared with lesbian and gay communities, trans communities are still far more vulnerable with little representation.

How are LGBT people portrayed in the media?

The official newspapers and news controlled by the government will not carry any positive LGBT messages and will often reject any discussion of LGBT rights. Social media and independent media sources quite frequently address LGBT issues but can be damaging because they paint a narrow perspective of LGBT lives.

Since the central government passed a new law on internet safety and regulation in 2017, same-sex relationships have become more of a taboo and the media (including online media platforms such as Wechat or Weibo) cannot address them. Several LGBT-related words, such as 'homosexuality' are listed as both sensitive and negative, meaning they should not be seen on public screens. This increased control and restriction of freedom of speech makes it even more challenging than before to advocate for LGBT rights in China.

What is the workplace like for LGBT people?

From a survey we conducted of 2,000 LGB employees, only 6 per cent were open about their sexual orientation in the workplace. The low figure is mainly because participants feared coming out would harm their career progression. The low figure is also contributed to by Chinese cultural norms, which inhibit people being proud of their difference and treat work life and personal life as very separate.

Gender equality is often seen as the diversity priority for workplaces in China - sadly this only refers to equal rights for women, and not the broadened spectrum of all genders, for example non-binary people. Even here, stigma and stereotypes remain given the deep-rooted mindset from the older generations, who, growing up, were taught that men and women have different roles in society. This is still the dominant belief especially in the rural areas of China.






Do international or Chinese organisations publicly support LGBT equality?

Aibai has held five workplace conferences on LGBT equality in Beijing. A few Asian multinationals participated but the majority of multinationals supporting the event were from America and Europe, including IBM as a main sponsor. Efforts by organisations to improve workplace environments are low key and focused on internal practices such as equal benefits and workshops to improve awareness. Public support for LGBT rights is extremely rare.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|--|--|
| <ul style="list-style-type: none">  Audit and extend partner benefits to same-sex partners  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|--|--|

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM

IBM has used a number of avenues to build an LGBT-inclusive culture for employees in China. IBM's global diversity strategy encouraged employees in China to set up an LGBT employee network called EAGLE, as well as a wider EAGLE and friends group open to all employees. The latter enables the protection of LGBT employees' privacy and was seen as especially important in the context of Chinese culture. Senior leadership supports EAGLE through an executive sponsor. IBM also runs ally training as well as a reverse-mentoring programme, in which LGBT employees are mentors and line managers are mentees. In 2011, IBM China extended benefits to same-sex partners. To demonstrate the status of the same-sex partnership, employees sign an IBM affidavit form confirming their relationship with their partner. Each June is LGBT Pride month, during which awareness-raising events open to all employees are organized. IBM has also been working actively with local NGOs and other companies to advance LGBT workplace equality in China. This has included initiating and supporting the LGBT diversity in workplace forums with Aibai, and sponsoring Community Business's resource guide *Creating Inclusive Workplaces for LGBT Employees in China*.

Goldman Sachs

Goldman Sachs is committed to providing equal opportunities for all staff. It offers both instructor-led and online LGBT training to its employees in China. The instructor-led training is mandatory for executive and managing directors, and covers terminology associated with sexual orientation as well as best practice on creating LGBT-inclusive workplace environments. Outside of the workplace, in 2014 the bank partnered with the Beijing LGBT Centre and the Aibai Culture and Education Centre to provide career coaching to LGBT university students. Following the success of the event, another career workshop was hosted in Goldman Sachs' offices in 2015. The event was covered in the media and helped 25 LGBT students with their career aspirations. Asian executive director, Paul Choi, further demonstrated Goldman Sachs' commitment to LGBT equality by speaking at the Shanghai Pride parade in 2014.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June - Shanghai Pride. www.shpride.com

September - Shanghai Queer Film Festival. www.shqff.org

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



FIND LGBT GROUPS AND COMMUNITIES

Aibai Culture and Education - an organisation promoting LGBT equality by engaging in employment equality work, public advocacy, the building of community alliances and service provision. www.aibai.com

Beijing LGBT Centre - a community-based LGBT organisation providing social services and organising advocacy programmes and events. The group offers different models for corporate sponsorship. www.bjlgbtcenter.org.cn

Haixi Tongxin - a community-based group focusing on raising awareness and increasing the visibility of sexual minorities in Taiwan. <https://site.douban.com/144956/>

Out China - a group and online platform raising awareness and increasing the visibility of the LGBT community by telling personal stories in English and Chinese. Also includes a map of LGBT groups across China. www.chinalgbt.org

PFLAG China - a group for parents, families and friends of LGBT people that works to support LGBT people in China. www.pflag.org.cn

Tongyu Lala - an advocacy group dedicated to community mobilisation, public awareness and legal advocacy. www.tongyulala.org



GET LOCAL LGBT UPDATES

Speak Out – a podcast on LGBT issues in Chinese. www.weibo.com/speakout2014



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Legal Partner



Freshfields Bruckhaus Deringer

COLOMBIA



Population: 48 million



Stonewall Global Diversity Champions: 44



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Colombia is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 13, 16, 20, 37 and 38 of the Constitution protect the rights to **freedom of expression, assembly and association**.

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

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are not criminalised and are therefore **legal**.

There is an **equal age of consent of 14 years** for sexual acts regardless of gender under Article 209 of the Criminal Code.

The Constitutional Court ruled that **same-sex marriage is legal** in its judgement SU-214 in 2016.

All couples, including same-sex couples, can **enter civil unions and have de facto unions declared** as per the Constitutional Court judgement C-075, 2007.

Same-sex parents have **equal rights to adoption** as per the Constitutional Court judgement C-683, 2015.

Trans parents have their relationship to their child recorded based on their **legally registered gender**.

EQUALITY AND EMPLOYMENT

Employment discrimination on the grounds of **sexual orientation and gender identity** is **prohibited** through Constitutional Court judgments T-1122/2002, T-804/2014 and T-141/2017.

Discrimination on the grounds of **sexual orientation and gender identity** is **prohibited** under Article 1 of Law 1752/2015, amending Law 1482/2011.

All people are **equal before the law** under Article 13 of the Constitution and Article 10 of the Labour Code. There is no explicit reference to sexual orientation and gender identity.

Hate crimes based on **sexual orientation and gender identity** are considered an **aggravating circumstance** in sentencing under Article 134c of Law 1482, 2011, amending the Criminal Code.

Decree 762/2018 established a group of **governmental bodies to monitor the rights of LGBT people in public and private organisations**.

Articles 33, 40 and 53 of Law 1801/2016, the National Police Code, sets out **explicit protections for the LGBT community** and establishes penalties for acts of discrimination.

GENDER IDENTITY

Trans people over the **age of 18 can change their legal gender on all identification documents** including the birth certificate under Decree 1227, 2015 and Constitutional Court Judgement T-063, 2015.

Legal gender can **only be changed to male or female**. There is no option for a third gender under Article 2.2.6.12.4.3 of Decree 1227, 2015.

Legal gender change is **subject to a request before a notary** under oath of a voluntary gender change under Article 2.2.6.12.4.3 of Decree 1227, 2015.

Trans people **can change their legal name** by submitting a request before a notary under Article 6 of Decree 999, 1998.

IMMIGRATION

Dependent visas can be granted to any economically dependent family member of the visa titleholder, **including same-sex spouses or partners** under Article 26 of Resolution 7045 of 2017, issued by the Ministry of Foreign Affairs. (Cfr. C-577 of 2011).



A VIEW FROM COLOMBIA

Stonewall spoke to **Juan Felipe Rivera**, a Constitutional Litigation Lawyer with **Colombia Diversa**. Colombia Diversa works to promote the human rights of LGBT people in Colombia and advocate for legal change. It also focuses on positively transforming perceptions of LGBT people in Colombia and encouraging greater levels of organisation and political impact in the Colombian LGBT community.



Everyday life

Juan: “In the last 25 years, a significant number of legal rights have been won, mostly through landmark cases of the Constitutional Court of Colombia, and an improvement in visibility has led to greater acceptance. However, discrimination still exists, and many challenges remain. In Latin America, there’s a fringe but growing faith-based movement combatting ‘gender ideology’, a term used to describe LGBT rights and women’s rights. The movement is attempting to roll back social and legal gains for LGBT people.

Factors such as disability, race, class, and location shape LGBT people’s experiences. For example, LGBT people with disabilities are often told they can’t know if they’re LGBT due to their disability, and we’ve seen LGBT people being expelled from indigenous communities. Small and medium cities and rural areas are more conservative, so LGBT people there are more likely to face everyday discrimination.

LGBT people are visible in Colombia, but lesbians, gay men, and trans women are much more visible than other groups. LGBT news articles appear regularly in the media and TV shows have begun to feature more LGBT characters. There were also LGBT ministers in the last two governments. However, trans men are not visible at all and there are very few references to bi people in the media.

Anyone travelling to Colombia should be aware that public displays of affection can result in verbal harassment and, in rare cases, physical violence. Non-stereotypical gender expression is also a factor which may lead to harassment or discriminatory treatment. In Bogota, a very liberal city, the chance of this occurring in tourist areas is generally low. However, the risk may be higher elsewhere, especially in small towns and rural areas.”

LGBT groups

Juan: “In Colombia, LGBT groups tend to be small and informal, without any legal status, and tend to focus their efforts on promoting the social and cultural contributions of LGBT people. There are only a few large organisations which work on a wider array of topics. In principle, LGBT groups can operate freely. However, several regions are still affected by criminal factions as a result of armed conflict, and this can stop LGBT groups from working or severely limit their scope of work. These factions are sometimes anti-LGBT and will enact ‘social cleansing’ campaigns where they threaten or carry out violence against LGBT groups, activists, and people. The prevalence of anti-LGBT campaigns has led to a growing stigma and distrust of LGBT activists.

While Colombia has made several significant legal gains regarding LGBT rights in recent years, often these rights only exist on paper. Making these gains a reality is one of the biggest priorities here. LGBT groups also work on specific issues including the experiences of trans men in the military; the construction of memory and justice involving crimes against LGBT persons within the Colombian armed conflict and peace process implementation; and improving healthcare and legislation around HIV/AIDS.”

Workplaces

Juan: “While workplace discrimination and harassment laws exist, implementation in daily life is low. Most trans people are denied access to education, family support, and healthcare, meaning very few trans people can apply for formal employment. Even if they do, when employers learn a potential employee is trans, they often immediately exclude them from the application process. For LGB people, the ability to access employment is often related to the extent to which they conform to stereotypical ideas of masculinity and femininity. Feminine men and masculine women who are LGB often face barriers to accessing employment.

Homophobic, biphobic, or transphobic remarks are common at work. This forces LGBT people to stay closeted and makes workplaces oppressive. In Colombia, LGBT people often face hostility, including within faith communities. This can affect someone’s experience of coming out at work and Colombia Diversa have heard of LGBT people feeling unable to stay in their job because of discrimination they faced after coming out.

In terms of supporting employees, it’s important that businesses have a clear policy setting out their support for LGBT people, and that discrimination and harassment will not be tolerated. There should be mandatory training for all employees about conduct inside and outside the workplace. Additionally, businesses can support local LGBT organisations in a range of ways, for example sharing knowledge or making donations.

Businesses should also engage in lobbying and discuss LGBT rights with the government whenever possible: this can be really impactful. Employers can publicly signal their commitment to LGBT rights, which not only helps combat prejudice and stigma, it also makes LGBT people feel supported. When advocating for LGBT rights, businesses should be aware of the diversity of LGBT people’s lives, LGBT people’s experiences, and the impact their activities will have on the community.”

Healthcare

Juan: “Trans people can face barriers when it comes to healthcare. Those looking to medically transition must go through a lengthy and complicated referrals process where they have to ‘prove’ they are trans. Trans people with poor relationships with their psychiatrists may have their treatment suspended. People from rural areas often have a much harder time accessing trans-inclusive healthcare. Often, healthcare providers try to deny services to which people are legally entitled. LGBT people also experience discrimination from healthcare professionals. Their bias can lead to misdiagnoses of health issues based on the sexual orientation or gender identity of the patient.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Colombia employers can:

1. Implement explicitly LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Colombia with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Accenture

In Colombia, sexual orientation and gender identity are expressly included in Accenture's anti-discrimination policy and equal benefits are provided for same-sex partners. Accenture's policies are brought to life through all-staff training sessions on LGBT inclusion in the workplace. Staff are provided with a range of ways to engage with LGBT inclusion and Accenture has both an LGBT network chapter and ally programme in Colombia. The ally programme promotes a 'walk the talk' ethos, providing staff with ways to visibly signify their support for LGBT people and encouraging them to role model respect and inclusion.

Increasing awareness is an essential part of Accenture's LGBT inclusion initiatives. An LGBT committee runs a range of events and activities throughout the year, including training sessions, ally events and updates on LGBT initiatives, as well as celebrating international days focused on the LGBT community. To advance LGBT equality in the wider community, Accenture is a founding member of Pride Connection in Colombia and has a direct relationship with the LGBT Chamber of Commerce, in which they post vacancies to increase LGBT recruitment and share best practice. All staff are also invited to take part in the LGBT national Pride parade to visibly promote equality and support the Colombian LGBT community.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

July – Bogota Pride March, organised by Mesa de Trabajo LGBTI Bogotá www.facebook.com/mesaLGBTI

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



FIND LGBT GROUPS AND COMMUNITIES

Cámara de Comerciantes LGBT de Colombia – an advisory service for businesses serving the LGBT population www.cclgbt.co

GAAT Foundation – a national organisation providing support to LGBT people in Colombia and working to advance LGBT equality. www.fundaciongaat.com

Colombia Diversa – a non-governmental organisation working to promote LGBT people's rights, transform people's attitudes about the LGBT community and increase its political impact. www.colombiadiversa.org

Liberarte – counselling for lesbian, gay, bisexual and transgender people. www.liberarte.co

Red Somos – an organisation promoting the rights of young people, women and the LGBT community. www.redsomos.org



GET LOCAL LGBT NEWS

Guia Gay Colombia – an LGBT guide to Colombia. www.guiagaycolombia.com

Sentiido – a website providing analysis and opinions relating to sexual diversity. www.sentiido.com



NATIONAL HUMAN RIGHTS INSTITUTION

Defensoria del Pueblo (Ombudsman's Office of Colombia) – www.defensoria.gov.co

The Ombudsman's Office of Columbia is the Colombian National Human Rights Institution, where complaints of human rights violations on the grounds of sexual orientation and gender identity can be made.



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Legal Partner



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THE CZECH REPUBLIC



Population: 10.6 million



Stonewall Global Diversity Champions: 62



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

The Czech Republic is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

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

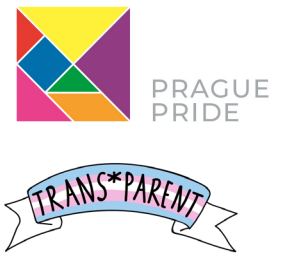
FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY	FAMILY AND RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Articles 17, 19 and 20 of the Charter of Fundamental Rights and Freedoms protect the rights to freedom of speech, association and assembly.</p> <p>There are no LGBT-specific additions or restrictions to these rights.</p>	<p>Sexual acts between people of the same sex are legal under Section 187 of the Criminal Code.</p> <p>There is an equal age of consent of 15 years for sexual acts regardless of gender under Section 187 of the Criminal Code.</p> <p>Same-sex marriage is not legal because marriage is defined as a union between a man and a woman under Section 655 of the Civil Code.</p> <p>There are no additional marriage restrictions specific to trans people.</p> <p>Same-sex couples can legally enter into registered partnerships under the Act on Registered Partnerships. These partnerships have limited rights compared to marriages, such as no 'common ownership' of property and no right to a survivor pension in the case of a partner's death.</p> <p>In 2016, the Constitutional Court ruled people in registered partnerships could adopt. However, only one partner can be the adoptive parent.</p> <p>In June 2017, the Constitutional Court ruled in favour of both partners in a same-sex couple being recognised as legal parents of a child they got through surrogacy abroad (Judgment of the Constitutional Court, file number I. ÚS 3226/16).</p> <p>No laws specifically address trans parenthood. However, sterilisation is required for legal gender change (see GENDER IDENTITY).</p>	<p>Article 3 of the Czech Charter of Fundamental Rights and Freedoms guarantees the rights and freedoms of everyone. There is no explicit reference to sexual orientation and gender identity.</p> <p>Employment discrimination on the grounds of gender identity and sexual orientation is prohibited under Section 16(2) of the Labour Code.</p> <p>The right to access employment cannot be denied to an individual on the grounds of sexual orientation and gender identity under Section 4 of the Act of Employment.</p> <p>Hate crimes based on sexual orientation or gender identity may be considered an aggravating circumstance under Section 42(b) of the Criminal Code (Act No 40/2009).</p>	<p>Trans people can change their legal gender on all identification documents, including their birth certificate, under Section 72 of the Act on Registry, Names and Surnames. Trans people can also request a new social security number (which changes depending on gender) under the same law.</p> <p>Legal gender can only be changed to male or female. There is no option to change legal gender to a third gender.</p> <p>Legal gender change is subject to being 18 years old, sterilisation, a medical opinion, and in the case of a married person, compulsory divorce.</p> <p>Trans people can change their legal name on all identification documents under Section 72 of the Act on Registry, Names and Surnames. Legal names can be changed following a legal gender change and confirmation from a health service provider.</p>	<p>Under Section 180f of the Act on Residence of Foreigners in the Territory of the Czech Republic, dependent long-term visas and residency permits are available to same-sex partners if their partnership is officially registered.</p> <p>Czech courts recognise the right to asylum for the purpose of family reunification for officially registered same-sex partners under Sections 2, 13, and 14b of the Act on Asylum.</p> <p>The right to asylum on the grounds of persecution for being LGBT is not explicitly recognised under the Act on Asylum. However, case law has acknowledged persecution on the grounds of being LGBT as persecution for affiliation with a social group. Asylum can be granted on these grounds under Section 12b of the Act on Asylum.</p>



A VIEW FROM THE CZECH REPUBLIC

Stonewall spoke to **Czeslaw Walek**, CEO and Chairperson of **Prague Pride**. Prague Pride organises the annual Prague Pride festival in addition to running campaigns, peer support services and the Pride Business Forum. Prague Pride is a principal member of the Czech marriage equality campaign.

Stonewall also spoke to **Viktor Heumann**, the co-founder and director of **Trans*parent**. Trans*parent strives for empowerment, social justice, promotion of rights and positive social changes for trans men, women and other non-cis people. It works towards creating understanding and acceptance of trans people at both the social and legislative level.



Everyday life

Czeslaw: “In the past ten years there have been significant advances in LGBT acceptance. However, marriage equality has not yet been achieved (although there is a visible **nationwide campaign**) and trans people must be sterilised to change their legal gender. Also, as the LGBT rights movement is relatively new, many older LGBT people struggle to come out. Life for LGBT people can also vary depending on whether they live in a large city or more rural area. For instance, in Prague there is a lively and growing selection of LGBT groups and spaces.”

Viktor: “Trans people are pathologised and people think that trans people must want surgery to be ‘cured’, or they aren’t really trans. Multiple forms of discrimination impact exponentially on people’s experience of being trans. Roma trans women, in particular, face pervasive marginalisation and are often homeless.

Trans rights groups can operate freely but trans issues are often sidelined. Trans*parent is currently working to change legal gender recognition requirements, especially forced sterilisation and divorce. Additionally, we are trying to alter the complicated and stigmatising process whereby trans people must change their legal name multiple times while transitioning, as Czech names are strictly gendered.

When trans people travel to the Czech Republic, they should be aware of the lack of acknowledgement of non-binary identities. Also, understanding of trans identities among medical professionals, public servants and the police can be low. Otherwise, the Czech Republic is mostly safe in terms of hate crimes, although verbal harassment can be common.”

Visibility

Czeslaw: “LGBT visibility has improved significantly the last decade: there are now openly gay politicians, celebrities, and CEOs of large companies locally and nationally. However, visibility is limited to lesbian and gay people who aren’t trans. There are almost no public figures who are bi or trans. There is quite a lot of media coverage surrounding LGBT issues: Prague Pride and the topic of marriage equality both receive significant attention. While a minority of outlets and public figures react negatively, most coverage is positive.”

Viktor: “Most trans people try to be invisible in the Czech Republic. Media representation focuses on transitioning and ‘before and after’ photos. Non-binary people are also completely invisible because Czech society has very binary understandings of gender and a heavily gendered language.”

Workplaces

Czeslaw: “LGBT people often feel the need to hide their identity at work for fear of negative reactions from colleagues. Many also fear that being out will negatively impact their careers. According to ‘LGBT+ First Job’, research conducted by Vodafone, Prague Pride and Out Now, in the Czech Republic only 24 per cent of LGBT people are out at work. Ten years ago, this was 11 per cent, so we are making progress, but we have further to go. For example, when young LGBT people get their first job, 47 per cent go back into the closet.

Prague Pride has worked with employers for nine years and we’ve seen some big successes, particularly with multinationals. Engaging with smaller or local companies can sometimes be challenging, as they often don’t see the benefits of LGBT inclusion. Prague Pride has just published **ten basic steps** for businesses to support LGBT employees.

To support LGBT organisations and LGBT equality externally, businesses can do things like circulating marriage equality petitions internally, carrying out charity fundraising events in offices, and signing open letters. Additionally, businesses can use their platforms to increase LGBT visibility via social media and adverts: this is a great opportunity to increase acceptance as well as benefitting businesses.”

Viktor: “Trans people face discrimination at work. This can include being outed, being fired or, for trans women, having salaries lowered or not getting a raise after transitioning. Bullying can happen and there can be issues regarding the use of facilities such as toilets. Most employers aren’t ready to support trans staff when they transition, which hurts trans employees and contributes to low levels of people being out at work.

To support trans staff, employers should have trans-inclusive policies and conduct training and workshops to support a shift in internal culture. There should also be a focus on non-binary identities. Businesses should ask trans organisations how best they can offer support and use their platforms to cultivate a positive discourse around trans identities. Public statements about the importance of trans inclusion would have a big impact too. Organisations can also help LGBT groups through pro bono support with research, physical spaces, and the use of their platforms.

Czech employers sometimes don’t understand the importance of trans inclusion, even if they are local branches of multinational organisations. Employers should ensure that organisation-wide standards are being fully implemented in the Czech Republic.”

Healthcare

Viktor: “Many healthcare services are available but the quality is low and being trans is seen as something that can be cured with surgery and hormones, with little psychological support available. Legal gender recognition exists but with strict and discriminatory conditions. Trans people often face disrespectful behaviour from healthcare staff. Even when receiving transition-related healthcare, medical staff still won’t respect their gender identity. Psychologists and psychiatrists are also widely refusing to accept the validity of trans identities and sometimes push for therapy to ‘cure’ trans people.”

LGBT INCLUSION IN THE WORKPLACE

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3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Czech Republic with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Allen & Overy

Allen & Overy's policies are explicitly inclusive of LGBT people, including those covering equal opportunities, bullying and harassment; dress codes; parental policies; discretionary leave; and transitioning at work. Staff benefits are also available regardless of gender. To ensure their implementation, learning about these policies is an integral part of the induction process for new employees. In the Czech Republic, Allen & Overy's local chapter of their global LGBT network, A&Out, have organised a number of events to demonstrate the Prague office's commitment to LGBT equality. Events have included inviting the entire office to dress in rainbow colours and writing messages on A&Out banners showing support for the LGBT community. Allen & Overy has also become a member of the Pride Business Forum, a local platform aimed at advancing LGBT equality in the workplace. They signed the 'Pride Business Forum Memorandum 2017+', highlighting their commitment to LGBT diversity and inclusion in the workplace and their desire to continue to advance this area in the future. Allen & Overy is also supporting the introduction of same-sex marriage legislation in the Czech Republic by supporting the 'Jsme fer' ('Let's be fair') initiative. Finally, Allen & Overy has provided pro bono legal support to Prague Pride.

Citi

Citi ensures that LGBT people are included throughout their policies. Sexual orientation, gender identity and gender expression are explicitly covered in Citi's anti-discrimination and bullying and harassment policies. Partners of employees are also able to access equal benefits, regardless of gender. Citi's tendering processes for procurement include a supplier diversity and inclusion assessment that covers sexual orientation, gender identity and gender expression. Employees in the Czech Republic are required to attend online training on 'Fostering an Inclusive Environment', which specifically addresses LGBT identities. In 2018, Citi started working with the local LGBT organisation Prague Pride. Together they organised an LGBT diversity discussion with Ester Janeckova, a well-known Czech TV personality and ambassador for peer mentoring portal for LGBT people in crisis, Sbarvouven. In 2019, Citi donated \$4,300 USD to the portal. Citi has also publicly supported the marriage equality campaign and is featured on the 'Jsme fer' ('Let's be fair') webpage in addition to signing an open letter to the Czech Prime Minister in support of equal marriage. Finally, Citi signed the 'Pride Business Forum Memorandum', demonstrating their commitment to and support for LGBT diversity and inclusion in the Czech Republic.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

April – Queer Eye

www.pragueoffthemap.com/culture/festivals-of-all-kinds/2323.html

May – Prague Rainbow Spring www.praguerainbow.eu

May – Fun & Run www.praguepride.cz/en/fun-run

August – Prague Pride www.praguepride.cz/en

November – Mezipatra Queer Film Festival www.mezipatra.cz/en

Throughout the year – Queer Ball www.queerball.cz/en

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



FIND LGBT GROUPS AND COMMUNITIES

Czech Tourists Club Queer – a Czech tourist group organising regular walks in the countryside for the LGBT community and their friends.

www.queer.kct.cz/o-nas

Platform for Equality, Recognition and Diversity (PROUD) – a membership organisation carrying out thematic projects to advance LGBT rights and equality throughout Czech society. www.proud.cz/en

Prague Pride – a non-government organisation promoting a tolerant civil society and combatting discrimination towards LGBT people.

www.praguepride.cz/en

The STUD, z.s – an organisation working to support LGBT young people in the Czech Republic. www.stud.cz/en

Society for Queer Memory/The Queer Memory Centre – a group established to facilitate dialogue between generations of the LGBT community and build a museum and collection of artefacts documenting this.

www.queerpamet.cz/inpage/society-for-queer-memory

Trans*parent – a national organisation working towards positive social and legislative change for trans people that offers support for adults and teenagers.

www.transparentprague.cz/english



NATIONAL HUMAN RIGHTS INSTITUTION

Public Defender of Rights – www.ochrance.cz/en

The Public Defender of Rights is the Czech National Human Rights Institution where complaints of human rights violations on the grounds of sexual orientation and gender identity can be made.



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Legal Partner



Freshfields Bruckhaus Deringer



FRANCE



Population: 67+ million



Stonewall Global Diversity Champions: 68



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

France is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The French Constitution (1958) and constitutional principles recognise the rights to **freedom of expression, association and assembly**.

According to case law, the freedom of speech principle also **protects the expression of opinions** that may **hurt the feelings of LGBT people**.

The Law on Freedom of the Press criminalises public abuse, public slander and public **provocation of discrimination, hatred or violence on grounds of sexual orientation or gender identity** of the victim.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are **not criminalised** under Law No 82- 683, 4 August 1982.

There is an **equal age of consent** for sexual acts regardless of gender.

Same-sex marriage is **legal** under the Law Providing for Same-Sex Marriage (2013).

As a result, there are also **no marriage restrictions specific to trans people**.

The Law Relating to the Civil Solidarity Pact (1999) **allows** for same-sex and different-sex **civil unions**.

Married same-sex and opposite-sex couples have the **same right to adopt children**, including second parent adoption and joint adoption (Article 6-1 of the Civil Code).

EQUALITY AND EMPLOYMENT

Article L1132-1 of the Employment Code **prohibits discrimination on grounds of sexual orientation or gender identity in employment**.

Discrimination on grounds of sexual orientation and gender identity is **criminalised** under Articles 225-1 of the Penal Code and Law No 2016-1547.

Article 1 of the French Constitution states that the Republic "shall ensure the **equality of all citizens before the law**, without distinction of origin, race or religion". The **list of criteria** does **not include sexual orientation or gender identity**.

The **penalties** for a criminal offense are **aggravated when the offence was motivated by the sexual orientation or gender identity of the victim** (Article 132-77 of the Penal Code).

The decree determining the selection criteria for **blood donors requires** a compulsory **one-year period of sexual abstinence** for men who have sex with men.

GENDER IDENTITY

Trans people have the **right to change their legal gender** to female or male under Articles 61-5 to 61-8 of the Civil Code enacted by Law No 2016-1547. The change is recorded on the **birth certificates** and, on this basis, can be modified on **all other identity documents**.

Pursuant to Article 61-5 of the Civil Code as enacted by the above mentioned law, the **change of legal gender is subject to proof**, by a sufficient combination of facts, that the **person's legal gender** in civil status documents does **not match the gender** in which the **person appears** and by which the **person is known** to other people.

Article 61-6 states that **medical treatment or surgical intervention** is **not a requirement** for the legal change of gender.

The **change of legal name** has to be **requested before a court** under Article 60 of the Civil Code.

IMMIGRATION

French law does **not distinguish between same-sex or different sex relationships** for **immigration purposes**.

French courts recognise a **right to asylum** for persons that are **subject to persecution** on the grounds of their sexual orientation or gender identity.



A VIEW FROM FRANCE

Marie-Hélène Goix is president and **Christophe Margaine** is a board member of L'Autre Cercle, a volunteer association operating nationally. L'Autre Cercle works across 12 French regions and aims to eliminate discrimination against LGBT people in the workplace. The association partners with multinational companies and local businesses in France to advance workplace equality and inclusion.



What is the public opinion of same-sex marriage today?

Just before the French parliament passed the equal marriage legislation in 2013, large numbers of people publicly protested against it. These public protests can be seen against the background of the French political climate at the time: many opponents framed the President's election promise to legalise same-sex marriage as being part of a socialist agenda. At the same time, some religious groups also mobilised people claiming that marriage should only be defined as a union between one man and one woman. However, the percentage of acceptance has slowly been increasing since the law was passed. A study conducted by IFOP in September 2016 showed that 65 per cent of people in France would oppose repealing the law on same-sex marriage. This is an increase of five per cent in two years. However, it's still important for the LGBT community to be vigilant. For example, ahead of the 2017 national elections, some groups tried to use the political climate as a platform to relaunch a campaign to repeal same-sex marriage, though they did not receive much support.

Which issues affect trans people in France?

It's extremely difficult to obtain a change in one's legal gender on official documents. Not only does a legal change in gender have to be requested before a court, but the person also has to meet strict criteria for the application to be successful. All of this contributes to the discrimination faced by trans people in their daily lives and more specifically when seeking employment. Gender recognition is one area of law in which there is still lots to be done.

What challenges do LGBT people face in the workplace?

In 2017, L'Autre Cercle published a survey on the experiences, perception and expectations of LGBT people in the workplace. This survey was carried out in collaboration with the French national survey company IFOP. More than 6,500 LGBT and non-LGBT employees responded, all of them part of 41 organisations who are signatories to L'Autre Cercle's Charter of Commitment to LGBT Equality. The survey showed that 29 per cent of LGBT people are 'invisible' in the workplace, meaning that they hide their sexual orientation and/or gender identity. While this number is too high, it's lower than the average result obtained in other studies, which is around 66 per cent. This suggests that LGBT employees who work for organisations that signed the L'Autre Cercle Charter feel more able to be themselves at work. In terms of discrimination, 30 per cent of LGBT people were aware of cases of discrimination against gay employees, while only 9 per cent of straight people were aware of this. A difference also remains between the levels of discrimination faced by lesbian, gay and bi people and trans people. Less than four per cent of the respondents felt 'uneasy' with a lesbian, gay or bi co-worker, but 15 per cent felt 'uneasy' with a trans co-worker.

What can employers do to promote LGBT equality inside and outside the workplace?

Creating LGBT employee resource networks and groups of allies can be significant for making LGBT employees feel welcome and able to be themselves. Employers can also show their commitment to LGBT equality by signing L'Autre Cercle's Charter of Commitment to LGBT Equality, and should then work on implementing the charter's principles in their own organisations. Another important element is collaboration between employers. Sharing experiences and best practice with other employers can really drive workplace equality for LGBT people in France. Lastly, it's important to support LGBT groups in France, for example by participating in LGBT community events.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

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

NEXT STEPS

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

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

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

LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

BNP Paribas BNP Paribas is determined to create an inclusive environment for LGBT employees. Business and HR managers at BNP Paribas in France are offered LGBT diversity training, starting with an internal guide called 'I'm a Diversity Manager'. In 2015, Jean Laurent Bonnafé was the first CEO of a banking group to sign the L'Autre Cercle charter, supporting equality in the workplace for LGBT staff members. BNP Paribas also participated to the drafting of the 2017 UN Guiding Principles on Business and Human Rights and is officially sponsoring the Gay Games, taking place in Paris in August 2018.

In 2015, BNP Paribas launched its local LGBT employee network, PRIDE France, which is open to LGBT employees and their allies. PRIDE France works with the firm's stakeholders, such as senior management, HR and unions, to further equality in the workplace. Since the launch, PRIDE France has expanded outside Paris and now covers the entire country, even in the bank's smallest branches. Through events, the network continues raising awareness on LGBT-related topics, such as homophobia in the workplace, having HIV+, or LGBT parenthood. In October 2017, BNP Paribas has strengthened its commitments towards LGBT inclusion by inviting major BNP Paribas investment banking clients to BNP Paribas PRIDE anniversary event.

Herbert Smith Freehills In partnership with Stonewall, Herbert Smith Freehills invited colleagues from across their Europe, Middle East and Africa (EMEA) business to a day-long roundtable in Paris. The objective of the roundtable was to explore the working contexts for LGBT people and develop an LGBT diversity and inclusion action plan for the EMEA region. Colleagues were able to learn from each other and share ideas about LGBT inclusion initiatives to take back to their offices. The event was supported by partners in the Paris office as well as the global IRIS (Inclusion Respecting Identity and Sexuality) network sponsor, who is a member of the Global Executive and spoke at the event. Following the roundtable, Herbert Smith Freehills hosted a drinks reception advertised to all staff in the Paris office. The event was also attended by representatives from l'Autre Cercle, a French LGBT workplace organisation with whom Herbert Smith Freehills are partners. As a result of the roundtable, the Paris IRIS network has continued to grow its initiatives and activities. This included its first annual summer party attended by clients, partners and staff, and leaders of other Paris-based LGBT networks. Herbert Smith Freehills were also the first corporate law firm to sign l'Autre Cercle's Charter of Commitment to LGBT Equality.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – Paris Pride. www.inter-lgbt.org/marche-des-fiertés

June – Lyon Pride. www.fierte.net

June – Strasbourg Pride. www.festigays.net

July – Marseille Pride. www.facebook.com/pridemarseille

July – Chéries-Chéris – LGBT Film Festival Paris. www.cheries-cheris.com

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



FIND LGBT GROUPS AND COMMUNITIES

Bi'Cause – a group for France's bi community, working to create bi spaces, increase societal understanding of bisexuality and defend the interests of the community. www.bicause.fr

Centre LGBT – a venue in Paris offering a space, networking opportunities and events for LGBT groups and individuals. www.centrelgbtparis.org

Inter-LGBT – an umbrella group of 50 local and regional groups across France. Among other activities, the group organises Pride events across France. www.inter-lgbt.org

L'Association Nationale Transgenre – a trans community association, offering information, assistance and solidarity and operating on a regional and national level. www.ant-france.eu

L'Autre Cercle – an organisation working with multinational companies and local businesses to advance workplace equality for LGBT people in France. www.autrecercle.org

Le Refuge – a group offering support and temporary shelter to young LGBT people in need. www.le-refuge.org

SOS Homophobie – a national association against homophobia, biphobia and transphobia, offering information, support, educational events as well as an anonymous hotline. www.sos-homophobie.org



FIND LGBT GROUPS AND COMMUNITIES

Illico – a free bi-monthly LGBT magazine available in print and online. www.e-illico.com

Centre LGBT – an LGBT magazine aimed at men. www.tetu.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 68 ORGANISATIONS OPERATING IN FRANCE.

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

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GERMANY



Population: 80+ million



Stonewall Global Diversity Champions: 74



THE LEGAL LANDSCAPE

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Germany is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people. Two further zones exist. In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries, sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 5, 9 and 8 of the Constitution protect the general **rights to freedom of expression, association and assembly**.

Each of these rights may be restricted under certain specified circumstances, but there are **no specific restrictions regarding the rights of LGBT people**.

FAMILY AND RELATIONSHIPS

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

There is an **equal age of consent** of 14 years for sexual acts regardless of gender under Article 176 of the Criminal Code.

Same-sex marriage was **legalised** on 01 October 2017 under Section 1353 of the Civil Code.

As a result, there are also **no marriage restrictions specific to trans people**.

Since 01 October 2017, **new registered partnerships cannot be entered** under the Registered Partnership Law (2001).

Existing registered partnerships remain but **can be converted into marriages** by a declaration of intention before a Notary Public.

Married same-sex couples have the **same rights to adopt** jointly as different-sex couples under Section 1741(2) of the Civil Code.

For registered partnerships, only second parent adoption is possible, and the registered partner can adopt the natural or adopted child of their partner under Section 9(7) of the Registered Partnership Law.

EQUALITY AND EMPLOYMENT

The Equal Treatment Act (2006) provides **protection from discrimination on the grounds of 'sexual identity'** in employment and occupation.

The same law also provides general **protection from discrimination based on 'sexual identity' in civil law** (Section 19) and in regard to the access to and supply of goods and services, among others (Section 2(8)).

Section 19a of the Fourth Book of the German Code of Social Law entails a **prohibition of discrimination on the grounds of** – among others – **'sexual identity'** with respect to the **claiming** of certain **benefits**.

According to a judgment of the German Federal Labour Court, the terms **'sexual identity' covers lesbian, gay, bi and trans people**.

Article 3(1) of the German Constitution states that all **people are equal before the law**. No explicit protection is provided regarding sexual orientation and gender identity.

Although not explicitly, Section 46(2) of the Criminal Code makes it possible to consider **hate crimes based on sexual orientation and gender identity** an **aggravating circumstance**.

GENDER IDENTITY

The Transgender Law (1980) provides trans people the **right to change** their **legal name** (Section 1) and/or their **legal gender** to 'female' or 'male' (Section 8).

Legal gender can be changed on **all identification documents including the birth certificate** if the legal gender change has been **confirmed by the court**.

Several **requirements need to be fulfilled** for the legal name or legal gender change. For example, the **person must have had an "obsessive sense of belonging to the opposite sex" for three years** and **two independent expert opinions** are needed **confirming** that the person's **gender identity will not change** in the future.

Medical interventions are **not a requirement** for the legal gender change.

IMMIGRATION

Section 27 (2) of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory **enables family reunification of same-sex couples** if they are **married or their partnership is officially registered** and is in substance equivalent to a German registered partnership.

German Asylum Law states that **persecution on the ground of sexual orientation or gender identity** is considered a valid **reason for granting asylum** (Section 3b (4)).

A VIEW FROM GERMANY

Markus Ulrich is communications officer at Lesben- und Schwulenverband in Deutschland (Lesbian and Gay Federation in Germany). LSVD is the largest LGBT-aligned NGO in Germany. The group aspires to establish legal and social equality for the LGBT community.



What is the lived situation for LGBT people in Germany?

The lived experiences of LGBT people in Germany depend very much on the wider context. For instance, experiences will differ depending on whether the person is a German citizen or not, if they live in a city or rural area, if they're disabled or not, if they're white or a person of colour and so on. Homophobia, biphobia and transphobia often intersect with other forms of discrimination.

Generally speaking, we've made advances in the acceptance of LGBT people. Studies have found that a majority of Germans support equal marriage and are against discrimination towards LGBT people. In 2017 Germany finally legalised same-sex marriage. The Federal Court also made a ground-breaking decision regarding gender identity: by the end of 2018, the government must legally recognise the existence of more than two genders. This means offering a third gender category in the civil status law or abolishing gender registration in this law all together. The decision is a huge step forward in the legal recognition of trans* and inter* people. On the other hand, around 40 per cent of Germans indicated that they find it repulsive to see two men kissing. There are also reservations on including LGBT topics in educational plans, although a few states have now done so. Populist movements have recently argued for a return to certain 'values' that marginalise LGBT people and contribute to a worrying societal divide.

What are the gaps in the legal framework and why do they still exist?

In recent years, Germany has fallen behind other European countries in terms of legal advances in LGBT equality. While this situation changed after the introduction of equal marriage, Germany's Basic Law provides for equality before the law but does not yet explicitly refer to sexual orientation or gender identity. Also still missing is a family law that legally recognises the diversity of families, including LGBT families in all of their lived varieties. Furthermore, the law relating to the rights of trans people was passed in 1980, so is outdated. Even though some of the criteria for legal gender change have since been overturned by the Constitutional Court, others remain.

The Conservative Union, which is currently the strongest political force, has historically acted as a barrier to legal progress. Although one quarter of party members voted for marriage equality, it remains to be seen if the party is willing to move away from a definition of conservatism based on the ignorance or degradation of gender and sexual diversity.

What problems do LGBT people face in the workplace?

Many LGBT employees are not out at work. Often the sentiment is that this would be irrelevant information. However, employers should think about the frequency with which straight people 'out' themselves – for instance when talking about their weekends, partner or holidays. Having to actively hide your sexual orientation can be very exhausting. This may have a negative impact both on the employees' well-being and performance. Employers could do more to create a welcoming atmosphere where LGBT employees feel able to be themselves.

In addition, trans people face numerous barriers even when seeking employment. For example, they have to change old transcripts and references to reflect their name and gender and may fear discrimination if they don't. In theory, trans people are protected by anti-discrimination laws, but this isn't always the case in everyday life.

What can employers do to support LGBT employees and the LGBT movement in Germany?

Employers should always assume that they have LGBT employees and reflect this in their internal communications. Doing so can send a signal of acceptance and inclusion, both internally and externally.

For example, summer party invitations can be written using gender-neutral language. Employers could also place job or other advertisements in LGBT press and fly the rainbow flag during Pride season. Anonymised application procedures are especially helpful for trans applicants. Bigger organisations can establish LGBT networks and straight allies' groups.

To support the LGBT movement in Germany, employers should always ensure their support is meaningful. It is always good to approach local LGBT groups and ask what is needed. This could be pro bono work, providing venues, helping with campaigns and so on.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|---|---|
| <ul style="list-style-type: none">  Audit and extend equal benefits to LGBT partners  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|---|---|

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LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Freshfields Bruckhaus Deringer Halo is Freshfields Bruckhaus Deringer's (Freshfields) global LGBT+ employee network. The local network chapter in Germany has over 20 active members across all offices in the country. Halo hosts a global conference every two years, and Halo in Germany runs an annual conference. These conferences include various networking and development sessions on topics such as the importance of LGBT+ role models. Non-LGBT+ staff can actively support and promote sexual orientation and gender identity equality through participating in the Halo Champions network. Launched in 2014, Halo Champions now has over 190 members worldwide. Local senior leaders' active promotion of both networks has been instrumental in the success of Halo and Halo Champions in Germany. Freshfields also trains staff on LGBT+ issues in Germany. When starting at Freshfields, all employees must complete e-learning on German anti-discrimination law; this law includes sexual identity as a non-permissible basis for discrimination. At the regional induction, lawyers attend a diversity and inclusion session, which consists of a conversation about LGBT+ diversity, an introduction to Halo and its goals, and an invitation to join Halo or the Halo Champions network. In addition, the firm actively promotes itself to young LGBT+ recruits. For instance, Freshfields hosts an annual 'Out and About' recruitment event targeted at LGBT+ law graduates and is annually represented at 'Sticks and Stones', an LGBT+ careers fair in Berlin. These events have led to several recruitment success stories. Freshfields also undertakes LGBT+ rights-related pro bono work. For example, partners and other staff in the German offices worked with their colleagues in Italy to help an Italian trans man living in Germany obtain his legal name and gender change under Italian law, a fight which took over six years. His case was successfully closed recently.

Procter & Gamble Equal opportunities, as well as diversity and inclusion, are essential elements of Procter & Gamble's (P&G) corporate culture. The firm's policies expressly prohibit discrimination based on sexual orientation and gender identity. Partner-related employee benefits apply regardless of the partner's gender. In 2014, P&G launched its LGBT and allies network, GABLE, in Germany. The network aims to create a workplace atmosphere where every LGBT employee can bring their whole self to work. Allies are seen as essential for reaching this goal. They are trained to be responsible for their own actions and to intervene when they hear or see behaviour and language that discriminates against LGBT people. Allies are also provided with merchandise allowing them to show visible support for the LGBT community. Every March, P&G celebrates its diversity and inclusion week. GABLE uses this week to inform the organisation about its aims and goals, as well as to recruit and train new members. Since its launch, GABLE has rapidly grown and now works across 10 office and manufacturing plant locations in Germany, both in cities and more rural areas. The network's success is furthered by supportive leadership, with three sponsors at senior management level.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

May – XPOSED Queer Film Festival. www.xposedfilmfestival.com

August – Sticks & Stones LGBT Job and Career Fair. www.sticks-and-stones.com

June / July – Cologne Pride and Christopher Street Day. www.colognepride.de

July – Christopher Street Day Berlin Pride. www.csd-berlin.de

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

July – Christopher Street Day Munich Pride. www.csdmuenchen.de

July/August – Hamburg Pride Christopher Street Day. www.hamburg-pride.de

October – Queer Film Festival Munich. www.qffm.de



FIND LGBT GROUPS AND COMMUNITIES

Antidiskriminierungsstelle des Bundes – a state organisation supporting people who have experienced discrimination on grounds of ethnicity, gender, religion, disability, age, and 'sexual identity', as well as providing information and conducting research. www.antidiskriminierungsstelle.de

Centrum Schwule Geschichte – a Cologne-based centre maintaining a public library and archives relating to the history of homosexuality and activism in Germany, as well as organising exhibitions, lectures and events. www.csgkoeln.org

Lesben- und Schwulenverband in Deutschland – an organisation working to establish complete legal and social equality for the LGBT community through policy work, campaigns, education and community work. www.lsvd.de

MANEO – a Berlin-based anti-violence and anti-hate crime group educating against homophobic abuse and offering counselling and recovery services to victims. www.maneo.de

Mann-O-Meter – a Berlin-based group providing HIV/AIDS related health services and acting as a switchboard to connect tourists and residents with LGBT events, organisations and individuals. www.mann-o-meter.de

PROUT AT WORK – an organisation working with employers to advance workplace equality for LGBT*IQ people. www.proutatwork.de

Queer Refugees Deutschland – a project connecting, supporting and advising LGBTI refugees and organisations working with them. www.queer-refugees.de

Völklinger Kreis – a network for gay business leaders and managers, providing personal and professional networking opportunities and lobbying for equal opportunities in the workplace and beyond. www.vk-online.de

Wirtschaftsweiber – a network for lesbian businesswomen providing professional networking and development opportunities. www.wirtschaftsweiber.de



GET LOCAL LGBT NEWS

L.MAG – an online and printed magazine for lesbians. www.l-mag.de

respekt! – a political magazine run by the LGBT organisation LSVD. www.lsvd.de/presse/respekt.html



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 74 ORGANISATIONS OPERATING IN GERMANY.

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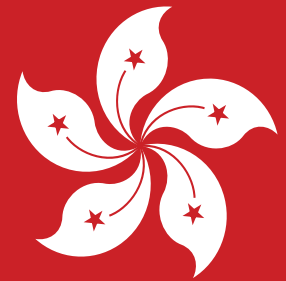
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HONG KONG



Population: 7+ million people



Stonewall Global Diversity Champions: 55



THE LEGAL LANDSCAPE

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Hong Kong is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation, while in Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The **rights to freedom of expression, association and assembly** are guaranteed to all residents under Article 27 of the Basic Law and Articles 16-18 of the Hong Kong Bill of Rights Ordinance.

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

FAMILY AND SAME-SEX RELATIONSHIPS

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

There is an **equal age of consent** of 16 years for sexual acts regardless of gender as ruled by the Court of Appeal in 2006 ('William Roy Leung' case).

Same-sex marriage is not legal and marriage is defined as a union between a man and a woman under Section 40 of the Marriage Ordinance.

Trans people who have undergone **gender reassignment surgery can enter a heterosexual marriage** in the self-identified gender as ruled by the Court of Final Appeal in 2013 ('W' case).

Same-sex relationships are not recognised by law in the form of civil unions or domestic partnerships.

However, there are some **limited rights available to same-sex cohabiting couples** in accordance with Section 2 of the Domestic and Cohabitation Relationships Violence Ordinance (as amended in 2009), providing **injunctive protection** for a victim in **circumstances of domestic violence** involving two persons of the same sex.

In 2017, a first instance **court allowed the same-sex partner** of a civil servant, having registered their partnership in a third country, to **receive spousal benefits and allowances** but **did not allow for tax breaks** available to married people ('Leung Chun Kwong' case). An appeal is ongoing at time of writing.

Same-sex couples cannot adopt under the Adoption Ordinance. The Ordinance recognises the possibility of a **'sole applicant' without any reference to LGBT people**, but it is **unclear** how this is applied to LGBT people in practice.

EQUALITY AND EMPLOYMENT

Article 25 of the Basic Law states that **all residents are equal before the law**, but it **does not explicitly refer to sexual orientation and gender identity**.

Discrimination by public authorities based on any 'status' is **prohibited** in accordance with Article 22 under Section 8 of the Hong Kong Bill of Rights Ordinance.

This has been interpreted by the courts as **covering discrimination based on sexual orientation** ('William Roy Leung' case) but has not yet been tested in regard to gender identity.

There is **no comprehensive law prohibiting employment discrimination** based on **sexual orientation or gender identity**.

Hate crimes based on sexual orientation or gender identity are not specifically considered as an aggravating circumstance in sentencing.

GENDER IDENTITY

The **Immigration Department is in charge of the legal gender change process**, in accordance with an administrative scheme.

Under the scheme, **trans people can change their name and legal gender on some identification documents** (but not the birth certificate) by applying to the Commissioner of Registration.

The legal gender **can only be changed to male or female**.

The legal gender, together with the corresponding name change, is **subject to gender reassignment surgery, including sterilisation**.

The government is **currently conducting** a round of **public consultation** on whether to introduce a legislative framework for gender recognition.

Publicly funded medical treatment for trans people is available through the Hospital Authority.

IMMIGRATION

In 2017 the Court of Appeal ruled that a **same-sex partner of a non-permanent resident** working in Hong Kong, had the **right to apply for a dependent visa in light of their registered partnership** in a third country ('QT' case).

It has **not yet been tested in courts** if this would also **apply to a partner of a permanent resident**.



A VIEW FROM HONG KONG

Fern Ngai is CEO of Community Business, a Hong Kong-based not-for-profit organisation working with companies of all sizes from diverse industries across Asia to promote responsible and inclusive business.

COMMUNITY BUSINESS



How are LGBT people treated by society in Hong Kong?

Sexual orientation, gender identity and intersex are generally perceived as sensitive or even taboo subjects. Despite being an international modern city, Hong Kong's culture is still traditional in many respects. Traditional Asian family values run deep; getting married and having children is considered the 'norm' and they are also key to fulfilling obligations of filial piety or respect to one's elders. There is also strong opposition to LGBT+ rights from groups with evangelical Christian ties. The government has used this context to justify its lack of legislative action. In the absence of clear legal protection, discrimination and unfair treatment against LGBT+ individuals is commonplace across all areas of life. However, societal attitudes are changing – the LGBT+ community is becoming more visible. Research such as our *Hong Kong LGBT Climate Study 2011/12* and the 2016 report commissioned by the Equal Opportunities Commission indicate that Hong Kong people, especially younger generations, are far more accepting than was previously assumed. Hong Kong has been selected as host city for the Gay Games 2022. This will be a tremendous opportunity to demonstrate to the world how open and inclusive Hong Kong is and elevate its standing as a global business centre.

Which specific issues affect lesbians, bi women and trans people?

It's less common for lesbian and bi women to be out than gay and bi men, thus women are less visible in the Hong Kong LGBT+ community. The trans community faces much discrimination and stigma. For example, there have been a number of human rights cases involving trans individuals, including a trans woman who was sexually harassed and denied hormone treatments while being incarcerated in an all-male prison. Hong Kong has archaic gender recognition laws which do not respect a trans individual's right to be fully legally recognised in their affirmed gender. In 2013, the Court of Final Appeal observed that the government should address legal issues faced by the trans community through legislation. However, there has been very little progress. The government is currently conducting a public consultation before taking any legislative action.

How are LGBT people portrayed in the media?

Only in recent years have LGBT+ issues been openly and fairly reported on in the media. In the absence of inclusive laws, the LGBT+ community has had to resort to judicial action. This has seen a number of successful landmark court cases that have captured the public's attention, including cases on civil servant partner benefits and same-sex partner visas. The growing momentum of community initiatives such as the Hong Kong Pride Parade, Pink Season, Pink Dot, and the Hong Kong Lesbian and Gay Film Festival have also helped bring LGBT+ issues into public discourse. While there have been instances of negative coverage in some local media, the leading media outlets are generally balanced, reasonable and sympathetic towards LGBT+ issues. They

see the benefit of promoting a more open and inclusive Hong Kong. In the local film and TV industry, LGBT+ people are often depicted in stereotypical roles, although some progress has been made towards featuring positive LGBT+ characters and relationships.

What is the workplace like for LGBT people?

While instances of direct bullying and violence may often be uncommon, many indirect forms of harassment occur. This creates non-inclusive, intimidating or even hostile work environments, with a negative impact on the well-being, productivity and engagement of LGBT+ staff. The majority of LGBT+ employees are not open at work for fear of repercussions and feel that a non-inclusive environment has a negative impact on their well-being, productivity and levels of engagement. Cultural considerations mean that LGBT+ employees in Hong Kong are unlikely to openly voice their concerns or confide in their HR departments. Recently however, multinational companies have made great strides in creating more inclusive workplaces and have visibly shown their support for LGBT+ equality. For example, in 2017 over 75 major organisations supported the Equal Opportunities Commission's call for the government to introduce anti-discrimination legislation to protect the LGBT+ community. Over 50 companies participated in the 2017 iteration of Community Business's biennial Hong Kong LGBT+ Inclusion Index.

What can organisations do to promote equality in the workplace?

One way is to participate in Hong Kong's LGBT+ Inclusion Index, Asia's first benchmarking tool for assessing business and workplace policies and practices. A robust tool, the Index helps businesses to adopt best practice and create an inclusive workplace, contributing to a more inclusive society. Participation has increased significantly since the Index began in 2015. A small and medium-sized enterprise version of the Index has also been introduced.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

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

NEXT STEPS

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

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

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Barclays Barclays sponsors events to build awareness and encourage engagement around LGBT issues in Hong Kong. These previously included the Hong Kong Pride Parade, the Pink Dot Hong Kong event, and the LGBT Film Festival with a post-screening networking event. Barclays also sends speakers to LGBT events, for instance at the Asia Pacific Diversity & Inclusion Conference. Building community awareness and supporting local LGBT projects, Barclays held a fundraising history walk in support of Project Touch, a support programme for LGBT youth and their families in Hong Kong. Barclays employees also participated in the Queer Straight Alliance mentoring scheme to support the career and personal development of mentees and build networks across industries.

Norton Rose Fulbright Norton Rose Fulbright's diversity and inclusion policy in Hong Kong expressly prohibits discrimination based on sexual orientation and gender identity. The firm also offers equal employee partner benefits regardless of whether they are in same-sex or different-sex relationships. For instance, this includes medical insurance cover for partners of staff. The firm also took part in, and sponsored, the 2017 Inclusion Recruitment Conference organised by the Queer Straight Alliance. The conference is a platform for students to connect with representatives from top-tier businesses that commit to diversity and inclusion in Hong Kong.

Herbert Smith Freehills Herbert Smith Freehills' (HSF) global LGBT staff network, IRIS (Inclusion, Respecting Identity and Sexuality), is open for LGBT staff and partners as well as their allies. In 2016, the global network was launched to better connect existing local network chapters around the world, including the chapter in Hong Kong. A launch event was held in Hong Kong, where a speaker from Community Business led a training session on LGBT+ issues for employees. An integral part of IRIS is the ally programme that works to support LGBT+ employees in the workplace. For example, many allies display rainbow-coloured 'ally cards' in the Hong Kong office to show their support to the LGBT+ community. These cards state that being an ally is 'more than a label... it's an action', with 10 practical steps allies can take to actively support inclusion. HSF also works to support the wider LGBT+ community in Hong Kong. For example, HSF has sponsored the Queer Straight Alliance recruitment event in Hong Kong and is a platinum sponsor of Hong Kong's Pink Dot event. The firm was active in establishing the Interlaw network in Hong Kong for LGBT+ employees and allies from different firms. It's also part of Community Business's Diversity and Inclusion in Asia Network (DIAN). Additionally, HSF has supported Planet Ally in hosting the inaugural 'Rainbow Families' forum in Hong Kong. Planet Ally is a local non-profit dedicated to empowering allies.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

May - Community Business LGBT Inclusion Awards.
www.communitybusiness.org

September - Hong Kong Lesbian and Gay Film Festival.
www.hklgff.hk

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

October - Pink Dot HK. www.pinkdot.hk

November - Hong Kong Pride Parade. www.hkpride.net

November 2022 - Hong Kong Gay Games.
www.gaygameshk2022.com



FIND LGBT GROUPS AND COMMUNITIES

AIDS Concern - a group providing AIDS care in Hong Kong.
www.aidsconcern.org.hk

Big Love Alliance - an organisation creating dialogue between the LGBTQ community and the general public through creative and continuous engagement in media, publishing and cultural events. www.biglovealliance.org

Community Business - an organisation working with companies of all sizes and from diverse industries across Asia to promote responsible and inclusive business. www.communitybusiness.org

Fruits in Suits - a monthly informal networking event for LGBT professionals in Hong Kong. www.facebook.com/FinS.HK/

Hong Kong LGBT+ Interbank Forum - a network of LGBT affinity groups from banks and financial firms. www.facebook.com/groups/206610126377044/

Les Love Study - an LGBT group focused on public awareness and self-empowerment through seminars, forums, workshops and written publications.
www.leslovestudy.com

Pink Alliance - a group working to promote equal rights for LGBTI people through lobbying, education and campaigns. www.pinkalliance.hk

Queer Straight Alliance - a student organisation promoting sexual diversity and providing a safe social platform for LGBT members both on and off campus.
www.facebook.com/QSAHK/

Rainbow of Hong Kong - an LGBT community centre in Hong Kong running over 100 activities every year. www.rainbowhk.org

TGR - Transgender Resource Centre - a group providing trans-specific educational resources to the transgender community and general public.
www.tgr.org.hk

The Hong Kong Gay and Lesbian Attorneys Network (HKGALA) - a network for LGBT members and their allies in the legal profession.
www.hkgala.com

Tong Zhi Literature Group - a group fostering the writing of sexual minorities in Hong Kong and building a reader-writer community. www.tlghk.org



GET LOCAL LGBT UPDATES

DIMSUM - an online LGBT media platform. www.dimsum-hk.com

PLUG - an online media platform covering art, style and LGBTQI culture in Hong Kong. www.plug-magazine.com

GdotTV - an LGBT media platform including an online TV station.
www.gdottv.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 55 ORGANISATIONS OPERATING IN HONG KONG.

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

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Legal Partner



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HUNGARY

 Population: 9.7 million

THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations. Please note, the zoning system is currently defined only by laws relating to sexual orientation.

Hungary is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 6 and 54 of the Hungarian Constitution guarantee the **rights to freedom of expression, association and assembly**.

There are **no LGBTQ+ specific restrictions or additions** to these rights.

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal** and there is an **equal age of consent** of 14 years.

Same-sex marriage is not legal. Same-sex relationships **can be recognised** by law as **civil unions or registered partnerships** under the Act on Civil Unions.

Same-sex couples have **no legal right to adopt children** under Article 101(6) of the Act on the Protection of Children.

There is **no legal distinction** between the **sexual orientation** of potential **single adoptive parents**.

Trans people cannot marry according to their gender identity, as they **cannot legally change their gender**.

EQUALITY AND EMPLOYMENT

Discrimination on the grounds of sex, **sexual orientation or gender identity is prohibited** under the Constitution, the Equal Treatment Act and the provisions of the Labour Code.

Article 14 of the Constitution protects the **right to equality before the law for all citizens** regardless of several listed characteristics, however **gender identity and sexual orientation are not included** in this list.

Although it is not explicitly listed, the Constitutional Court has included sexual orientation as a protected characteristic in several of its decisions, defining it as 'other circumstances'.

Article 216 and Article 332 of the Criminal Code **prohibit any form of violence** (or the incitement of it) against a member of the community based on any protected characteristic, including **gender identity and sexual orientation**.

GENDER IDENTITY

Under Articles 3 and 69 of the Act on Birth Certificates, **trans people cannot change their legal gender** on identification documents or birth certificates.

Trans people cannot change their legal name.

A change of legal name is restricted to marriage or a name that is considered to match the gender assigned at birth.

There is **no legal gender marker** option **other than 'male' or 'female'**.

IMMIGRATION

Dependant visas are, without discrimination, **available for individuals that are married** or have entered a **civil union** under Article 3 of the Act of Civil Unions.

A VIEW FROM HUNGARY

Háttér Society is the largest and oldest LGBTQI organisation currently operating in Hungary. The organisation provides support services, legal aid, training, organises cultural and community events, and conducts research and advocacy for the community.

We Are Open is a non-profit organisation founded in 2013 that creates campaigns with a coalition of businesses to promote diversity and inclusion, helping companies become more open by offering services, workshops, talks and consulting.

Bea Sándor, Director of the Legal Program at Háttér Society, and Melinda Miklós, CEO of We Are Open, spoke to Stonewall about the situation for LGBTQ+ people in Hungary.



Everyday life

One of the key challenges for LGBTQ+ people in Hungary is the invisibility of the community, and the impact that has on people not feeling able to come out and be themselves. The direction was slowly starting to change over the past decade. However, since 2020, the anti-LGBTQ+ rhetoric from the right wing government has led to a complex situation where there is more visibility for some LGBTQ+ people, but it is often negative visibility. This means the community regularly feels threatened. Strong anti-discrimination legislation on the grounds of sexual orientation and gender identity does exist, but the recent bans on legal gender recognition and LGBTQ+ people becoming parents has had a detrimental effect on many people.

In general, life is better for LGBTQ+ people in the capital compared to those outside of Budapest or in the rural countryside. There is a large Roma community in Hungary and the LGBTQ+ Roma community face distinct challenges, especially in relation to coming out. In public discourse, these identities are generally seen as separate issues. This leads to challenges for all intersections of the community, for example LGBTQ+ people with a disability. There isn't visibility of the community across state-owned media, but there is some visibility across other media platforms. Knowledge and visibility of bi and trans identities is particularly low, and Háttér Society does a lot of work in raising awareness of these identities across workplaces and wider society.

Healthcare

There are challenges for trans people across all aspects of the healthcare system. Specific trans-inclusive state healthcare doesn't exist, but there are private options for trans people who need to access hormones or gender-affirming surgery. HIV positive people also face difficulties in the healthcare system, and most LGBTQ+ people hide their identities in healthcare settings because it isn't explicitly inclusive. Medical professionals typically don't receive any specific LGBTQ+ training.

Workplace

The experience of LGBTQ+ people in the workplace in Hungary can depend on a number of factors, such as type of industry and size of workplace. For example, some global businesses which have offices in Hungary have worked with NGOs like Háttér Society and We Are Open to adapt their diversity and inclusion initiatives to the local context, and these workplaces are safe, welcoming and diverse spaces for LGBTQ+ people. There are also many smaller Hungarian businesses that are focusing on diversity and inclusion work. There is a competitive labour market in Hungary, and many employers are starting to recognise that diversity and inclusion is a key aspect of being a good employer and improving the workplace culture.

However, there are still many workplaces where LGBTQ+ people can face challenges such as inappropriate jokes, discrimination and not feeling able to come out. Since the ban on legal gender recognition, there are specific challenges faced by trans people in the workplace – many of them are forced to come out, since their gender and name can no longer be changed on official documents.

For employers that have a headquarters outside of Hungary, it's crucial that they work with Hungarian NGOs to 'localise' their diversity and inclusion toolbox. If a workplace initiative doesn't feel like it has come from our local community, it can feel as if someone is trying to impose their own ideas or opinions on us. Supporting your employees to start a local LGBTQ+ Staff Network Group, in combination with consistent and vocal support from senior leadership, is a really successful approach to initiating LGBTQ+ inclusion in the workplace.

Since LGBTQ+ inclusion has become so politicised in Hungary, some companies aren't as ready to be vocal outside of the workplace. However, We Are Open works with many companies who act in the public sphere through support of our campaigns and also march with us at Pride, which sends a strong signal to the LGBTQ+ community in Hungary. There is an important balance for workplaces between supporting the LGBTQ+ community internally and externally. Most importantly, employers should remember that taking clear steps to ensure their workplace is inclusive can change people's lives. If somebody can't be out as LGBTQ+ in their family or in society, having a safe and open workplace can be hugely beneficial.

LGBTQ+ INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBTQ+ workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBTQ+ inclusion work across the globe.

The Index evaluates an organisation's performance across key areas of employment policy and practice. In line with these areas, in Hungary, employers can work to:

1. Implement LGBTQ+-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBTQ+ employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBTQ+ inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBTQ+ employees.
6. Evaluate your **procurement** practices to ensure LGBTQ+ inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBTQ+ groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Hungary with adequate, LGBTQ+-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

BP

BP policies expressly prohibit discrimination, bullying and harassment on the grounds of sexual orientation and gender identity. All employee benefits are offered equally to same-sex couples, and the definition of 'family member' in all policies includes a spouse or life companion, along with adopted or foster children. BP offers personalised support from HR, line management and the Diversity and Inclusion team for individuals who are transitioning, in line with the transitioning at work policy. BP Hungary has initiated quarterly events with other businesses to share and discuss best practice around LGBTQ+ inclusion, and approximately 200 employees participate in the annual Budapest Pride March. The BP Pride Hungary staff network meets regularly and has many active members, including allies. LGBTQ+ sensitisation training is delivered to all employees, and specific trans awareness, anti-hate speech and anti-hate crime training has been delivered by Háttér Society, a national LGBTQ+ organisation.

Citi

Citi has a strong inclusive culture, and it is made clear to everyone from the first day that they can bring their whole selves to work. The Citi Hungary Pride Network is open to all LGBTQ+ colleagues and allies. It works in partnership with the Citi Diversity office and other diversity network groups to provide a forum which develops, sustains and promotes Citi's diversity policies and initiatives. The network's goal is to foster an environment of inclusion, respect and equality, where LGBTQ+ employees can feel safe and make meaningful contributions. Network initiatives include awareness-raising panel discussions, participation in Budapest Pride, and programs such as a Living Library. Citi's parental benefits are offered equally to all employees, including same-sex couples, and an LGBTQ+ awareness programme for people managers has recently been developed. Citi has a close relationship with the organisation We Are Open and supports the Rainbow Foundation, who organise Budapest Pride.



GET INVOLVED



THE ANNUAL LGBTQ+ CALENDAR

July - Budapest Pride. www.budapestpride.hu

November - Open Conference – workplace diversity & inclusion conference. www.openconference.hu

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



FIND LGBTQ+ GROUPS AND COMMUNITIES

Háttér Society - the largest and oldest LGBTQI organisation currently operating in Hungary. The organisation provides support services, legal aid, training, organises cultural and community events and conducts research and advocacy for the community. <https://en.hatter.hu/>

Transvanilla Transgender Association Hungary – an organisation supporting trans, gender nonconforming and intersex people in Hungary through programmes, workshops, campaigning, research and advocacy. <https://transvanilla.hu/>



STONEWALL'S **GLOBAL DIVERSITY CHAMPIONS** PROGRAMME WORKS WITH A RANGE OF ORGANISATIONS OPERATING IN HUNGARY.

The Global Diversity Champions programme gives employers the tools they need to take a strategic and structured approach to LGBTQ+ equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offers tailored one-to-one advice on how to create LGBTQ+ -inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBTQ+ inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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Our use of the acronym LGBTQ+ may differ across our interviews with civil society and case studies from employers as we seek to reflect the language that they use to represent their communities. Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of March 2021. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts. Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

INDIA



Population: 1.28+ billion people



Stonewall Global Diversity Champions: 68



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

India is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution **protects all citizens' rights to freedom of expression, association and assembly** under Article 19, **subject to 'reasonable restrictions'**.

The **obscenity law** contained in Section 292 of the Indian Penal Code **can restrict the right to freedom of expression**, including dissemination of information that is deemed 'obscene'. While this law does not specifically restrict LGBT people's rights to freedom of expression, it **has been used against LGBT people and groups in practice**.

FAMILY AND SAME-SEX RELATIONSHIPS

Voluntary 'carnal' intercourse 'against the order of nature' is criminalised with a penalty of up to 10 years' imprisonment and a fine under Section 377 of the Indian Penal Code. **Sexual acts between men are prohibited and criminalised** under this law.

The **constitutionality** of the section was **upheld by the Supreme Court** in 2013.

Same-sex marriage is not legal.

Same-sex relationships are **not** otherwise **recognised** by law.

Only married couples and single individuals can legally adopt (with certain restrictions on single men) under Adoption Rules 2017 and the Hindu Adoption and Maintenance Act 1956.

EQUALITY AND EMPLOYMENT

Articles 14-16 of the Constitution provide for **equality before the law** and for **non-discrimination** on grounds of 'sex' **in respect to employment by the state**.

There is **no comprehensive employment anti-discrimination law** in force **that protects LGBT people**.

The caselaw on LGBT rights is evolving and **courts have taken the view** that there **should be no discrimination based on sexual orientation and gender identity**.

Notification S.O.186(E) of 19 January 2017 issued by the Ministry of Labour and Employment provides for the **same rate of wages** (for the same work or work of similar nature) **for men, women and trans people engaged in specified forms of employment**.

No law considers hate crimes based on sexual orientation or gender identity as an **aggravating circumstance** in sentencing.

However, on a few occasions **courts have taken into account atrocities committed against the trans community** in their rulings.

GENDER IDENTITY

In 2014, the **Supreme Court recognised trans people as 'third gender'** and directed the Centre and State Government to grant people the right to legally identify as 'male', 'female' or 'third gender' (National Legal Services Authority v Union of India).

The **Court also ruled that the government had to give several social benefits and legal rights** to 'third gender' people.

A **relating Bill** providing for such rights, as well as legal gender recognition, is still pending and has **not yet been enacted**.

There is **currently no law addressing the right of trans people to change their legal gender**. However **legal gender change to 'third gender' on certain documents and forms** seems to be **possible in practice**.

There is **no specific law** giving trans people the **right to change their legal name**.

However, **Guidelines for Change of Name of Adults** (as available on the website of the Department of Publications, Ministry of Housing and Urban Affairs) **state that legal name change** is subject to a **notarised affidavit, a newspaper publication and a publication in the official gazette**. Additional **requirements may be added** by individual regulators.

IMMIGRATION

There are **no laws that support immigration of same-sex spouses** or partners.



A VIEW FROM INDIA

Ashok Row Kavi is founder of The Humsafar Trust. The Humsafar Trust works with over 50 LGBT community groups across India and has 300 staff in four strategic work streams: health, research, capacity-building and advocacy.



How often is section 377 enforced in the courts?

Section 377 of the Penal Code has rarely been enforced because the police find it hard to implement. However, fear of the law and the lack of other protections make gay men particularly vulnerable to extortion and blackmail by gangs. Fear of arrest under Section 377 also makes it hard for LGBT people to access medical care.

What is the situation for lesbians, bi women and trans people?

India is a very patriarchal society and there is limited social mobility for women in general. There is a huge degree of pressure on women to marry young and it's very unusual for women to be open about their sexual orientation. On the whole, lesbians and bi women are not understood and often face issues of domestic violence. In regard to trans people, in April 2014 a landmark judgment from the Supreme Court on the NALSA case recognised the legal rights of the trans community. This positive development ultimately opens the floor for discussion, negotiation and further dialogue to highlight the concerns of the trans community.

How are LGBT people portrayed in the media?

Nationwide media tends to be more tolerant than local media. Smaller cities and towns often have anti-LGBT stances but in big cities such as Mumbai, where regular Pride parades take place and LGBT events and forums are more common, the media is more used to LGBT culture. However, issues of sex, gender and sexuality are still not clearly understood.

What is the workplace like for LGBT people?

India is very diverse with a very complex class system, several religions and over 22 spoken languages. However, management of diversity is poor. If you're in a conservative Indian workplace, people who are open about being or presumed to be LGBT will often be marginalised. HR is also unlikely to be sympathetic to, or properly trained to deal with, the problems that stem from this in the workplace. Some progress is being made by international organisations through inclusive policies, codes of conduct and diversity training. However, often companies place more of a focus on discrimination based on sexual orientation and neglect gender identity and as a result do not have anti-discrimination policies that address gender identity.





Do Indian or international organisations publicly support LGBT equality?

Some Indian organisations are more progressive than others, such as Godrej, Tata and Infosys who have awareness-raising events and LGBT-inclusive policies. International organisations such as IBM, Levi and Google have also had some public LGBT-inclusive marketing. The government has not interfered with this sort of public support. The Supreme Court judgment regarding trans rights in 2014 did open up discussions and highlight concerns of the trans community. More businesses are now hiring trans employees and supporting the LGBT movement.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

-  **Consult local LGBT organisations to understand the local context for LGBT people**
-  **Train HR staff and promote inclusive policies**
-  **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
-  **Carry out LGBT-inclusive diversity training**

NEXT STEPS

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

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

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Barclays Barclays ensures that suppliers of call-centre services train their staff on Barclays' values, which include non-discrimination on the grounds of sexual orientation and gender identity. This fulfils a global commitment to working towards more inclusive practices for all stakeholders, including their customers worldwide.

BP BP has developed staff training sessions on unconscious bias and being 'consciously inclusive'. These include addressing bias against the LGBT community. The trainings have been actively rolled out by the HR and Leadership teams to all staff throughout BP in India. This has been done with a view to support BP's Diversity & Inclusion strategy and to promote an inclusive workplace culture. Participation in the trainings has prompted staff to engage in discussions about barriers to inclusion, forms of biases and how their own experiences shape decisions and impact those around them. The Leadership team continues to engage and is committed to creating an inclusive workplace environment.

IBM As part of a global assessment of the extension of benefits across their operations, IBM have made sure that all their staff in India have access to adoption benefits and paternity extends to include same-gender domestic partners. IBM was the co-organiser and presenting sponsor at the Corporate Social Responsibility Forum, held in Mumbai in 2014 and attended by international and national businesses. The three-day event included one full day dedicated to developing an understanding of diversity and inclusion practices, including on sexual orientation and gender identity.

RBS To back up global inclusion and human rights policies, RBS ensure that their national policies explicitly prohibit discrimination and harassment based on sexual orientation and gender identity. These policies apply to over 15,000 employees in India. They provide the basis for an inclusive environment, including growth of the LGBT employee network group, Rainbow, which has 10% of its total global membership in India. In 2017, RBS consulted with the local legal team to include questions on sexual orientation and gender identity within its annual employee survey. 2017 also was the first year that a group of RBS colleagues collectively attended Prides across the country.

AIG AIG's unconscious bias training for managers and inclusion learning for employees are integral parts of the organisation's efforts to ensure that values of equality and non-discrimination are realised on a day-to-day basis. The training modules, which cover a number of different protected characteristics including sexual orientation and gender identity, have been rolled out virtually in Asia-Pacific and also in person, throughout AIG's offices in India. In addition, AIG encourages open dialogue among its employees through workshops, including a theatre-based workshop on unconscious bias, visualising various scenarios of discrimination in the workplace.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

February - Mumbai Pride. www.mumbaipride.in

November - Delhi Queer Pride Parade.
www.facebook.com/delhiqueerpride/

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

November - Community Business India Conference.
www.indiaconference.communitybusiness.org

December - The Indian LGBT Youth Leadership Summit.
www.mingle.org.in



FIND LGBT GROUPS AND COMMUNITIES

Alternative Law Forum - a group providing legal services to marginalised groups and delivering research, education and training services inclusive of LGBT themes. www.altlawforum.org

DIAN India - a network of corporate organisations committed to progressing diversity and inclusion in India.
www.communitybusiness.org/india/DIANIndia.htm

Humsafar Trust - an organisation of 300 staff working with over 50 LGBT community groups across India on four strategic work streams: health, research, capacity-building and advocacy. www.humsafar.org

Integrated Network of Sexual Minorities (INFOSEM) - an alliance of community organisations concerned with sexual orientation and gender identity issues. www.infosem.org

Lawyers Collective - an organisation that provides services with a focus on human rights advocacy, legal aid and litigation, including LGBT-related issues and cases. www.lawyerscollective.org

MINGLE - a group focusing on LGBT workplace equality through research, training, events and more. The group partners with companies, community organisations and universities across India. www.mingle.org.in

Snehalaya - a group offering support for and focusing on women, children and LGBT communities affected by HIV and AIDS, trafficking, sexual violence and poverty. www.snehalaya.org

Solidarity Foundation - a foundation partnering with donors to provide support to sex workers and sexual minorities by offering fellowships and grants. www.solidarityfoundation.in



GET LOCAL LGBT UPDATES

Gaylaxy Magazine - an online news publication and discussion platform for LGBT people. www.gaylaxymag.com

Pink Pages - a national online LGBT magazine. www.pink-pages.co.in



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 63 ORGANISATIONS OPERATING IN INDIA.

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

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Legal Partner



Freshfields Bruckhaus Deringer

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

INDONESIA



Population: 262.7 million



Stonewall Global Diversity Champions: 54



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Indonesia is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

To help put this into context, it is important to note that two further zones exist:

In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY	FAMILY AND RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Article 28 of the Constitution protects the rights to freedom of expression, association and assembly.</p> <p>There are no LGBT-specific restrictions or additions to these rights.</p> <p>Law enforcement has used the Law No. 44 of 2008 on Pornography to restrict the rights to freedom of expression, association and assembly regarding LGBT people and LGBT topics. This is done by broadly interpreting “indecent acts” in society and “deviant sexual acts” as pornography.</p> <p>As of 2018, there were 22 local regulations that criminalised LGBT people either at the provincial, regency or city level.</p>	<p>Sexual acts between people of the same sex are not expressly criminalised on a national level.</p> <p>However, Law No. 44 of 2008 on Pornography has been used to criminalise same-sex relationships on the grounds of ‘indecent acts’ and ‘deviant sexual acts’. This is punishable with up to six years imprisonment and a fine of up to Rp 6’000’000’000.</p> <p>Article 281 of the Penal Code (Offences Against Dignity) has also been used to criminalise same-sex relationships.</p> <p>In addition, there are 22 local regulations that criminalise sexual acts between people of the same sex. Areas with these regulations include South Sumatra, West Sumatra, Aceh, Gorontalo, West Java, Banjar and Tasikmalaya.</p> <p>In Aceh, same-sex sexual acts have been punished with lashings.</p> <p>Same-sex marriage is not legal because Article 1 of Law No. 1 of 1974 on Marriage defines marriage as a union between a man and a woman.</p> <p>There are no marriage restrictions specific to trans people. Trans people who have had their gender legally recognised can enter a different-sex marriage.</p> <p>Same-sex couples have no legal right to adopt children. Only married couples can adopt under Article 13(f) Government Regulation No. 54 of 2007 on Child Adoption.</p>	<p>General discrimination in employment is prohibited under Articles 5 and 6 of Law No. 13 of 2003 on Manpower and Article 28D of the Constitution. Discrimination on the grounds of sexual orientation and gender identity are not explicitly included but may in theory be considered a violation of this law.</p> <p>Article 28D of the Constitution provides for equality before the law for every person. There is no explicit reference to sexual orientation and gender identity.</p> <p>As aggravating circumstances are not clearly regulated in Indonesia, hate crimes based on sexual orientation and gender identity may be considered an aggravating circumstance in sentencing at the discretion of the judge.</p>	<p>Trans people can legally change their gender by obtaining a court decree under Article 56 of Law No. 24 of 2013, amending Law No. 23 of 2006 on Population Administration and Article 97 paragraph (2) Presidential Regulation No. 25 of 2008 on Requirements and Procedures for Population Registration and Civil Registration.</p> <p>Legal gender can only be changed to male or female. There is no option to change legal gender to a third gender.</p> <p>The requirements for legal gender change are not regulated by a specific law and are dependent on the court. In practice, legal gender change can be subject to medical opinion, proof of gender reassignment surgery and family testimony.</p> <p>Trans people can change their legal name under Article 93 Presidential Regulation No. 25 of 2008 on Requirements and Procedures for Population Registration and Civil Registration.</p> <p>The requirements for a legal name change include a court decree, a civil registration deed, a marriage certificate (if married), a family registration card and a copy of an identity card.</p>	<p>There are no legal provisions that specifically support immigration of same-sex partners.</p>

CONTEXT

Given the restrictive legislative framework in Indonesia in relation to sexual orientation and gender identity, any LGBT workplace-related activities in the country should be approached with caution. The safety and security of LGBT staff should be paramount at all times.

The [Global Workplace Briefing](#) series seeks to give employers the tools they need to create more equal and inclusive workplaces for their LGBT employees. To inform the content of the briefings and to understand the situation for LGBT people in different countries, Stonewall always consults with local LGBT groups.

In these briefings we usually provide an overview of the context based on the views of a local LGBT civil society organisation willing to be quoted publicly. Unfortunately, due to the restrictive context in Indonesia, Stonewall was unable to effectively consult with local LGBT groups for this briefing.

In the absence of a locally informed perspective, the guidance in this briefing is limited. Nonetheless, this briefing provides employers with tools to support international LGBT staff working in Indonesia.

INTERNATIONAL INSIGHT INTO HUMAN RIGHTS IN INDONESIA

Amnesty International, in its 2017/18 report on the state of the world's human rights, summarised the general human rights situation in Indonesia:

"Indonesia failed to address past human rights violations. The rights to freedom of expression, of peaceful assembly and of association continued to be arbitrarily restricted. Blasphemy provisions were used to imprison those who peacefully exercised their rights to freedom of religion and belief. At least 30 prisoners of conscience remained in detention for peacefully exercising their rights to freedom of expression or of religion and belief. The security forces carried out unlawful killings and used excessive force during protests and security operations. Two men were caned in public in Aceh after being convicted by a local Shari'a court of same-sex consensual sexual relations." *Amnesty International, Amnesty International Report 2017/18: The State of the World's Human Rights*

ILGA World, in its 2019 State-Sponsored Homophobia Report, also addressed the situation for LGBT people in Indonesia:

"The Indonesian Province of Aceh has begun enforcing the Aceh Islamic Criminal Code (Qanun Jinayat), which punishes same-sex sexual acts with 100 lashes. In May 2017, two men were publicly inflicted with 83 lashes each for allegedly engaging in gay sex. In July 2018, another two men were publicly lashed. Separately in January 2018, police officers in North Aceh arrested 12 transgender people, forcefully cutting their hair and shutting down the beauty salons where they worked. They were later released without being charged. Indonesia's Pornography Law, which includes "bodily movements" in its coverage and imposes heavy fines as well as long prison terms, has also been used to target LGBTQ people. In April 2017, 14 men, who were occupying two hotel rooms in Surabaya, were raided for pornographic activities. In May 2017, police raided a club in Jakarta and detained 141 men also for alleged pornographic activities. A small respite came when, in December 2017, the Indonesian Constitutional Court, voting five-to-four, rejected the petition filed by the Family Love Alliance to make gay sex and sex outside marriage illegal. The court held that it was not its role to criminalize private behaviour or to usurp parliament by imposing laws on it." *International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, State-Sponsored Homophobia 2019 (Geneva; ILGA, March 2019)*

The Human Dignity Trust, in its 2019 Injustice Exposed report, examining the criminalisation of trans and gender diverse people throughout the world, evaluated the situation for trans people in Indonesia:

"Trans people in Indonesia are also targeted on the basis of their gender expression and identity; notably under Qanun 11/2002, which is among five laws enacted between 2002 and 2004 that criminalise violations of Sharia law and contain Islamic dress requirements. Transgender women have been singled out under these provisions. In 2010, the head of the Wilayatul Hisbah (the Islamic religious police force in Aceh) broadcasted his view on transgender women stating, "we consider them men, and they should dress accordingly". The city of Pariaman passed a broadly-framed regulation in November 2018 banning 'acts that are considered LGBT'. In remarking on the new law, the head of the local legislature stated that 'same-sex LGBT and transgender people will be subject to sanctions and fines if they disturb the public order'." *The Human Dignity Trust, Injustice Exposed: The Criminalisation of Transgender People and its Impacts, 2019*

LGBT INCLUSION IN THE WORKPLACE

Despite a challenging context for LGBT people in Indonesia, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees. However, LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in Indonesia. The safety and security of LGBT staff, both from the Indonesia and elsewhere, should be paramount at all times and will require careful consideration.

CREATING GLOBAL STRUCTURES

It is important that multinational employers work to create a strong global LGBT diversity and inclusion framework. Global policies and structures send a signal to LGBT employees that their needs are taken seriously wherever they are or travel for work. Employers should work to:

-  **Introduce global anti-discrimination and anti-bullying and harassment policies that are explicitly inclusive of sexual orientation and gender identity**
-  **Appoint a global senior champion who addresses the importance of LGBT equality globally**
-  **Build a global LGBT employee network group and a global allies programme**
-  **Have a global diversity and inclusion team or position in place whose remit covers sexual orientation and gender identity**

SUPPORTING MOBILE STAFF

Multinational businesses may send their staff on overseas assignments to Indonesia. It is vital that employers have policies and practices in place to support LGBT people ahead of and during their work travel. Employers should take the following steps:

-  **Have relocation policies in place that address additional considerations for LGBT staff and set out how such issues are to be handled by managers**
-  **When sending employees on a posting to Indonesia, make sure to provide them with information on the legal and cultural situation for LGBT people in the country, and a realistic overview of how your organisation can support LGBT employees during the posting**
-  **Make sure LGBT employees do not suffer a career detriment if they decide not to accept the assignment due to their sexual orientation and gender identity, by providing equivalent alternatives**
-  **Take steps to avoid outing of LGBT employees in Indonesia – this may include change of email address and social media security training**
-  **Have strong security mechanisms in place, digital and otherwise, to ensure confidential access to global employee support mechanisms for mobile and domestic staff. For example, this may include confidential membership lists and privately marked calendar invitations**
-  **Have an emergency evacuation procedure in place that explicitly takes into consideration emergency situations specific to LGBT people**

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

In our experience, sharing case studies from employers operating in-country can be highly informative. However, we were unable to secure a case study that an employer could share publicly. Bearing this in mind, we are keen to work with employers and discuss individually any challenges they face because of the restrictive context in Indonesia. To learn about the steps employers are taking to support their LGBT staff in other zone three countries, please refer to Stonewall's [Global Workplace Briefings](#) on Malaysia and the UAE.

If you operate in Indonesia and are taking steps, big or small, to advance LGBT inclusion and would like to be profiled as a best practice case study, please contact global.programmes@stonewall.org.uk



GET INVOLVED



FIND LGBT GROUPS AND COMMUNITIES

While publicly available information from civil society about the situation is for LGBT people in Indonesia is difficult to secure for a host of reasons, there are a number of NGOs connected to LGBT communities. It is very important to consider the methods used to approach them with a focus on their security. The below list of organisations was collated from online sources:

Bali Rainbow Community – a group in Bali providing support in education, outreach and financial assistance to people living with HIV.
www.facebook.com/balirainbow

Yayasan Srikandi Sejati (True Srikandi Foundation) – a local organisation working to empower trans people in Indonesia.
www.srikandisejati.wordpress.com

GAYa Nusantara – a non-governmental organisation conducting research, advocacy and providing services to support the LGBT community.
www.gayanusantara.or.id

GWL-INA – a national centre coordinating HIV control programmes and advocacy relating to the sexual and reproductive health rights of men who have sex with men and Waria (a local trans identity). www.gwl-ina.or.id

Arus Pelangi – a membership association working to promote LGBTI rights in Indonesia. www.aruspelangi.org



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 54 ORGANISATIONS OPERATING IN INDONESIA.

The [Global Diversity Champions](#) programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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Legal Partner



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IRELAND



Population: 5 million



Stonewall Global Diversity Champions: 65



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Ireland is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 40.6.1 and 40.6.2 of the Irish Constitution protect the rights to **freedom of expression, assembly, and association** subject to public order and morality.

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

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are **legal** under Section 2 of the Criminal Law (Sexual Offences) Act, 1993.

There is an **equal age of consent of 17 years** for sexual acts regardless of gender under Section 17 of the Criminal Law (Sexual Offences) Act 2017.

Same-sex marriage is legal under Article 41(4) of the Constitution of Ireland.

Same-sex couples have **equal rights to joint adoption and second-parent adoption** under Section 16 of the Adoption (Amendment) Act 2017.

Same-sex couples **cannot currently both register their names on a child's birth certificate**. However, under the Civil Registration Bill 2019, which is expected to be enacted in 2019, registration will be allowed by 'parent' as opposed to strictly one 'mother' and 'father'.

EQUALITY AND EMPLOYMENT

Employment discrimination based on **sexual orientation** is **prohibited** under Section 6(2)(d) of the Employment Equality Act.

There is **no specific legal prohibition of discrimination in employment based on gender identity**.

However, **discrimination against trans people** has been interpreted as being **prohibited** under gender and disability discrimination provisions (Hannon v. First Direct Logistics Limited (2011), Deirdre O'Byrne v. AIB (2014)).

Discrimination based on sexual orientation is prohibited in the **disposal of goods and services** and in the **provision of services, education and accommodation** to the public under Sections 5, 6 and 7 of the Equal Status Acts 2000 and 2015.

All citizens are **equal before the law** under Article 40.1 of the Constitution. There is no explicit reference to sexual orientation and gender identity.

Hate crimes based on **sexual orientation and gender identity** are **not considered an aggravating circumstance** in sentencing.

However, **hate speech** on the basis of **sexual orientation** is **prohibited** under the Prohibition of Incitement to Hatred Act 1989.

GENDER IDENTITY

Trans people **can change their legal gender** by applying for a gender recognition certificate under Sections 8, 12, 18 and 27 of the Gender Recognition Act 2015. Under the Act, a new birth certificate reflecting this change can be acquired.

Legal gender can **only be changed to male or female**. There is no option for a third gender under Section 18 of the Gender Recognition Act 2015.

Legal gender change for those **aged 18 and over** is subject to **self-declaration**. For trans people **aged 16 – 18**, **legal gender change** is subject to a **court order, parental consent** and **certificates** from a medical practitioner and an endocrinologist or psychiatrist under Sections 9, 10 and 12 of the Gender Recognition Act 2015.

Trans people of any age can **change their legal name on all identity documents**, except for their birth certificate, by deed poll. For **those aged 14 – 18**, **parental consent is required** to execute the deed poll. For **those under the age of 14** the deed poll must be **executed by a parent on the child's behalf** with the consent of the other parent (guardians may execute the deed poll if applicable).

IMMIGRATION

Same-sex partners of EU citizens in Ireland **can apply for visas** based on marriage, civil partnerships or de facto partnerships based on cohabitation under S.I. No. 548/2015 – European Communities (Free Movement of Persons) Regulations 2015.

Those who cannot return to their home country for fear of persecution because of their **sexual orientation can seek asylum** on these grounds under Section 8 of the International Protection Act, 2015. A person's **gender identity** may also be **considered when seeking asylum** under the same Act.

A VIEW FROM IRELAND

Stonewall spoke to **Oisín O'Reilly**, Head of Operations and Fundraising for **BeLonG To Youth Services**. BeLonG To works with LGBTI+ young people in Ireland to create a world where they are equal, safe, and valued through the provision of youth groups and specialised support services. It also advocates and campaigns on behalf of young LGBTI+ people to ensure their rights are respected.



Everyday life

Oisín: “Since same-sex sexual activity was decriminalised in 1993, there has been a big improvement in the lives of many LGBTI+ people in Ireland. While many people who used to need support no longer do, there are now other groups accessing our services, such as trans people, people with disabilities, and those struggling with their mental health.

A range of factors shape LGBTI+ people's experiences. These can include their location, their gender, whether they are from migrant communities, class, and disabilities. For instance, LGBTI+ people living in rural communities can find it more challenging to live openly despite the successful national vote in favour of same-sex marriage in 2015. Two-thirds of service users are trans, and trans people face unique challenges including mental health issues, family problems, and struggles related to transitioning.

Mental health is also an ongoing struggle for LGBTI+ young people. Research BeLonG To conducted last year showed us that 90 per cent of LGBTI+ young people have an ongoing struggle with their mental health. Nearly half of the LGBTI+ youth surveyed felt reluctant to open up about their mental health due to the perceived expectations that they should feel happy following the successful marriage referendum in Ireland. The research also found that LGBTI+ youth fear talking about mental health challenges they experience after coming out. 56 per cent of respondents didn't want to worry their parents or friends about their mental health issues and felt pressure to appear content after coming out as LGBTI+.”

LGBT groups

Oisín: “Legally, LGBTI+ groups can organise freely in Ireland. However, we have seen a rise in hate speech and discrimination here: organisations have been forced to redirect their efforts to counter this, in addition to it negatively impacting on LGBTI+ people's wellbeing.

Despite this, there is a flourishing range of LGBTI+ organisations in Ireland. These vary from national lobbying and campaigning organisations to smaller social organisations such as sports groups. The areas of focus for LGBTI+ organisations are wide-ranging. Issues being focused on include workplace culture, bullying in schools and inclusive healthcare. The latter is particularly important because of the huge lack of funding for LGBTI+-specific health services and the lack of mental health provisions generally. ”

Visibility

Oisín: “LGBTI+ people are visible in everyday life, but the level of visibility varies depending on your identity and location. We have several gay politicians and our prime minister is openly gay. However, bi people are generally invisible in Ireland and when bi identities are publicised it is usually

accompanied by negative stereotypes. Trans people are visible in the media and everyday life but it is a different type of visibility, with the focus being on debates around trans identities instead of trans people themselves. Sometimes, this can lead to problematic or extreme views in the media which unfortunately can act as members of the public's single source of information on gender identity.”

Workplaces

Oisín: “In more traditional workplaces, coming out can be one of the biggest challenges. Most people in Ireland work for small- and medium-sized enterprises (SMEs), meaning they are likely to be the only openly LGBTI+ person in their office. This can make asking their employers to be understanding difficult. Large multinationals in Ireland are engaging in ongoing work to create LGBTI+ inclusive workplaces but very little is done by smaller employers, likely due to a lack of HR teams or Diversity and Inclusion programmes within SMEs.

BeLonG To is excited to launch an online training programme for SMEs in 2019 to help overcome this challenge, which is one way that employers in Ireland can support their LGBTI+ staff. Professional associations also have a role to play through the provision of inclusive training. It's important that management understand the impact of inclusive workplaces, otherwise they won't be able to retain employees: a younger workforce is coming in with a better understanding of these issues.

It is always helpful for businesses to engage in advocacy for the wider LGBTI+ community. Advocacy on issues such as homelessness in the LGBTI+ community and access to healthcare for the trans community would be really helpful coming from employers. However, when engaging in advocacy, businesses should not simply get involved for PR purposes. Irish people and LGBTI+ groups will call them out. Businesses should make sure that they collaborate with local LGBTI+ groups and uplift the voices of the community, not just their own. True diversity and inclusion means supporting LGBTI+ equality for everyone, not just staff, and this should guide businesses' approach to their customers, advocacy, and their wider human rights responsibilities beyond the LGBTI+ community.”

Healthcare

Oisín: “In Ireland, there is a two-tier healthcare system that can have a big impact on LGBTI+ people's experiences. If someone has private health insurance, it's much easier for them to access good, inclusive healthcare. Those using public healthcare can face several barriers, such as very long waiting times and clinicians with poor training. This has a particular impact on trans people, who can have very traumatic experiences trying to access healthcare in Ireland.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's **Global Workplace Equality Index** is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Ireland, employers can work to:

1. Implement LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Ireland with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Bank of America Merrill Lynch

Bank of America Merrill Lynch (BAML) has a strong policy in place that explicitly bans discrimination and harassment based on sexual orientation, gender identity and gender expression. BAML also has an LGBT+ network and an allies programme in Ireland, both of which are flourishing. The LGBT+ network and allies programme receive a high number of sign-ups and new staff are encouraged to join as part of their induction. Allies are engaged through an online portal, allowing them to gain bronze, silver, gold or platinum status based on the completion of various activities, which range from displaying ally stickers to holding breakfast sessions on what being a good ally means. The ally programme also offers specific training and engagement focusing on bi and trans inclusion. The LGBT+ network in Ireland regularly holds awareness-raising events, such as panel discussions with live and online audiences. Other events have included a movie night for staff, as well as a bingo night where all money raised was donated to the local LGBT+ group Gay Switchboard. BAML also participates in the annual Pride parade in Dublin, with 49 members of staff walking in the parade in 2019. Additionally, the Bank has inclusive policies and benefits are gender neutral and offered equally to those in same- or different-sex relationships.

Citi

Citi ensures that LGBT people are included throughout their policies. Sexual orientation, gender identity and gender expression are explicitly covered in Citi's anti-discrimination and bullying and harassment policies. Partners of employees are also able to access equal benefits, regardless of gender. Citi's tendering processes for procurement include a supplier diversity and inclusion assessment that covers sexual orientation, gender identity and gender expression. In Dublin, Citi has an active Pride network with over 100 members, including 15 committee members and two senior sponsors. The network carries out a range of initiatives to promote LGBT inclusion. These include monthly social events, senior leader panel discussions, an interactive training experience to build awareness on LGBT issues in the workplace and participation in the annual Dublin Pride parade. Citi has also carried out LGBT-inclusive diversity training in Ireland. Employees are required to attend online training on 'Fostering an Inclusive Environment', which specifically addresses LGBT identities. Citi Dublin is a founding member of FuSloN (the Financial Services Inclusion Network) and partners with 11 other financial institutions across Ireland to coordinate and implement LGBT-inclusive practices and collaborate on events and community service to drive positive change in the workplace and beyond.

Fidelity International

To enable all staff to engage with LGBT inclusion at work, Fidelity has an Allies programme, with 40 per cent of employees in Ireland signed up as LGBT allies. Voluntary local 'LGBT Ally' training is also run twice a year in the Dublin office, with over 50 staff in attendance at the previous session. Additionally, Fidelity has an intersectional employee network that has carried out a range of activities. These include sessions during Pride month to educate and inform all staff about LGBT issues, as well as participation in the annual Pride parade.

LGBT culture and history are celebrated: Fidelity provides information on, and facilitates access to, events such as Dublin GAZE LGBT Film Festival, the International Dublin Gay Theatre Festival, as well as screening LGBT-themed films in the office. Finally, Fidelity has partnered with other organisations in Ireland to advance wider LGBT equality. Fidelity is a member of FuSloN (the Financial Services Inclusion Network) and it also partners with local LGBT organisation BeLonG To. In addition to having BeLonG To speak at the Dublin office, Fidelity shares volunteering opportunities with staff and publishes blog posts about BeLonG To's work.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

May – International Dublin Gay Theatre Festival www.gaytheatre.ie

June – Dublin LGBTQ Pride www.dublinpride.ie

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

July / August – GAZE International Film Festival www.gaze.ie

September – Lisdoonvarna LGBT Matchmaking Festival www.theouting.ie



FIND LGBT GROUPS AND COMMUNITIES

LGBT Ireland – an organisation providing support and information services, with a helpline, peer support service, awareness training and conducting advocacy and campaigning. www.lgbt.ie

National LGBT Federation – an organisation campaigning for equal rights of and an end to discrimination against LGBT people in Ireland and internationally. www.nxf.ie

Transgender Equality Network Ireland – a national network seeking to improve conditions for and advance the rights of trans people and their families. www.teni.ie

BeLonG To – an LGBT youth organisation supporting young people aged between 14 and 23. www.belongto.org



GET LOCAL LGBT NEWS

Gay Community News (GCN) – an online LGBT news publication with a magazine, television channel and podcast. www.gcn.ie

EILE Magazine – an online LGBT magazine. www.eile.ie



NATIONAL HUMAN RIGHTS INSTITUTION

Irish Human Rights and Equality Commission – www.ihrec.ie

The Irish Human Rights and Equality Commission is the Irish National Human Rights Institution where complaints of human rights violations on the grounds of sexual orientation and gender identity can be made.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 65 ORGANISATIONS OPERATING IN IRELAND.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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ISRAEL



Population: 8.4 million



Stonewall Global Diversity Champions: 44



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Israel is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The rights to freedom of expression and assembly are guaranteed under Basic Law: Human Dignity and Liberty 1992 and the High Court of Justice Ruling, 73/53 Kol HaAm v. The Minister of Interior, 871.

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

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are not criminalised and are therefore **legal**.

There is an **equal age of consent of 16 years** for sexual acts regardless of gender under Section 346 of the Penal Law, 1977.

Same-sex marriage is not legal. However, the Ministry of the Interior is obligated to **register same-sex couples who married abroad** as formally married in Israel according to Supreme Court Ruling Yossi Ben Ari v. The Director of the Population Administration, Ministry of Interior, November 21, 2006.

Same-sex couples can be recognised as **common law partners**, which entitles them to most of the rights of different-sex couples including certain financial entitlements parental rights, entitlements upon separation and procedural rights in court proceedings.

Same-sex couples have **equal rights to second-parent adoption** under Civil Appeal (Supreme Court) 10280/01 Dr. Tal Yaros Hakak v. The Attorney General.

Joint adoption by same-sex couples is **permitted** according to a memo published by the Attorney General in 2008.

EQUALITY AND EMPLOYMENT

Employment discrimination on the grounds of **sexual orientation is prohibited** under Section 2 of the Equal Opportunities at Work Law 5748 – 1998. There is **no explicit reference to gender identity**.

Discrimination on the basis of **sexual orientation** in the provision of products, services and entry to public places is **prohibited** under Section 3 of the Law on Prohibition of Discrimination in Products, Services and Entry to Entertainment and Public Places Law, 2000. There is **no explicit reference to gender identity**.

Sexual harassment on the basis of **sexual orientation** is prohibited under Section 10A of the Prevention of Sexual Harassment Law, 1998

The Patients' Rights Law – 1996 **prohibits the discrimination of patients** based on their **sexual orientation**.

Hate crimes based on sexual orientation and gender identity are considered an **aggravating circumstance** in sentencing under Section 144 of the Penal Law, 1977.

GENDER IDENTITY

Trans people can change their legal gender on their official ID card and in the official Population Registry.

Legal gender can **only be changed to male or female**. There is no option to change legal gender to a third gender

Legal gender change is subject to a medical certificate evidencing gender reassignment (without surgery) or **gender reassignment surgery** under the Population and Immigration Authority Regulations (updated November 2015).

Trans people **can change their legal name** under the Population and Immigration Authority Regulations (updated January 2019).

Legal name change is subject to approval from the registrar clerk at the Ministry of Interior. The Ministry of Interior may deny a request to a legal name change if the name is likely to mislead the public or insult public sentiment. There are no documented cases of trans people being denied a legal name change on these grounds.

IMMIGRATION

Dependent visas are available to partners of people working in the country, but it is **not specified whether this applies to same sex couples**. However, visas may be granted to couples who can prove a familial connection, which may include same-sex couples married outside of Israel.



A VIEW FROM ISRAEL

Stonewall spoke to **Shachar Grembek**, Founder and Director of **LGBTech**, about the context for LGBT+ people in Israel. LGBTech is an organisation dedicated to supporting the professional LGBT+ community and promoting diversity and inclusion within businesses. They do this by hosting networking and fundraising events with speakers from around the world (such as Lord Brown, the PM of Luxembourg, Dr Vivienne Ming and Sir Ronald Cohen, amongst others), as well as working with companies to develop their LGBT+ diversity and inclusion policies and activities, and offering their Israel Diversity Standard charter for consideration.



Stonewall also interviewed **Roei Shaul Hillel**, LGBT activist and social worker for LGBT communities in Israel.

Everyday life

Shachar: “Over the past few years, Israel’s LGBT+ population has won some hard-fought legal advances, the majority of which have come from the Supreme Court. Despite this progress, there are still rights to be won, such as marriage equality and local access to surrogacy. In the more liberal parts of Israel it’s generally safe for people to be themselves. However, this isn’t the case in the more conservative areas. Sadly, the last two years have seen an increase in anti-LGBT political rhetoric, which certainly trickles down to the day to day experiences people have. Though not common, there have been some high-profile cases of LGBT+ people experiencing physical violence.”

Roei: “We’ve seen progress in the past few years, but resources and advances in LGBT equality are not evenly distributed throughout Israel. There are big differences regarding different groups in society depending on gender, ethnicity, geography, etc. Palestinians and Arabs face particular barriers and have less access to LGBT-inclusive spaces and services. For instance, there are fewer LGBT groups focusing on issues specific to them, and also fewer that have resources and services available in Arabic. Trans people also have less access to resources. For example, they face many barriers when trying to access the labour market, or even educational institutions. Another factor is where in Israel you live. Tel Aviv has many resources, groups, clinics and clubs for LGBT people and the level of acceptance is generally higher. This means that those LGBT people who can afford to often move to Tel Aviv, while those who cannot may be more isolated and lack access to these services.”

LGBT movement

Roei: “There is a growing understanding that we have to work on LGBT equality throughout the country, and not just in the bigger cities. 20 years ago, we only had one Pride parade; this year, we saw over 90 Pride events taking place all over the country – a huge success. But there’s a lot of work left to do. We need to make services accessible to LGBT people outside Tel Aviv and we need to empower rural LGBT communities.”

LGBT groups in Israel are providing many services to LGBT communities, and the Ministry of Welfare works with us to this end. But often politicians are less willing to support us in terms of passing new laws that would provide legal equality for the LGBT community.

We also need to do more for trans communities and trans equality. For instance, universities have to become better at recruiting trans students, and need to change their policies and practices to support trans students throughout their education. Trans people often have less access to power than cis lesbian, gay and bi people and need them to step up as allies.”

Visibility

Roei: “At least in the secular Jewish society in Israel, LGBT people have become much more visible. We see musicians and artists who are out, and have more openly gay Parliament members than ever before. However, it’s mostly gay and lesbian people who are visible, with fewer trans and bi people.”

Workplace

Shachar: “One of the main challenges that LGBT people face at work in Israel is feeling the need to stay in the closet. In the top 100 companies in Israel, no CEOs or board members are visibly out. This is less of an issue in the tech industry, but it can be a big challenge in more conservative sectors like the financial industry. Also, I’m unaware of any Israeli financial businesses that have an LGBT employee resource group. There’s also often a lack of appropriate policies for supporting LGBT staff, with companies only just beginning to recognise the importance of inclusive policies.”

To support their LGBT employees, employers should actively communicate their commitment to LGBT equality. They should also implement inclusive policies to ensure LGBT staff are supported and to make up for gaps in the law. Companies should also invest more in understanding how to keep trans staff safe.

In terms of supporting the LGBT community more widely, businesses can donate to LGBT organisations.

Some companies may be wary of engaging publicly in the fight for LGBT equality because they worry conservative customers will have a negative response. However, there are other companies in the tech community who are actively supportive and will take part in Pride or use inclusive advertising.”

Healthcare

Roei: “There is generally a positive trend towards establishing new, unique clinics for LGBTQ communities in big cities (Tel Aviv, Jerusalem, Beer Sheva and Haifa) mainly in order to provide free or subsidised services, as well as appropriate services for trans people. There’s also a trend of educating existing institutions, training doctors and physicians regarding medical transitioning and so on, with information on this often lacking in less privileged communities. We see that in terms of mental health, there’s an increase in the number of services providers that are specifically for LGBT people. Asylum seekers, refugees and non-citizens are not included within the mandatory healthcare rule, therefore sex adjustment surgeries are not covered. Also, most services are given in Hebrew and English and are yet to be promoted enough within Arabic speaking societies.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Israel employers can work to:

1. Implement LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Israel with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM

IBM's workplace policies are explicitly inclusive of LGBT+ people and prohibit discrimination and harassment, including, among others, based on sexual orientation, gender identity and gender expression. IBM puts emphasis on diversity and the importance of bringing people together. The LGBT+ employee network is an essential foundation driving the local practice at IBM Israel and ensuring LGBT+ staff are supported and included across all IBM sites in the country. During Pride month in June 2019, IBM held four lectures in partnership with local LGBT+ groups to educate staff on issues ranging from coming out and family members, to supporting trans people in the labour market. Every year, IBM's staff march under flags featuring IBM's diversity logo at Tel Aviv Pride. Out role models exist at IBM sites in Israel. They act as a point of contact for LGBT+ staff, management and allies, to raise concerns or initiate new ideas for inclusion initiatives.

IBM partners with and supports several LGBT+ groups in Israel. In 2018, when the government proposed a surrogacy law that excluded male couples, IBM supported the LGBT community and LGBTech organisation in particular in opposing the law. IBM was also part of the LGBTech working group to prevent parliament from passing discriminatory legislation. IBM supported its LGBT employees as well as allies that wanted to participate in a nationwide strike opposing the law, and was the first global company to issue a global statement condemning discrimination against the LGBT+ community.

IBM enables its staff to volunteer and provides grants when employees spend over 40 hours a year volunteering, for example with any of the dozens of NGO's in Israel including trans equality organisations and other LGBT+ organisations.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

March – Tel Aviv LGBT Games www.telavivgames.org

June – Tel Aviv Pride www.gaytelavivguide.com/events/event

June – Jerusalem Pride, organised by Jerusalem Open House for Pride and Tolerance www.joh.org.il

June – TLV Fest - The International LGBT Film Festival
www.tlvfest.com/tlv/he/en

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



FIND LGBT GROUPS AND COMMUNITIES

Jerusalem Open House for Pride and Tolerance – an organisation providing healthcare services and support to the LGBT community.
www.joh.org.il

Hoshen – an organisation working to promote tolerance of the LGBT community and raise awareness about sexual orientation and gender identity.
www.hoshen.org

Igy – an organisation acting to empower LGBT youth in education.
www.igy.org.il

LGBTech – an Israeli organisation dedicated to supporting the professional LGBT community and promoting diversity and inclusion.
www.lgbtech.com

The Aguda (The Association for LGBT Equality in Israel) – an umbrella organisation working locally and international to improve the situation for Israel's LGBT community. www.lgbt.org.il/english



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ITALY



Population: 62+ million people



Stonewall Global Diversity Champions: 57



THE LEGAL LANDSCAPE

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

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

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

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

FAMILY AND SAME-SEX RELATIONSHIPS

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

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

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

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

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

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

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

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

EQUALITY AND EMPLOYMENT

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

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

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

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

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

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

GENDER IDENTITY

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

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

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

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

IMMIGRATION

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



A VIEW FROM ITALY

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



Global Inclusion through LGBT Inclusion

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

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

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

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

How are LGBT people portrayed in the media?

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

What is the workplace like for LGBT people?

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

Do international or Italian organisations publicly support LGBT equality?

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

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|--|
| <ul style="list-style-type: none"> ✓ Consult local LGBT organisations to understand the local context for LGBT people ✓ Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies ✓ Train HR staff and promote inclusive policies | <ul style="list-style-type: none"> ✓ Carry out LGBT-inclusive diversity training ✓ Encourage senior managers to promote their commitment to LGBT inclusion and equality ✓ Audit and extend partner benefits to same-sex partners |
|--|--|

NEXT STEPS

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

- | | |
|--|---|
| <ul style="list-style-type: none"> ✓ Establish employee engagement mechanisms like LGBT networks and allies programmes ✓ Carry out LGBT awareness-raising events | <ul style="list-style-type: none"> ✓ Partner with local LGBT groups to advance LGBT equality beyond the workplace ✓ Work with suppliers and partners to advance LGBT workplace equality |
|--|---|

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

BNP Paribas

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

Vodafone

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



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – Rome Pride. www.romapride.it

June – Milan Pride. www.milanopride.it

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

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

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

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

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



FIND LGBT GROUPS AND COMMUNITIES

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

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

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

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

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

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

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

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



GET LOCAL LGBT UPDATES

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

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

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



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Legal Partner



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



JAMAICA



Population: 2.8 million



Stonewall Global Diversity Champions: 13



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by organisations across their global operations.

Jamaica is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

To help put this into context, it is important to note that two further zones exist:

In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The rights to **freedom of expression, association and assembly** are protected under Sections 13 (3) (c) and (e) of the Constitution.

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

FAMILY AND RELATIONSHIPS

Anal sex is **illegal** under Sections 76 of the Offences Against the Person Act. This is punishable with up to seven years imprisonment.

'Acts of gross indecency' between males are **criminalised** under Section 79 of the Offences against the Person Act. This is punishable with up to two years imprisonment. 'Acts of gross indecency' is generally interpreted as **sexual acts between men**.

Sexual acts between women are **not criminalised**.

The **age of consent** for vaginal sex is **16 years** under Section 10 of the Sexual Offences Act. The Act **makes no provisions** as to the **age of consent** for **consensual same-sex sexual acts**.

Same-sex marriage is **not legal** because Section 18(2) of the Constitution defines marriage as a union between a man and a woman.

Under Section 18(2) of the Constitution, **a person's sex they were assigned at birth** is used to **determine their gender** for the purposes of marriage.

Same-sex couples **have no legal right to adopt children** under Sections 9 and 10 of the Children (Adoption of) Act.

Trans parenthood is not recognised. **Parenthood on birth certificates** is recorded based on the **parent's sex they were assigned at birth**.

EQUALITY AND EMPLOYMENT

Discrimination in employment on the grounds of sexual orientation and gender identity is **not prohibited**.

Section 13 (3) of the Constitution provides for **equality before the law**. There is **no explicit reference to sexual orientation or gender identity**.

Hate crimes based on sexual orientation and gender identity are **not considered aggravating circumstances** in sentencing.

Discrimination on the grounds of sexual orientation in public service is prohibited under the non-binding 2004 Staff Orders. These guidelines have been referred to by courts on several occasions.

GENDER IDENTITY

Trans people **cannot change their legal gender**.

Trans people can **change their legal name on all identity documents** by deed poll.

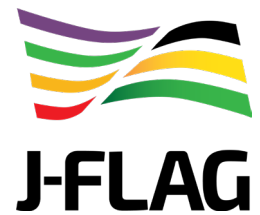
IMMIGRATION

Same-sex relationships are **not recognised for immigration purposes**.



A VIEW FROM JAMAICA

Stonewall spoke to **Suelle Anglin**, Associate Director of Marketing, Communications and Engagement at the **Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG)** about the context for LGBT people in Jamaica. J-FLAG is an LGBT organisation working for the equal treatment of the LGBT community in Jamaica through advocacy for legal reform and other community engagement and visibility programmes.



Everyday life

Suelle: “LGBT Jamaicans’ experiences are hugely diverse, with class, race, gender, and religion all shaping this. Middle and upper-class LGBT people might have a completely different experience from marginalised or low-income communities. Gender also impacts visibility. While all LGBT people face discrimination, the fetishization (which is still harmful), of lesbians means they appear less likely to face harmful behaviour than gay and bisexual men and trans people, who are more apprehensive about being visible because of this, especially at work or in mainstream spaces.

Digital environments act as safe spaces for many queer Jamaicans, enabling them to have conversations, partake in activism and practise self-liberation. Differences in people’s experiences can also be seen in online visibility. On social media, you are more likely to see visible, out lesbians than gay men. LGBT people are also visible in the media, but again certain identities are more visible than others. There are openly gay men and women on TV and there are very visible trans people across sectors such as advocacy, activism, art and fashion. Since early 2019, a few popular women in the entertainment industry have publicly identified as bisexual.”

LGBT groups

Suelle: “Few organisations focus solely on LGBT rights in Jamaica, but many groups’ work intersects with LGBT issues. J-FLAG’s priorities, as the foremost LGBT rights organisation in Jamaica, are varied. There is a big focus on political mobilisation and human rights and legal education for the LGBT community. There is also a lot of work on assessing the current legal framework and understanding where advocacy efforts and public tolerance can be increased. J-FLAG is also continuing its efforts around community development and engagement especially in rural spaces, and capacity building regarding workplace inclusion.

Overall, Jamaica is a complex place to live as an LGBT person. However, the community continues to stand resilient even when there are challenges. While there is still a large amount of work to be done for LGBT equality in Jamaica, a lot of progress has happened in the last 20 years. While a vast amount of challenges still exist, LGBT people throughout Jamaica are deciding to wake up every day and live fulfilling lives, and each year the LGBT community continues working to improve the human rights situation here.”

Travel

Suelle: “The best thing to do if you want to come to Jamaica is research the context here. Many LGBT tourists have visited the island and made great memories. If intending to travel to Jamaica, people can reach out to J-FLAG to get an understanding of the culture and get recommendations on safe spaces. Jamaica can seem a very classist society, so foreigners will generally be treated better than locals. Tourism industry figures have made several statements welcoming LGBT tourists, but J-FLAG still encourages everyone

to practice personal safety when travelling here, as you would in any country. There are also tour guides from the LGBT community who can help ensure you experience the island and culture safely such as DudeJa Vacation Club and Kingston Experience Tours.”

Workplaces

Suelle: “The biggest issues in workplaces in Jamaica are discrimination and a lack of policies and procedures protecting LGBT people. Often, colleagues are the source of harassment and discrimination so having policies to combat this is essential. There are high rates of unemployment amongst trans people due to the lack of public education regarding their identities and strictly gendered dress codes.

To support LGBT employees, employers need to enforce policies that explicitly address equal treatment at work. Inclusive practices, language, and respect should be a part of initial training processes, so that people are sensitised to those with different identities from the outset. Employers have a responsibility to make it clear that every member of staff deserves to feel that their workplace is a safe space. Sometimes really small changes, like putting up a rainbow sticker or a poster highlighting the importance of correct pronouns can go a long way toward showing LGBT people are in a supportive environment.

Businesses can do a lot externally too. Visibility is very powerful and is a key way for businesses to support LGBT organisations and promote equal treatment of LGBT people. Businesses can offer support through big actions, like taking part in or supporting Pride, or smaller actions, like displaying rainbow flags during Pride week. Employers including respect and tolerance in their marketing campaigns or running training sessions with staff are also great ways to support LGBT equality.

For example, telecommunications company Digicel released a campaign called ‘Respect Jamaica’ about respecting people regardless of their sexual orientation, amongst other things. It had a massive impact on discussions around LGBT people in Jamaica. If a global brand that is known for being inclusive internationally consulted with civil society groups and implemented a similar campaign in Jamaica it would do wonders for the people and the movement here.”

Healthcare

Suelle: “Despite TransWave Jamaica’s efforts, trans-specific healthcare is unavailable. Many healthcare staff are ignorant about trans identities and stigma persists. Hormone replacement therapy can’t be accessed through the healthcare system and gender affirming surgeries are not covered by health insurance. Some aspects of healthcare are more widely available to LGBT people, but discrimination is still a challenge. LGBT people who can access private healthcare are generally less likely to face discrimination.”

LGBT INCLUSION IN THE WORKPLACE

Despite the challenging context for LGBT people in Jamaica, there is great scope for employers to contribute to a Jamaican society that supports equality for LGBT people. There are a number of ways that an employer can do this through their programmes and policies – however, to ensure that they develop their practices it is important for them to monitor and evaluate their performance.

Stonewall's [Global Workplace Equality Index](#) has been developed as a key resource for monitoring performance and it is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees that suits the context of Jamaica, while being mindful that LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in Jamaica. The safety and security of LGBT staff, both from Jamaica and elsewhere, should be paramount at all times and will require careful consideration. Employers should:

1. Implement globally LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies and equal partner and family benefits.
2. Carry out comprehensive diversity **training**.
3. **Engage staff** by ensuring they can access global ally programmes without exposing themselves to risk.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Evaluate your global **procurement** practices to ensure LGBT inclusion is a key part of the tendering process and your relationship with potential and existing suppliers.
6. Work to **understand the local context and support local communities** by partnering with local LGBT groups.
7. Ensure your **mobility** policies account for employee's sexual orientation and gender identity and provide staff travelling to or from Jamaica with adequate, LGBT-specific information. Be prepared to evacuate staff in emergency situations that affect your LGBT employees.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

In our experience, sharing case studies from employers operating in-country can be highly informative. However, we were unable to secure a case study that an employer could share publicly. Bearing this in mind, we are keen to work with employers and discuss individually any challenges they face because of the restrictive context in Jamaica. To learn about the steps employers are taking to support their LGBT staff in other zone three countries, please refer to Stonewall's [Global Workplace Briefings](#) on Uganda, Nigeria, Kenya and Singapore.

If you operate in Jamaica and are taking steps, big or small, to advance LGBT inclusion and would like to be profiled as a best practice case study, please contact global.programmes@stonewall.org.uk



GET INVOLVED



THE ANNUAL LGBT CALENDAR

August – Pride Week, organised by J-FLAG www.jflag.org

October – Montego Bay Pride www.facebook.com/MoBayPride/

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



FIND LGBT GROUPS AND COMMUNITIES

TransWave Jamaica – a trans-led organisation seeking to make society safe and inclusive for trans people. www.transwaveja.org

Women's Empowerment for Change (WE-Change) – a community-based organisation working to advocate for lesbian, bisexual and trans women. www.wechangeja.org

J-FLAG – a non-governmental organisation working to advance the human rights, livelihoods and well-being of LGBT people in Jamaica. www.jflag.org



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 13 ORGANISATIONS OPERATING IN JAMAICA.

The *Global Diversity Champions* programme gives you the tools you need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep you informed of legal changes and implications for your staff wherever they are in the world. Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

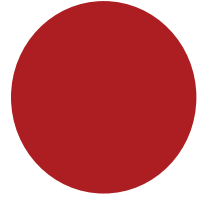
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Legal Partner



Freshfields Bruckhaus Deringer



JAPAN



Population: 126+ million



Stonewall Global Diversity Champions: 59

THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Japan is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries, sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Article 21(1) of the Constitution of Japan (1946) protects the **rights to freedom of expression, association and assembly** of all citizens.

These rights are **not specifically reaffirmed or restricted for LGBT** people or issues.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are not criminalised and are thus **legal**.

There is an **equal age of consent** for sexual acts regardless of gender.

Article 24(1) of the Constitution defines **marriage** as between "both sexes", which has consistently been interpreted to **exclude same-sex couples**.

Trans people can legally marry a person of the opposite sex after their gender is legally changed.

In six municipalities, same-sex couples can apply for a certificate to recognise their partnership. The certificates are mostly symbolic without triggering any major legal consequences.

Same-sex couples have no legal rights to jointly adopt children.

EQUALITY AND EMPLOYMENT

Employment discrimination against LGBT people is **not legally prohibited**.

Article 5 of the Act on Securing of Equal Opportunity and Treatment between Men and Women in Employment (enacted in 1972, amended in 2006) requires employers to provide equal opportunities for all persons regardless of sex, but there is no reference to sexual orientation or gender identity.

In 2017, the Ministry of Health, Labour and Welfare amended the Sexual Harassment Guidelines. They now state that **sexual harassment** can occur **irrespective of sexual orientation or gender identity** and that sexual harassment **can occur between people of the same sex**. These guidelines legally bind employers.

Article 14 of the Constitution states that 'all of the **people** are **equal under the law**'.

GENDER IDENTITY

The Act on Special Cases in Handling Gender for People with Gender Identity Disorder (enacted in 2003, amended in 2011) allows for **legal gender change** to 'female' or 'male' **subject to certain requirements**. These **include sex-reassignment surgery and sterilisation**. The person must also be not less than 20 years of age and cannot be married or have a minor child.

If a person obtains a "**gender reassignment**" **ruling** from the Family Court, it **allows for** a subsequent **change of** the person's **identification documents**. However, a **birth certificate cannot be amended**.

To change a person's **name, 'justifiable grounds'** and the **permission of the Family Court** are **required** under Article 107-2 of the Family Register Act (enacted in 1947, amended in 2007).

IMMIGRATION

There are **no provisions** in the Immigration Control and Refugee Recognition Act (enacted in 1951, amended in 2014) that **support immigration of same-sex spouses** or partners.

Foreign same-sex marriages are **not recognized** in Japan.

Japanese citizens **cannot sponsor** their **non-Japanese same-sex spouse** for visa or immigration purposes.

In 2013, the Ministry of Justice issued a notice to immigration officers to **take into consideration if couples** are legally **married in a foreign jurisdiction**.

It is **unclear if** such notice **applies only to non-Japanese** same-sex couples.

It is **uncertain that a visa will be issued** to a same-sex spouse upon issuing a work visa to a spouse.

A VIEW FROM JAPAN

Soshi Matsuoka is a commentator, lobbyist and writer on LGBT topics. He appears regularly on TV and in print and maintains his own blog. Soshi also works with schools and companies to raise awareness of LGBT issues and carries out training and education activities.

What are the biggest barriers to LGBT equality in Japanese society?

LGBT topics are not often talked about, and many people in Japan lack an understanding of what the terms lesbian, gay, bi and trans mean. LGBT people also get little or inaccurate representation in the media. The lack of understanding is one of the reasons why few Japanese LGBT people feel able to be open about their sexual orientation and gender identity, especially to their families. Other barriers include a strong emphasis on traditional Japanese family values, and the fear of not being accepted and becoming the topic of unwanted conversation.

But we have also seen positive developments. Recently, there has been a slight increase in LGBT representation in the media. Also, while there has been little concrete progress or political discussion on the introduction of a national LGBT anti-discrimination law, there has been progress on a more local level. In the run up to the 2020 Olympics, the Mayor of Tokyo has indicated a willingness to introduce a local law. Five administrative areas, covering approximately two per cent of the Japanese population, have joined Tokyo's Shibuya district in introducing same-sex partnership recognition in the absence of progress towards national legislation.

What are some specific problems that affect trans people?

Being trans is legally regarded as a 'disorder' in Japan. Consequently, trans people are generally tolerated by society at large, as having a 'disorder' is seen as something which cannot be helped. However, this does not mean that they are accepted or that being trans is celebrated as an aspect of diversity. Also, trans women are often misrepresented as drag queens by the media and are therefore less tolerated than trans men.

Trans people in general face discrimination in education and employment. This is especially the case where trans people do not fulfil the many strict requirements for a legal gender change and cannot have their name and gender changed on identification documents. In 2017, it was decided that sexual reassignment surgery would become available through Japan's national medical insurance. However, the fact that this is a requirement for changing one's legal gender in Japan remains a concern.

What is the workplace like for LGBT people?

There is a significant difference between the workplace experiences of LGBT staff in international corporations and those in Japanese organisations. Many Japanese companies have only just started engaging with diversity and inclusion topics and are mostly looking at gender issues.

Not many LGBT employees are open about their sexual orientation and gender identity in such companies. The working environment is sometimes different in global corporations that put an emphasis on diversity and inclusion, including sexual orientation and gender identity. Having LGBT-inclusive policies and diversity training in place more universally would help LGBT employees be accepted in the workplace. In fact, a few companies have begun to recognise the same-sex partners of their employees, and others have begun to offer services and products tailored to same-sex couples.

Recently, both the Japanese Trade Union Confederation and the Japan Business Federation (Keidanren) have undertaken independent surveys on LGBT awareness in Japanese companies and developed models for inclusion that companies can follow.

What can employers do to support their LGBT employees and the LGBT movement in Japan?

Corporations at the start of their journey should actively learn what LGBT means in the first place and which issues affect LGBT employees in Japan. They can then start putting in place systems that enhance workplace equality. Again, education of the workforce is crucial, and can be achieved most effectively by employers working with NGOs to deliver this training. Foreign corporations should continue to develop sophisticated LGBT equality systems that Japanese corporations have to compete with.

Having recognised the role corporations can play, some also sponsor and participate in Pride parades. Since 2016, the annual Work with Pride Index has been created to award recognition to companies which have made positive steps towards inclusion – an increasing number of companies are being recognised. Nonetheless, there is currently a lack of openly LGBT business leaders and corporate role models.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Audit and extend equal benefits to LGBT partners  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|--|---|

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Freshfields Bruckhaus Deringer

In April 2016, Freshfields Bruckhaus Deringer's (Freshfields) Tokyo office co-founded an LGBT Lawyers and Allies Network (LLAN). The main focus of the group is to promote LGBT equality in Japan, specifically with regard to same-sex marriage. As such, LLAN has been working closely with a group of Japanese lawyers who filed a petition to the Committee for Fundamental Human Rights of the Japan Federation of Bar Associations, arguing in favour of equal marriage. LLAN has conducted research into 10 jurisdictions that have adopted or are considering equal marriage. The results of the research are summarised in a report supporting the equal marriage petition before the Japanese Federation of Bar Associations. As a core member of LLAN, Freshfields has also been actively involved in various events aimed at enhancing the common understanding of LGBT issues and the importance of equal marriage. For example, Freshfields co-organised the Asian premiere of Freedom to Marry, a documentary about the decades-long path to equal marriage in the USA. In addition, members of Freshfields' Tokyo office give presentations to major Japanese and multinational companies, and educational institutions, on basic knowledge and legal arguments surrounding LGBT rights. In recognition of Freshfields Tokyo office's efforts, Freshfields received a Work with Pride Gold award in 2017, as part of an index to evaluate Japan's business community on their efforts to support inclusiveness for LGBT employees.

Goldman Sachs

In 2005, Goldman Sachs Japan established its LGBT network to promote an inclusive work environment for LGBT employees. With over 180 members, the network organises awareness-raising events and networking opportunities to drive change both internally and externally. A Managing Director (MD) allies strategy was also launched, motivating senior leaders to play influential and active roles in promoting LGBT-inclusive messaging. MD allies create a support network for LGBT employees at all levels of the firm and can further participate in a reverse-mentoring programme. In the programme, LGBT employees act as mentors to help MD allies better understand the nuances of the LGBT community in Japan. Goldman Sachs' training 'Out in the Open' is offered to all employees and is mandatory for senior staff. It covers a variety of topics including sexual orientation terminology and best practice to promote an inclusive environment for LGBT professionals. The firm also plays an active role engaging the Japanese community in LGBT equality. For example, in collaboration with the group Good Aging Yells, Goldman Sachs has arranged annual career mentoring and networking programmes for LGBT students. In addition, the firm regularly sponsors and participates in the Tokyo Rainbow Pride parade, with 2016 marking the 10th year of participation. Goldman Sachs is also an active member of the LGBT Finance Forum.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

April / May – Tokyo Rainbow Pride. www.tokyorainbowpride.com

June – Rainbow Reel Tokyo (film festival). www.rainbowreeltokyo.com

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

September – Mie Rainbow Festa. www.mierainbowfesta.wixsite.com/elly



FIND LGBT GROUPS AND COMMUNITIES

Fruits in Suits Japan – a network for LGBTQ+ professionals with over 1500 members. www.fruitsinsuitsjapan.org

Good Aging Yells – a group working for a society within which LGBT people of all ages live free from discrimination. They organise community events and LGBT-friendly house sharing. www.goodagingyells.net

Japan Alliance for LGBT Legislation – a group lobbying for the advancement of LGBT equality through legislation. www.lgbtetc.jp

Lawyers for LGBT & Allies Network – a network for LGBT professionals and their allies in the legal sector, providing legal assistance to promote the understanding of LGBT people and issues. www.llanjapan.org

LGBT Youth JPN – a Tokyo-based student organisation exploring LGBT support systems employed in foreign countries through study trips. www.lgbtyouthjapan.jimdo.com

NIJIRO DIVERSITY – an organisation working with corporations and offering seminars to promote LGBT acceptance in Japan's workplaces. www.nijiroidiversity.jp

OCCUR – an LGBT group focusing on legal activism, HIV-related health provision and community engagement, as well as serving as a group for LGBT youth. www.occu.or.jp

ReBit – a group for LGBT people in their teens and twenties focusing on education, LGBT celebrations and job hunting support. www.rebitlgbt.org

Stonewall Japan – an English-speaking community group for LGBTQIA+ people, providing information and resources as well as a safe space for networking. www.stonewalljapan.org



GET LOCAL LGBT NEWS

NIJIRO NEWS – online LGBT news and resources. www.nijiironews.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 59 ORGANISATIONS OPERATING IN JAPAN.

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

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Legal Partner



Freshfields Bruckhaus Deringer

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

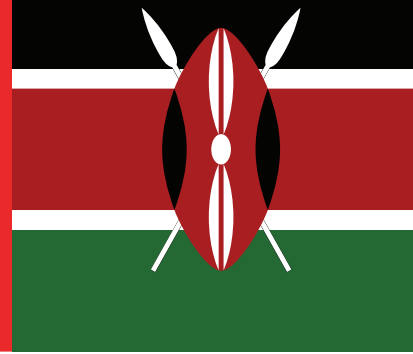
KENYA



Population: 47+ million



Stonewall Global Diversity Champions: 19



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Kenya is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 33, 36 and 37 of the Constitution of Kenya protect the **rights of freedom of expression, association and assembly, demonstration, picketing and petition.**

Each of these **rights may be restricted** under certain specified circumstances, but there are **no specific restrictions** regarding the **rights of LGBT people.**

In 2015, the **High Court of Kenya ruled** that these **rights are held by every person, including LGBT people.**

The **Kenya Film Classification Board regulates** the creation, broadcasting, possession, distribution and exhibition of **films and stage plays** as provided for in Section 15 of the Films and Stage Plays Act.

The **Board has banned LGBT-related content** from being aired or watched in Kenya on the ground that such content is against public morals.

FAMILY AND RELATIONSHIPS

Different **sexual acts** and attempted sexual acts **between people of the same sex are illegal** and may be **punished with imprisonment** of up to five or up to 14 years under Sections 162, 163 and 165 of the Penal Code Cap 63 Laws of Kenya.

A **petition to decriminalise same-sex sexual activity** was **referred to the Chief Justice** by the High Court in 2016 in order to make a constitutional determination.

In March 2018, a **Court of Appeal held** that **forced anal examinations** previously used by authorities to test for same-sex sexual activity **are unconstitutional.**

Article 45 of the Constitution only **recognises marriages between persons of the opposite sex.**

There is **no legal recognition of same-sex couples.**

Section 158(3)(c) of the Children Act specifically **prohibits the adoption of a child by a 'homosexual' person.**

EQUALITY AND EMPLOYMENT

Section 5 of the Employment Act, Cap 226 of the Laws of Kenya, **prohibits employment discrimination based on a limited list of grounds including HIV status.** The **list does not include sexual orientation or gender identity.**

There are **no other non-discrimination provisions** making **reference specifically to sexual orientation and gender identity.**

Article 27(1) of the Constitution provides the **rights to equality, freedom from discrimination** and that **every person is equal before the law** and has the **right to equal protection** and benefit of the law.

GENDER IDENTITY

There is **no legal gender recognition** for trans people.

Under the Registration of Persons Act, Cap 107, the **details of a person in the principal register of persons must include sex.** 'Sex' has subsequently been defined as **either male or female** by the High Court in 2007.

Name change is allowed for all persons, including trans people, as held by the High Court in 2014. The name **can be changed via a deed poll** under the Registration of Documents Act.

Trans people submitted a memorandum on the 2016 Health Bill **seeking to be legally recognised** and to curb the stigma associated with trans identity. The **law has remained unchanged.**

In 2014, the **High Court allowed** for the **removal of the gender mark on a trans person's exam certificate.**

IMMIGRATION

There is **no explicit provision** in the Kenya Citizenship and Immigration Act Cap 171 that **allows for dependant visas for same-sex partners.**

A VIEW FROM KENYA

Jackson Otieno is programmes officer at the Gay and Lesbian Coalition of Kenya (GALCK). GALCK is a national umbrella organisation connecting 16 Kenyan LGBTI groups and has been operating since 2006.

Levis Maina is the founder of Sullivan Reed, a national LGBT group working to economically empower LGBT people in Kenya as well as create safe workplaces.



What is the context within which LGBT rights discussions take place in Kenya?

Jackson: Kenya is a very diverse country, with different religious groups and various ethnic communities. There are also sharp ideological divides between political movements. Within this diverse society, gender and sexual minorities have increasingly claimed space to talk about issues affecting them. Making use of social media and other online spaces, we can see a growing boldness to speak about gender and sexual diversity. This is despite strong resistance: often the louder the sexual orientation and gender identity and expression movements get, the louder their opposition responds.

What are some of the challenges LGBT people face in Kenya?

Jackson: People who don't conform to society's expectations about gender and sexuality, particularly LGBTIQ persons, are immediately in danger. LGBTIQ persons are not only marginalised but often face violence and discrimination when they're open about their sexual orientation and gender identity, and when they're perceived to be anything other than heterosexual and/or cisgender. This can come from an individual's family, community or even from state officials.

Together with the organisation Hivos, Sullivan conducted a study on the *State of LGBT Workplace Diversity Among Multinational Corporations in Kenya*. Can you tell us about this?

Levis: 10 international corporations participated in the study and we made several interesting discoveries. There was a real gap in employee awareness on LGBT issues in general, as well as with regard to their companies' diversity and inclusion LGBT policies and actions. Employers on the other hand sometimes have an optimistic perception of what the workplace is like for their LGBT employees. The good news is that both employees and employers believe that championing LGBT workplace equality leads to better

productivity from the workforce. In mid-2017 we launched the Colorful Workplaces programme, which seeks to bridge this gap. Through workplace interventions, we've since found that in Kenya it's more about building a social-cultural case for diversity and inclusion than building a business case.

What can businesses do to champion LGBT equality in Kenya?

Levis: Within the Kenyan context, it's not always best for employers to be publicly vocal about LGBT rights in the country. However, there's a lot employers can - and should - do within their organisations. An important step is training staff on LGBT workplace issues. In particular, HR teams need to be educated on unconscious bias towards LGBT employees and potential LGBT employees during recruitment. Senior and middle-level staff should also be trained on the unique needs of LGBT employees, so they can lead by example. Policies and diversity programmes should be audited and include a commitment to LGBT equality; these policies need to be explained during staff inductions so new employees are aware of them. Business forums and roundtables on LGBT issues can also be very useful for participating employers to share experiences, as well as discuss LGBT diversity and inclusion strategies. In addition, businesses can and should sign up to the UN Standards of Conduct on tackling LGBTIQ discrimination, launched for the first time in Africa at the Colorful Workplaces conference in Nairobi in February 2018.

Jackson: Businesses do have a role to play in advancing the rights of LGBTIQ persons. At GALCK we believe this role should go beyond workplace issues. Companies can actively advocate for social justice issues and push for human rights for all, including LGBTIQ people. Some of the approaches companies undertake in the west to advance gender and sexual diversity and inclusion may not make complete sense in Kenya. However, companies can understand and use their power to push for diversity and inclusion for all, including LGBTIQ persons. To make sure the approach taken is mindful of local context and corresponds to the needs of LGBTIQ people in Kenya, businesses should consult with local LGBTIQ rights movements.



LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

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

NEXT STEPS

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

- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Safaricom

Safaricom is committed to providing a supportive working environment to all employees. As part of its Diversity and Inclusion work, Safaricom continues to train its leaders and employees on unconscious bias and ways to promote an inclusive workplace. Further, all Safaricom employees enjoy access to an employee assistance programme that offers them advice and support on a broad range of issues, including matters regarding their gender and sexuality. The success of Safaricom's diversity and inclusion work is a result of support at a senior leadership level. The CEO, Bob Collymore, is a member of a global team of leaders who support diversity initiatives, with a specific focus on LGBT+ and equality. Safaricom, continues to partner with other multi-national organizations in Kenya to further the conversation on Diversity and Inclusion; one such event was a recent external LGBT equality event hosted by IBM.



GET INVOLVED



FIND LGBT GROUPS AND COMMUNITIES

Gay and Lesbian Coalition of Kenya (GALCK) – a national sexual orientation and gender identity and expression umbrella body, representing LGBTQ voices across Kenya. www.galck.org

Ishtar MSM – a group working for sexual health rights and social wellbeing for men who have sex with men. www.ishtarmsm.org

Transgender Education and Advocacy – an organisation defending and promoting the human rights of trans people. www.transgender.or.ke

Artists for Recognition and Acceptance – a group seeking to provide a safe platform for LBT women to express themselves and engage with others. www.galck.org/afrakenya

Minority Women in Action – a group representing the rights of LGBTI women. www.galck.org/mwa

Persons Marginalized and Aggrieved – a group working to advance the human rights of gender and sexual minorities through advocacy, partnerships, health promotion and empowerment. www.pemakenya.org

Gay Kenya Trust – a human rights, media and religious advocacy group for gay identifying men. www.gaykenya.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 19 ORGANISATIONS OPERATING IN KENYA.

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

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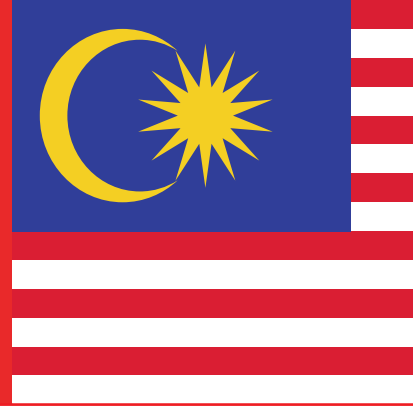
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MALAYSIA



Population: 31+ million



Stonewall Global Diversity Champions: 44



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Malaysia is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Article 10 of the Federal Constitution **protects the rights to freedom of speech, expression and peaceful assembly** of citizens.

These rights **can be restricted** but there are **no LGBT-specific restrictions**.

Section 37(e) of the Communications and Multimedia Act (1998) **prohibits publishing content** that is **not deemed to be in-line with public policy**. This has **included** depictions of **LGBT** people and issues.

FAMILY AND RELATIONSHIPS

Section 377A of the Malaysian Penal Code **criminalises 'carnal intercourse'**, with a penalty of **up to 20 years of imprisonment** and possible **whipping**.

State Sharia laws criminalise same-sex sexual acts with a penalty of fine, imprisonment and whipping.

A **marriage is void** if the parties are **not** respectively **male and female**, as provided by Section 69(d) of the Law Reform (Marriage and Divorce) Act (1976).

There is **no legal recognition of same-sex relationships**.

Laws do not currently **exist for same-sex couples to adopt children**.

EQUALITY AND EMPLOYMENT

There are **no laws prohibiting discrimination based on sexual orientation and/or gender identity**.

Article 8 of the Constitution protects the **right to equality before the law** for all citizens regardless of religion, race, descent, place of birth, or gender. **Sexual orientation and gender identity are not included in this list**.

GENDER IDENTITY

The **legal gender and name** of a person **cannot be changed** unless errors were made under Section 27 of the Births and Deaths Registration Act (1957) or Section 6(2)(o) of the National Registration Act (1959).

However, it was **decided in a recent High Court case** that a **person who had undergone gender reassignment surgery** be **declared a man** and that the National Registration Department amend the person's **identity card to reflect this change**.

IMMIGRATION

There is **no mention of same-sex partners in immigration laws**.

A VIEW FROM MALAYSIA

Pang Khee Taik is co-founder of Seksualiti Merdeka, a coalition of Malaysian non-governmental organisations and individuals, which ran an annual sexuality rights festival from 2008 until it was banned in 2011. The group now organises workshops, talks, retreats and a website called QUEER LAPIS. Seksualiti Merdeka aims to build capacity for LGBT activists while empowering LGBT people and allies to speak up for LGBT rights and participate in civil society.



How do Malaysian laws influence the everyday lives of LGBT people?

There are Malaysian laws governing the consensual sexual acts and behaviour and LGBT people. Islamic laws banning cross-dressing are used against Muslim trans people. Under these laws, trans people are often arrested and trans women have their hair shaved off, which can be very traumatic. There has also been an unprecedented number of raids conducted by the religious authorities at trans events since some groups challenged the cross-dressing laws in court.

Non-Muslim trans people are targeted under public decency acts, often for attending group events. A remaining British colonial law prohibits same-sex sexual activity, with a penalty of up to 20 years imprisonment and whipping. This has been used against the former deputy prime minister, who was accused of engaging in same-sex sexual activity. He served six years in prison before the conviction was overturned but is serving a second prison term under different sodomy charges, supposedly until June 2018. All of these laws make LGBT people vulnerable to blackmail and to physical and verbal abuse from family, strangers and authorities. They also make LGBT people vulnerable to losing their jobs and security and prevent them from being able to be themselves.

Are there groups within the LGBT community that are specifically vulnerable?

The trans community is targeted heavily. As the state continues to appeal to Islamic populist sentiments, there is an increased targeting of Muslim LGBT people, with media linked to the government outing LGBT activists and revealing events. Young LGBT people are also particularly vulnerable, especially if they live in smaller towns. They are often rejected by their families and are on their own.

A few new LGBT groups have emerged in the past two years, but there are still too few places that young LGBT people can claim for themselves. However, some private universities are supportive of LGBT students and encourage discussion on related topics. Other extremely marginalised groups are poor LGBT people as well as asylum seekers and undocumented migrants.

How do LGBT organisations work towards change in Malaysia?

It's difficult for organisations and individuals to work towards positive change. The concern is mostly one of security. People fear they will be arrested or fired from their jobs and often have to cancel awareness-raising events. However, the different parts of the social movement in Malaysia are very collaborative.

Often LGBT rights advocates are able to exercise influence through other human rights groups focusing on multi-layered issues, such as health and education. LGBT artists have also used art as a tool of expression to work towards change for LGBT people.

What can employers do to support their LGBT employees and help affect positive change?

Inside the workplace, organisations need to make sure that anti-discrimination policies don't only exist on paper but are also applied and followed through. Organisations should also make clear that employees' involvement in LGBT rights activism outside the workplace won't negatively affect them at work. Collaborating with LGBT and human rights groups can help organisations understand the local context and inform initiatives. However, these initiatives must go beyond the workplace.

Organisations should support LGBT people through working on multi-layered corporate social responsibility actions. They can collaborate with LGBT people and civil society at large and support them with events, arts or other activities. Encouraging unions to come in can also help to advance workplace equality for LGBT people in the entire country.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|--|---|

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

BP

Aligned with the Group's Diversity & Inclusion goals, BP in Malaysia developed and implemented a series of initiatives focused on challenging unconscious biases and being inclusive of all diversity strands, including sexual orientation and gender identity. The sessions educated employees on the value of inclusion and the importance of having conversations rather than making assumptions. The content of these initiatives matches BP's values and behaviours, and demonstrates BP's commitment towards diversity and inclusion in the workplace. The ask of employees is simple – 'It starts with you – and you can make a difference'.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

In 2017, a Pride event that was to take place in Kuala Lumpur was cancelled.



FIND LGBT GROUPS AND COMMUNITIES

Justice for Sisters – an organisation aiming to end violence and discrimination against trans women through providing resources, legal advice and raising funds to support trans women who face prosecution in Islamic law courts. www.justiceforsisters.wordpress.com

Leadership Program for Gays – a Kuala Lumpur-based network group for LGBT business people. www.groups.yahoo.com/neo/groups/LPG-community/info

Pink Triangle Foundation Malaysia – an organisation working on HIV/AIDS and sexuality issues by offering support, group seminars, care services related to HIV and sexuality, as well as operating a telephone counselling line. www.ptfmalaysia.org

PLUPenang – a support and community group for LGBT people in Penang State, providing a safe space and organising recreational events. www.plupenang.crystaldzi.com

Seksualiti Merdeka – a group providing a platform for LGBT human rights issues, working to empower Malaysians who have been marginalised for their sexual orientation and gender identity. www.facebook.com/Seksualiti-Merdeka-229317507083197/

Queer Lapis – an online community group for queer people and their allies. www.queerlapis.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 44 ORGANISATIONS OPERATING IN MALAYSIA.

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MEXICO



In the last 20 years, the manufacturing sector has become a leading aspect of Mexico's economy. The country has free trade agreements with 46 other nations and the country's economy is highly reliant upon trade. Home to over 121 million people, a total of 30 Stonewall Global Diversity Champions operate in Mexico.

THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Mexico is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution (1917) entails the rights to **freedom of expression and peaceful association and assembly** for legal purposes for every individual.

Any act intended to prevent the participation in associations, or any limits to the freedom of expression will be **considered a discriminatory act** (Article 9 of the Federal Law to Prevent and Eliminate Discrimination [2003]).

There is **no specific recognition** of these rights for **LGBT** people.

FAMILY AND SAME-SEX RELATIONSHIPS

There is **no law** or regulation which penalises or **criminalises sexual acts** between people of the same sex.

There is an **equal age of consent** for sexual acts regardless of sexual orientation.

Marriage between same-sex couples **is allowed** and regulated by the Civil Codes of **10 States**.

In 2005, the **Supreme Court** ruled that the Civil Codes of those States which say that marriage can only occur between a man and a woman, are unconstitutional. This **obliges every State to legally recognise marriage** between same-sex couples.

At a federal level civil partnerships are not recognised. At the state level, **six States** do **recognise same-sex registered partnerships**. Attached rights are similar to those of marriages, but not the same.

The adoption of children by same-sex couples is only regulated in three States. Notwithstanding, in 2011 the Supreme Court of Justice declared **constitutional** the **right** of same-sex married couples **to adopt**.

EQUALITY AND EMPLOYMENT

Article 1 of the Constitution **prohibits discrimination based on sexual orientation**.

Article 2, 5 and 56 of the Mexican Federal Labour Law (1970) **prohibit employment discrimination based on gender or sexual orientation**.

There is no prohibition of discrimination that makes explicit reference to gender identity but **trans people are protected** under the general anti-discrimination provision.

Under the Criminal Code of Mexico City (2002), **hate crimes committed based on sexual orientation and/or gender identity are considered an aggravating circumstance**.

Under the Federal Criminal Code, **those who deny** the provision of a **service, deny or restrict labour and/or educational rights due to reasons of sexual preference** are **punished with imprisonment or community work and a fine**. The penalty is increased if the individual committing the crime is a public officer or if there is an existing labour relationship with the victim.

GENDER IDENTITY

On a **federal level, no gender recognition** exists.

Article 135 Bis (2008) of the Civil Code of **Mexico City** (1928) is the **only** legal provision **regulating gender recognition** in Mexico.

This means that only **trans people** with a birth certificate issued in **Mexico City** can officially **change their legal gender**.

The person must be 18 years of age and present the change request before the Registry Office of Mexico City. **No surgical intervention or medical diagnosis** is needed.

IMMIGRATION

Pursuant to Article 55 (2014) of the Immigration Law (2011), **dependent visas are available to partners of people working** in the country. The applicable legal framework does **not specify if these are available for same-sex partners**.

A VIEW FROM MEXICO

César Cassas Ferrer is President and Founder of the Federación Mexicana de Empresarios LGBT (Mexican Federation of LGBT Business). The organisation seeks to promote economic growth enterprises, businesspeople and entrepreneurs that are either LGBT or LGBT-inclusive.



What are some of the remaining legal challenges for LGBT people in Mexico?

A lot of progress has been made for the legal equality of LGBT people in Mexico. However, more needs to be done for full legal equality. For example, equal marriage exists but not on a national level.

In May 2016, the President of Mexico, Enrique Peña Nieto, proposed to change the Constitution and national civil code to legalise same-sex marriage. This followed a ruling by the Supreme Court stating that it was unconstitutional for states to bar same-sex couples from getting married. However, no tangible actions have yet followed the President's announcement. It is worrying that some religious groups are now protesting with the aim of limiting the rights of LGBT people.

What is the lived situation for LGBT people in Mexico?

The lived reality for lesbian, gay and bi people differs greatly in different parts of Mexico. In Mexico City and some other big cities there is a higher level of acceptance and there are many LGBT community spaces and events. However, in smaller cities people are often less familiar with and less educated about LGBT issues, which makes it harder for LGBT people to come out. Even though laws exist to protect LGBT people, these are not always applied consistently in rural areas.

Trans people face high levels of discrimination throughout the country. Violent hate crimes are regularly committed against trans people, and often end in murder. Many trans people are also expelled from their family homes at a young age, cannot complete school and face severe barriers when trying to access the job market.

What are the barriers LGBT people face in the workplace?

Again, this will depend very much on whether the individual works in a big or small city. Smaller towns are often less accepting and many LGBT people hide their sexual orientation and gender identity because they fear that it will be detrimental to their career.

The workplace also differs for LGBT people depending on whether they work for a multinational organisation or local employer. Many multinational organisations have diversity and inclusion initiatives that promote LGBT equality in the workplace. When such initiatives are absent, LGBT employees may not dare to be out to their colleagues and employers.

What can employers do to support their LGBT employees and the LGBT movement in Mexico?

Employers should audit their policies and benefits and make sure that these are inclusive of LGBT people. For example, harassment of and discrimination against LGBT employees should be expressly banned. Benefits, such as parental leave, should be available regardless of the gender of the employee or their partner. Businesses can also engage their employees through LGBT and allies network groups.

Employers should engage with LGBT organisations to learn from their expertise and to offer support. Through engaging with other businesses, employers can drive best practice in LGBT diversity and inclusion throughout the country.



PRACTICAL APPROACHES TO LGBT INCLUSION

THE FOUNDATIONS

There are several steps that employers should be taking to create a workplace environment that is respectful and supports equality for their LGBT employees in Mexico:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce an explicitly LGBT-inclusive anti-discrimination / bullying and harassment policy**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote an LGBT inclusion and equality commitment**

Baker & McKenzie

Baker & McKenzie's anti-discrimination policy in Mexico bans discrimination based on sexual orientation and gender identity. The policy applies during recruitment as well as the full employment cycle. In 2012, all employee benefits were extended to cover same-sex couples. Since then, partners of employees receive the benefits regardless of sexual orientation. Baker & McKenzie's Diversity and Inclusion Committee works to promote an open-minded culture where every LGBT employee feels welcomed. As part of the Committee's work, all employees were encouraged to participate in unconscious bias training. The training aimed to stop biased behaviour against LGBT people and other marginalised groups inside and outside the workplace.

NEXT STEPS

The best employers should be looking at how they can build on their inclusive policies and practices to initiate a culture shift with tangible benefits for LGBT staff, for example:

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

IBM

More than 30 years ago, IBM included sexual orientation as part of its Equal Opportunity policy and included gender identity and expression in 2002. In Mexico, IBM has provided equal partner benefits to its employees in same-sex relationships since 2004.

IBM Mexico engages its LGBT employees through a business resource group (BRG), EAGLE. The BRG conducts specific events to recruit straight allies and conducts straight ally certification training. As an example, IBM offers facilitated sessions on LGBT inclusion to help non-LGBT employees better understand issues their LGBT colleagues face in the workplace. EAGLE also runs a reverse mentoring program, in which LGBT employees act as mentors and line managers as mentees. IBM Mexico's leadership team participates in unconscious bias training. Each June is LGBT Pride month at IBM Mexico, during which a series of awareness-raising events are organised. The LGBT network supports these events, for instance by providing rainbow ally and LGBT lanyards for employees to wear in the offices.

IBM Mexico is a founding member of the Mexican National Lesbian and Gay Chamber of Commerce and works actively with this organisation to secure supplier diversity and to share best practices with clients and business partners. IBM is also a founding member of PRIDE CONNECTION, a group that aims to share LGBT-inclusion practices among member companies and hosts networking events for our employees.

USEFUL RESOURCES LGBT ORGANISATIONS AND INITIATIVES IN MEXICO

Centro Apoyo Identidad de Trans (Support Centre for Trans Identity) is an organisation based in Mexico City which advances the interests of trans people across the country. The group seeks to influence policy and defend the human rights of trans people, especially in the areas of health, employment and social justice. centroapoyoidentidadestrans.blogspot.com

Centro Comunitario de Atención a la Diversidad Sexual (Community Centre for Sexual Diversity) is a community centre in Mexico City, promoting the rights of LGBT people. facebook.com/centro.comunitario.lgbt

Familias por la Diversidad (Families for Diversity) is an organisation that aims to provide support to LGBT families. The group offers counselling, awareness-raising seminars and regularly marches at Pride events across Mexico. familiasporladiversidad.org

Federación Mexicana de Empresarios LGBT (Mexican Federation of LGBT Employers) is an organisation that seeks to promote economic growth enterprises, businesspeople and entrepreneurs that are either LGBT or LGBT-inclusive. fmeigbt.mx

LGBT Confex is a group that promotes investment in LGBT businesses and talent and highlights the social capital which may be gained through diverse workforces. lgbtconfex.com

Matrimonios LGBT is a Mexican agency which specialises in same-sex marriage. As well as providing comprehensive legal advice, the group facilitates and expedites the process of marriage by assisting with paperwork and financial planning. matrimonioslgbt.com

STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 30 ORGANISATIONS OPERATING IN MEXICO.

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Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of October 2016. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts.

Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)



NIGERIA



Population: 190+ million people



Stonewall Global Diversity Champions: 18



THE LEGAL LANDSCAPE

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Nigeria is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY	FAMILY AND SAME-SEX RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Sections 39 and 40 of the Constitution generally protect the rights to freedom of expression, association and assembly.</p> <p>However, the Same Sex Marriage (Prohibition) Act 2013 (the 'Same Sex Marriage Act') restricts these rights for LGBT people.</p> <p>Section 4 and 5 of the Same Sex Marriage Act criminalise the running of, or participation in 'gay clubs, societies and organisations' with a penalty of 10 years' imprisonment.</p> <p>Sections 4 and 5 also criminalise the direct and indirect public display of same-sex relationships with a penalty of 10 years' imprisonment.</p>	<p>Sexual acts, relationships and spouse cohabitation between people of the same sex are criminalised under several laws and punishable with up to 14 years' imprisonment.</p> <p>Same-sex marriage is prohibited under Sections 1, 2 and 3 of the Same Sex Marriage Act.</p> <p>The Same Sex Marriage Act also criminalises the entry into same-sex marriage contracts or civil unions with a penalty of 14 years' imprisonment.</p> <p>'Same sex marriage' is defined in the Same Sex Marriage Act as 'the coming together of persons of the same sex with the purpose of living together as husband and wife' or for other purposes of same-sex sexual relationships; while 'Civil Union' is defined as any arrangement between persons of the same sex to live together as 'sex partners' and includes a list of different partnership arrangements.</p> <p>Same-sex marriage and civil union certificates issued in other countries are invalid in Nigeria under Sections 1 and 2 of the Same Sex Marriage Act.</p> <p>Same-sex couples have no legal right to adopt children jointly or through second parent adoption as the submission of a marriage certificate or sworn declaration of marriage is a requirement for adoption under Section 126 of the Child's Rights Act 2003 and such certificates are invalid if issued to same-sex couples.</p>	<p>There is no specific law which expressly prohibits discrimination in employment based on sexual orientation and/or gender identity.</p> <p>Section 17 of the Constitution states that every citizen is equal before the law, but it does not explicitly refer to sexual orientation and gender identity. This Section of the Constitution is not justiciable and therefore cannot be used for an action in court.</p>	<p>There is no law which permits trans people to change their legal gender or name.</p> <p>Being trans is criminalised in the state of Bauchi under Section 405 of the Bauchi Penal Code.</p>	<p>Dependant visas are available to partners of people working in Nigeria, but it is not specified whether this applies to same-sex couples under Section 20(4)(d) of the Nigerian Immigration Act 2015 and Section 13 of the Immigration Regulations 2017.</p> <p>As same-sex marriages and unions are prohibited it is unlikely that dependent visas would be granted to same-sex partners.</p>



A VIEW FROM NIGERIA

Olumide Femi Makanjuola, of The Initiative for Equal Rights, and **Bisi Alimi**, of the Bisi Alimi Foundation, spoke to Stonewall to tell us about the situation for LGBT people in Nigeria.

The Initiative for Equal Rights (TIERs) works to protect and promote the human rights of sexual minorities nationally and regionally. TIER's work focuses on education, empowerment and engagement with the many communities in Nigeria.

The Bisi Alimi Foundation advocates for the rights and dignity of LGBT people in Nigeria by addressing public opinion and accelerating social acceptance. The Foundation works to achieve its goals through research, legal and media training and campaigns, as well as through work with employers in Nigeria.



Everyday life

Bisi: Sex between men was first criminalised by the British colonial criminal code. The law still exists today. In 2013 the Same Sex Marriage Prohibition Act (SSMPA) was introduced, which further criminalises LGBT people. Not only is the law applied in practice and people are prosecuted, but the general public are also unsure about what it actually entails. LGBT people have been evicted from their homes because landlords were unsure what the law meant and didn't want to go to jail. The law also sends a message that discrimination against LGBT people is acceptable. As soon as people find out someone is LGBT, that person can lose their home, their job, face violence and harassment and may be rejected by family and friends. Most LGBT people will hide their sexual orientation and gender identity to remain safe, but this has a negative impact on their mental health and well-being.

Olumide: Two of the biggest issues LGBT people in Nigeria face is a lack of acceptance and concerns over physical safety. People who fight the battle for greater acceptance towards LGBT people need to worry about their safety especially. Many LGBT people are worried about coming out. Even in cases where family, friends or colleagues are accepting, people will have to worry about attacks on the street or elsewhere. Levels of acceptance and safety will, however, also be influenced based on where in the country the person lives, their class and social status. Nigeria has several regional and national laws criminalising same-sex relationships. While some are not used to prosecute people, others are. However, even where laws are not implemented, they have an impact on the safety and wellbeing of LGBT people.

LGBT groups

Bisi: The SSMPA prohibits the registration of 'gay' clubs, societies and organisations. This means that LGBT groups cannot register as such. However, some organisations registered as human rights, women's or health organisations do focus on issues affecting LGBT people, such as HIV prevention and treatment and other service provisions. Community-based groups also exist for peer support. Businesses can support human rights groups by linking up with them, donating or offering office spaces for meetings.

Olumide: In the past, much of the focus of activism has been on HIV prevention. However, this is now changing, and the focus of activism has shifted beyond just that. Work is being done that focuses on human rights, litigation, policy changes, education, popular culture and shifting the narrative in the country. This holistic approach is needed to change laws and practices as well as heart and minds. In some areas, we have seen some positive progress. For example, we're starting to see more visibility of LGBT people in the media. Of course, while it's still mostly negative narratives being told, this has slowly been changing in the past years and some positive narratives are emerging due to hard work of the activist communities. In general, much of the LGBT rights work is being done under the disguise of health and human rights so as to not break the law and fear arrest. Nevertheless, activists are putting their lives on the line due to their visibility and work, but this activism is desperately needed to change the status quo.

Workplace

Bisi: If a person is perceived to be LGBT, they'll be unable to find a job or will be fired. This has happened even in global organisations with a global commitment to diversity, inclusion and LGBT equality. As a result, LGBT people hide their sexual orientation and gender identity at work, which can have a very negative impact on their well-being and work performance. Not only do they need to hide a part of themselves, but they'll also hear colleagues making general homophobic, biphobic and transphobic comments. However, employers can and should do a lot to support LGBT employees and groups in Nigeria. Introducing policies that prohibit discrimination against LGBT people goes a long way. Staff then need culturally sensitive diversity and inclusion training to bring these policies to life. For example, the Bisi Alimi Foundation offered free training in Lagos in 2017 and further training sessions are planned.

Olumide: Whether and how supported LGBT people feel in the workplace will often depend on factors such as if someone works in a multinational or a local business, as well as what their rank is within the organisation. For most LGBT people it will be safer to hide their sexual orientation or gender identity at work. Even if the business itself has a commitment not to discriminate against LGBT people, LGBT employees will fear harassment from their colleagues. LGBT inclusive anti-discrimination policies are key in ensuring that the workplace is safe for LGBT people. However, these policies need to be well implemented too. Staff need to know that these policies exist, why they exist and how complaints can be reported. Businesses also need to understand that it makes business sense to support their LGBT staff, as LGBT employees will perform better when they feel safe at work. They have a role to play in talking about the cost of homophobia, biphobia and transphobia and how this affects businesses. We also have to think beyond multinational businesses. If multinational organisations require their suppliers and service providers to have LGBT-inclusive policies and practices in place, this will have a positive impact on local businesses too.

Healthcare

Bisi: Accessing healthcare is difficult for many Nigerians, but LGBT people face additional barriers. Many LGBT people feel unsafe accessing healthcare because they fear discrimination from nurses and doctors. LGBT people may also encounter staff who are poorly prepared to attend to their needs and to whom it may be unsafe to disclose personal details. Again, the SSMPA adds an additional worry that doctors and nurses may report the person to the police. However, there are groups offering healthcare services to LGBT people, mostly focusing on HIV and AIDS work.

Olumide: As most LGBT don't feel safe disclosing their sexual orientation or gender identities to their doctor, they often don't receive the care and services they need. This is the case even within the private healthcare system. There's a huge amount of work to be done in order to change hearts and minds within the healthcare system.

LGBT INCLUSION IN THE WORKPLACE

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

- ✓ **Consult LGBT and human rights organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Carry out or sign up to diversity training for staff, especially HR staff, managers and leaders**
- ✓ **Build a global LGBT employee network group**
- ✓ **Enable LGBT employees to remotely and anonymously access the global LGBT network**
- ✓ **Support local LGBT groups to advance LGBT equality beyond the workplace**

Multinational businesses may send their staff on overseas assignments to Nigeria. Here, it is vital that employers have policies and practices in place to support LGBT people ahead of and during their work travel. Employers should take the following steps:

- ✓ **Have relocation policies in place that address additional considerations for LGBT staff and set out how such issues are to be handled by managers**
- ✓ **When sending employees on a posting to Nigeria, make sure to provide them with information on the legal and cultural situation for LGBT people in the country, and a realistic overview of how your organisation can support LGBT employees during the posting**
- ✓ **Make sure LGBT employees do not suffer a career detriment if they decide not to accept the assignment due to their sexual orientation or gender identity, by providing equivalent alternatives**
- ✓ **Take steps to avoid outing of LGBT employees in Nigeria; this may include change of email address and social media security training**
- ✓ **Have strong security mechanisms in place, digital and otherwise, to ensure confidential access to global employee support mechanisms. For example, this may include confidential membership lists and privately marked calendar invitations**
- ✓ **Have an emergency evacuation procedure in place that explicitly takes into consideration sexual orientation and gender identity**

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



LEARN FROM STONEMALL'S GLOBAL DIVERSITY CHAMPIONS

Baker McKenzie

Baker McKenzie is committed to LGBT equality and employ a 'not neutral' stance on LGBT issues globally. Holding true to this stance, the firm has supported the Bisi Alimi Foundation to accelerate social acceptance of LGBT people in Nigeria. Baker McKenzie provided pro bono legal work to help set up the Foundation and has hosted a range of their events. In 2017, the Bisi Alimi Foundation brought together businesses at Baker McKenzie in London to discuss LGBT workplace inclusion in Nigeria. At the event, Partner Harry Small delivered a presentation on the legal situation for LGBT people in Nigeria. Baker McKenzie also provide pro bono legal work to help local activists defend LGBT people in court.



GET INVOLVED



FIND GROUPS AND COMMUNITIES

The Initiative for Equal Rights (TIERS) – an organisation working to protect and promote the human rights of sexual minorities nationally and regionally. TIERS focuses on advocacy as well as providing a range of services, including legal, psychological and educational services and leadership development programmes. www.theinitiativeforequalrights.org

Women's Health and Equal Rights Initiative (WHER) – a group working to advance and promote the well-being and equal rights of sexual minority women in Nigeria. WHER offer a range of health and other support services. www.whernigeria.org

International Centre for Advocacy on Rights to Health (ICARH) – a group focusing on the rights of sexual minorities and people living with HIV/AIDS in Nigeria, through research, analysis, training, awareness-campaign development and advocacy. ICARH also runs a health clinic. www.icarh-ng.org

Advocacy for Justice and Equality Nigeria – a community group providing access to human rights and sexual reproductive health services for sexual minorities in Nigeria through public education, service delivery, advocacy and stakeholder engagement. www.facebook.com/Advocacy-for-Justice-and-Equality-Nigeria-AJEN-1740475159534029/

The Bisi Alimi Foundation – a diaspora group based in London, advocating for the rights and dignity of LGBT people in Nigeria by addressing public opinion and accelerating social acceptance. The Foundation works to achieve its goals through research, legal and media training and campaigns, as well as through work with employers in Nigeria. www.bisialimifoundation.org



GET LOCAL UPDATES

Where love is a crime – a website that provides information on the criminalisation of same-sex relationships at the federal and state level, as well as the development of the LGBTI movement in Nigeria. www.whereloveisacrime.org



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 18 ORGANISATIONS OPERATING IN NIGERIA.

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

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

POLAND



Population: 38+ million people

THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations. Please note, the zoning system is currently defined only by laws relating to sexual orientation.

Poland is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution protects the **rights to freedom of expression, association and assembly** under Articles 54, 57 and 58.

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

FAMILY AND SAME-SEX RELATIONSHIPS

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

There is an **equal age of consent** of 15 years for sexual acts regardless of gender under Article 200 of the Polish Penal Code.

Same-sex marriage is **not legal** and marriage is defined as a union between a man and a woman under Article 18 of the Polish Constitution and Article 1 of the Polish Family and Guardianship Code.

Same-sex relationships are **not** otherwise **recognised by law**.

Same-sex couples have **no legal right to adopt children** jointly or through second parent adoption under Section II of the Polish Family and Guardianship Code.

EQUALITY AND EMPLOYMENT

Article 32 of the Constitution states that **everyone is equal before the law** and provides for **equal treatment and non-discrimination**. However, it **does not explicitly refer to sexual orientation and gender identity**.

Employment discrimination based on sexual orientation is prohibited under Articles 11³ and 183^a of the Labour Code.

There is **no legislation** explicitly **protecting trans people from discrimination**.

Employment services provided by the **state**, such as career counselling and job intermediation, should **follow the principle of equality** under Articles 36 and 38 of the Act on Promotion of Employment and Labour Market Institutions. This means **it is prohibited to create discriminatory requirements (on the grounds of sexual orientation, but not explicitly including gender identity)** regarding access to these employment services.

Hate crimes based on sexual orientation or gender identity are **not** expressly **considered aggravating circumstances** in sentencing.

GENDER IDENTITY

There is **no clear law** providing for **legal gender change**.

Court practice establishes that **trans people can change** their name and **legal gender** through a court ruling.

All legal documents can be amended to show gender as 'male' or 'female', except for extended birth certificates, which can only be annotated.

In order **to obtain** such a **court ruling**, the person needs to **file a lawsuit against** their **parents** under Article 189 of the Polish Code of Civil Procedure. Additionally, the **person cannot be married**.

The **court ruling can be used** as a legal ground for justifying **legal name change** when filing an application for name change to the Head of the Registry Office.

There is **no legal gender marker** option **other than 'male' or 'female'**.

IMMIGRATION

There are **no legal provisions** that specifically **support immigration of same-sex partners**.

As same-sex relationships are not recognised by law (as non-marriage relationships in general), **same-sex partners cannot obtain a dependant visa**.



A VIEW FROM POLAND

Stonewall spoke to Franciszka Sady, Program Coordinator at **Campaign Against Homophobia** (KPH) and Magdalena Świder, Trainer and Consultant at **Diversity Drill**, about the situation for LGBTQ+ people in Poland.



Campaign Against Homophobia (KPH) works nationwide to prevent violence and discrimination against LGBTQ+ people through advocacy work and the implementation of educational programmes for various professional groups.

Everyday life

The political climate in Poland makes life very challenging for LGBTQ+ people. The anti- LGBTQ+ rhetoric from the ruling party, the shrinking space for non-governmental organisations, and the public voices of right wing and religious fundamental groups all have an impact on daily life for the community.

For example, these groups were behind the 'LGBT-free zones' which have appeared across the country.

In general, life is easier for LGBTQ+ people in cities than it is in more rural areas. However, many homophobic, biphobic and transphobic hate crimes are still committed across the country. As Poland's hate crime legislation does not recognise crimes based on sexual orientation and gender identity, the police and judges are often unable to adequately deal with instances of violence. General awareness and public support of LGBTQ+ issues is slowly growing, but at the same time there is consistent negative representation of LGBTQ+ people across state-owned media, right wing private media and from institutions with a wide influence.

Since the situation for the LGBTQ+ community in Poland has become more well-known, there are service providers and businesses that are starting to support us more actively, and people are mobilised to act. Recently there has been more visibility of trans and non-binary people in the media, and LGBTQ+ organisations are also trying to increase the visibility of bi communities. Social media is one of the strongest forms of community for young people, and this is definitely helping to raise awareness of LGBTQ+ issues.

LGBTQ+ groups and advocacy

Since 2018, LGBTQ+ groups and the LGBTQ+ community in general have become much more visible in Poland. This has been demonstrated through a large increase in the number of annual Pride events that take place across the country which has grown from 5 to around 30. LGBTQ+ advocacy really is a grassroots movement, and local organisations across different cities are working together and taking to the streets. There is clearly energy and frustration, and people want to do something about it.

We have also seen great collaboration across LGBTQ+ groups and different rights challenges, for example the women's rights movement. In terms of funding, some large LGBTQ+ organisations are receiving donations and external support thanks to the awareness of the current situation in Poland. At KPH, for example, we are then distributing this funding to smaller organisations across the country. Unfortunately, we don't have any expectations of legal protections and recognition for the LGBTQ+ community changing soon, but our main focus is to ensure that the situation doesn't get any worse.

Healthcare

The majority of people are covered by state health insurance. However, the healthcare available is not particularly inclusive of LGBTQ+ people. The university curriculum for health professionals usually doesn't cover LGBTQ+ topics. While some NGOs are working on further educating health professionals in this regard, many doctors don't know about health issues specific to sexual orientation and gender identity. They tend to assume all their patients are straight and cisgender.

There is a particular lack of expertise and services in regard to trans issues. Many trans people have to resort to self-medicating. Gender reassignment surgeries also have to be covered financially by the individual. Confidence among the community in reporting misconduct or discrimination in healthcare settings is increasing, which is helping to drive positive change.

Workplace

LGBTQ+ people often face discrimination in the workplace including jokes, inappropriate language and being excluded from social events, among other things. Because of this, many LGBTQ+ people hide their sexual orientation and gender identity at work, often with a negative effect on their mental health. However, since 2018, perhaps due to more awareness of the situation for LGBTQ+ people in Poland, there has been a large increase in businesses reaching out to LGBTQ+ organisations to offer fundraising support, donations, and to ask for advice on building safer and more inclusive workplace environments.

In the past, businesses haven't wanted to work directly with LGBTQ+ organisations, but this is definitely changing. Local Polish businesses as well as larger international corporations are understanding their responsibility in supporting the community and influencing in the public sphere. The key action businesses can take is to reach out to a local LGBTQ+ group and come up with a solution which has mutual benefit and creates real change. For example, the LGBTQ+ group might be able to support with internal training, and the business could participate in Pride events and provide funding to help their important work continue.

LGBTQ+ INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBTQ+ workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBTQ+ inclusion work across the globe.

The Index evaluates an organisation's performance across key areas of employment policy and practice. In line with these areas, in Poland, employers can work to:

1. Implement LGBTQ+-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBTQ+ employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBTQ+ inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBTQ+ employees.
6. Evaluate your **procurement** practices to ensure LGBTQ+ inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBTQ+ groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Poland with adequate, LGBTQ+-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Credit Suisse

Credit Suisse sets the foundation for an equal and inclusive workplace by referring explicitly to sexual orientation and gender identity in its anti-discrimination policies and Code of Conduct. To foster an understanding of the importance of equality for all, employees are required to take an annual e-learning module on diversity and inclusion. In 2015, Credit Suisse extended its successful LGBT+ Ally programme to Poland. Over 400 LGBT+ allies across both offices in Poland have since pledged their commitment to advancing equality for LGBT+ people at work. Since 2014, an internal LGBT+ network group has driven inclusion and equality for LGBT+ staff across the Polish organisation. The group organizes trainings, personal story sharing meetings, and celebrations for major events for LGBT+ people such as Pride, IDAHOBIT and Coming Out Day. In 2016, Credit Suisse Poland was the first global company to officially attend the Wrocław Pride event, and they have since inspired and encouraged other companies to join the annual march. In 2019, Credit Suisse introduced a global campaign for Pride, with senior management encouraging others to sign up as LGBT+ Allies. This substantially increased the number of allies in Poland from around 200 to the current 400. In response to the extended harassment and discrimination currently faced by the LGBT+ community in Poland, Credit Suisse Poland responded with additional sessions for management across all seniority levels about the importance of being an LGBT+ ally. This ran alongside additional internal communications about inclusion and support for LGBT+ employees, including the 'Wall of Fame' initiative where global allies provide their picture with encouraging slogans, and additional sessions with psychologists for employees in need.

Procter & Gamble

P&G started its LGBTQ+ inclusion journey in 1992, when it added sexual orientation to the Equal Employment Opportunity Statement. P&G Central Europe joined the movement in 2015 and formed the GABLE network (lesbian, gay, bisexual, transgender, queer and ally employees). In addition to ensuring equal treatment in policies, career opportunities and benefits for LGBTQ+ employees, the network holds training sessions, empowers others to become allies, and issues a quarterly newsletter on relevant events and resources. In 2019 more than 200 employees joined the Warsaw Pride parade with their family members. Covid-19 didn't stop these efforts, as initiatives became virtual and even more accessible, with over 300 employees joining the virtual 'Can't Cancel Pride'. The network measures its effectiveness with an annual survey. In 2021, 96% of P&G Poland LGBTQ+ employees reported they feel accepted at their workplace and 80% are out to their colleagues. Its leadership team demonstrates the values of diversity, contributing to our wider company values and helping to build a world free of bias. GABLE network was externally awarded with 'Excellence in Belonging' in the Central European region by We Are Open foundation in 2020. With recent events in Poland, GABLE's mission to create a LGBTQ+ inclusive culture within the company is more important than ever.



GET INVOLVED



THE ANNUAL LGBTQ+ CALENDAR

May - Queer May Festival. www.queerowymaj.org/festiwal-queerowy-maj

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

June - Warsaw Equality Parade. www.paradarownosci.eu

June - Poznan Pride Week. www.grupa-stonewall.pl/poznan-pride-week



FIND LGBTQ+ GROUPS AND COMMUNITIES

Campaign Against Homophobia (KPH / Kampania Przeciw Homofobii)

- a nationwide organisation working to prevent violence and discrimination against LGBT people through advocacy work and educational programmes for various professional groups. www.kph.org.pl

Polish Society of Anti-Discrimination Law (Polskie Towarzystwo Prawa Antydyskryminacyjnego)

- a group of Polish law practitioners, policy experts, NGOs and academics interested in promoting and improving anti-discrimination legislation. The society carries out litigation and provides legal guidance, education and monitoring of the state's performance.

www.ptpa.org.pl

The Stonewall Group (Grupa Stonewall)

- an LGBT organisation operating in greater Poland and focusing on education as well as services for the LGBT community. www.grupa-stonewall.pl

Trans-Fuzja Foundation (Fundacja Trans-Fuzja)

- a trans equality organisation focusing on research, education, counselling and assistance for trans people. www.transfuzja.org

Lambda Warszawa - the longest operating LGBT organization in Poland providing support to LGBT individuals. www.lambdawarszawa.org

Kultura Równości (The Culture of Equality) - an LGBT organisation operating in Wrocław focused on community building, events and providing support for LGBT persons in the Lower Silesia region. www.kulturarownosci.org

My, Rodzice (Us, Parents) - A nationwide group for parents of LGBT people and their supporters, focused on educational programmes, workshops and individual support and guidance for parents of LGBT people and their families. www.myrodzice.org

Tolerado - an LGBT organization based in Gdańsk focusing on individual support and guidance for LGBT people and their families through workshops, support groups, events and panels. www.tolerado.org

Queerowy Maj (Queer May) - an LGBT organization based in Kraków focusing on educational and cultural events such as the Equality Parade in Kraków and Queer May festival. www.queerowymaj.org

Fundacja Interakcja (InterAction Foundation) - an Intersex organization working to educate on intersex issues, provide guidance and support for intersex people and their parents. www.interakcja.org.pl



GET LOCAL LGBTQ+ UPDATES

Queer.pl - an online news portal for the LGBT community in Poland. www.queer.pl



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH A RANGE OF ORGANISATIONS OPERATING IN POLAND.

The Global Diversity Champions programme gives employers the tools they need to take a strategic and structured approach to LGBTQ+ equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offers tailored one-to-one advice on how to create LGBTQ+ -inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBTQ+ inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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Legal Partner



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Our use of the acronym LGBTQ+ may differ across our interviews with civil society and case studies from employers as we seek to reflect the language that they use to represent their communities. Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of March 2021. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts. Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

QATAR



Population: 2.3 million



Stonewall Global Diversity Champions: 46



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Qatar is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

To help put this into context, it is important to note that two further zones exist:

In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY	FAMILY AND RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Articles 44, 45 and 47 of the Qatar Constitution protect the rights to freedom of assembly, association and expression.</p> <p>However, as sexual acts between people of the same sex are illegal under Article 296(3) of the Penal Code, any act promoting same-sex relationships, including assemblies, publications or associations would be considered to be promoting a criminal offence and would therefore be prohibited.</p> <p>Section 47 of the 1979 Press and Publications Law bans publication that is “deemed contrary to the ethics, violates the morals or harms the dignity of the people or their personal freedoms”. This may be used to censor LGBT-related content.</p>	<p>Sexual acts between people of the same sex are illegal according to the Articles 296 (3) and 285 of the Penal Code. Punishments include imprisonment for between one and five years.</p> <p>Qatar also runs Sharia courts, where technically it is possible that Muslim men could be face the death penalty for same-sex sexual activity.</p> <p>Same-sex marriage is not legal under Article 9 of Law No.22 of 2006 (the “Family Law).</p> <p>Under Qatari law there is no adoption, however, there is the institute of guardianship. Any person in a same-sex couple is considered to be unfit to be a guardian under Article 169 of Law No.22 of 2006 (the “Family Law).</p>	<p>Employment discrimination based on sexual orientation and gender identity is not prohibited.</p> <p>Hate crimes based on sexual orientation and gender identity are not considered an aggravating circumstance in sentencing.</p>	<p>Trans people cannot change their legal gender.</p> <p>Qatari nationals may legally change their name by applying to a Committee at the Ministry of Justice with a brief explanation of the reason for the change.</p> <p>While there are instances in which names have been registered that are typically associated with a gender that is different to the one assigned at birth, if the requested name change had religious significance it is likely that authorities would refuse to register it on public order grounds.</p>	<p>There are no legal provisions that specifically support immigration of same-sex partners.</p> <p>Article 25 of the Law no 21 of 2015 (the “Sponsorship Law”) gives the Minister power to order for the expatriate to leave the country on moral grounds. Based on this law, the government can prevent LGBT people from entering or deport LGBT people from Qatar on the grounds of their sexual orientation and gender identity.</p>

CONTEXT

Given the restrictive legislative framework in Qatar in relation to sexual orientation and gender identity, any LGBT-related activities in the region should be approached with caution. The safety and security of LGBT staff should be paramount at all times.

The **Global Workplace Briefing** series seeks to give employers the tools they need to create more equal and inclusive workplaces for their LGBT employees. To inform the content of the briefings and to understand the situation for LGBT people in different countries, Stonewall always consults with local LGBT groups.

In these briefings we usually provide an overview of the context based on the views of a local LGBT civil society organisation willing to be quoted publicly. Unfortunately, due to the restrictive context in Qatar, Stonewall was unable to effectively consult with local LGBT groups for this briefing.

In the absence of a locally informed perspective, the guidance in this briefing is limited. Nonetheless, this briefing provides employers with tools to support international LGBT staff working in Qatar.

INTERNATIONAL INSIGHT INTO HUMAN RIGHTS IN QATAR

Amnesty International, in its 2017/18 report on the state of the world's human rights, summarised the general human rights situation in Qatar:

"Severance of relations with Qatar by several of its regional neighbours imposed arbitrary restrictions on Qatar that resulted in human rights violations. The government continued to unduly restrict freedom of expression. Steps were taken to improve access to compensation for abused migrant workers. The government committed to revise its laws and reform the sponsorship system, as part of an agreement with the International Labour Organisation. After years of delays, migrant domestic workers' labour rights were protected for the first time, though the new law contained flaws. Discrimination against women remained entrenched in both law and practice. The courts imposed death sentences; no executions were reported." *Amnesty International, Amnesty International Report 2017/18: The State of the World's Human Rights*

ILGA World, in its 2019 State Sponsored Homophobia Report, also addressed the situation for LGBT people in Qatar:

"In addition to the penal provisions, Qatar also runs Sharia courts, where technically it is possible that Muslim men could be put to death for same-sex sexual behaviours. However, it does not appear that any person has been executed for this reason or at all. Nevertheless, the 'chill factor' of these provisions are covered by UNHCR guidance of 2002 that explains norms that do not confirm with international human rights law can be seen to be persecutory "per se". The offence of "Zina" renders any sexual act by a married person outside of marriage punishable by death, while sexual acts by non-married persons are punishable by flogging – both are offences, no matter if they were same-sex or different-sex." *International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, State-Sponsored Homophobia 2019 (Geneva; ILGA, March 2019)*

During its third cycle of the Universal Periodic Review, the process in which a country's human rights record is reviewed by all UN member states, Qatar received a number of recommendations on LGBT rights:

- France recommended that Qatar guarantees the rights of LGBTI individuals.
- Australia recommended that Qatar develops and implements anti-discrimination laws and government policies to address discrimination, particularly against LGBTI individuals.
- Iceland recommended that Qatar decriminalises consensual same-sex acts and promote and protect the human rights of LGBTI individuals.




United Nations Human Rights Council, Report of the Working Group on the Universal Periodic Review: Qatar

LGBT INCLUSION IN THE WORKPLACE

Despite a challenging context for LGBT people in Qatar, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees. However, LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in Qatar and any decisions made about LGBT workplace related activities should be done in full consideration of this particular context. The safety and security of LGBT staff, both from Qatar and elsewhere, should be paramount at all times and will require careful consideration.

CREATING GLOBAL STRUCTURES

It is important that multinational employers work to create a strong global LGBT diversity and inclusion framework. Global policies and structures send a signal to LGBT employees that their needs are taken seriously wherever they are or when they travel for work. Employers should work to:

-  **Introduce global anti-discrimination and anti-bullying and harassment policies that are explicitly inclusive of sexual orientation and gender identity**
-  **Appoint a global senior champion who addresses the importance of LGBT equality globally**
-  **Build a global LGBT employee network group and a global allies programme**
-  **Have a global diversity and inclusion team or position in place whose remit covers sexual orientation and gender identity**

SUPPORTING MOBILE STAFF

Multinational businesses may send their staff on overseas assignments to Qatar. It is vital that employers have policies and practices in place to support LGBT people ahead of and during their work travel. Employers should take the following steps:

-  **Have relocation policies in place that address additional considerations for LGBT staff and set out how such issues are to be handled by managers**
-  **When sending employees on a posting to Qatar, make sure to provide them with information on the legal and cultural situation for LGBT people in the country, and a realistic overview of how your organisation can support LGBT employees during the posting**
-  **Make sure LGBT employees do not suffer a career detriment if they decide not to accept the assignment due to their sexual orientation and gender identity, by providing equivalent alternatives**
-  **Take steps to avoid outing of LGBT employees in Qatar – this may include change of email address and social media security training**
-  **Have strong security mechanisms in place, digital and otherwise, to ensure confidential access to global employee support mechanisms for mobile and domestic staff. For example, this may include confidential membership lists and privately marked calendar invitations**
-  **Have an emergency evacuation procedure in place that explicitly takes into consideration emergency situations specific to LGBT people**

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

In our experience, sharing case studies from employers operating in-country can be highly informative. However, we were unable to secure a case study that an employer could share publicly. Bearing this in mind, we are keen to work with employers and discuss individually any challenges they face because of the extremely restrictive context of Qatar. To learn about the steps employers are taking to support their LGBT staff in other zone three countries, please refer to Stonewall's [Global Workplace Briefings](#) on Malaysia and the UAE.

If you operate in Qatar and are taking steps, big or small, to advance LGBT inclusion and would like to be profiled as a best practice case study, please contact global.programmes@stonewall.org.uk



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 46 ORGANISATIONS OPERATING IN QATAR.

The [Global Diversity Champions](#) programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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RUSSIA



Population: 142+ million people



Stonewall Global Diversity Champions: 47

THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Russia is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution protects the rights to **freedom of speech and peaceful assembly** under Articles 29 and 31. However, these rights are **restricted for LGBT people** through further legislation.

Advocating "non-traditional sexual relations" (i.e. any non-heterosexual relations) **to individuals under 18 years is prohibited** under Article 5 of Federal Law No. 436-FZ and Article 6.21 of the Administrative Offences Code, unofficially called the 'LGBT Propaganda Law'.

Violations can result in **administrative liability**, such as fines, suspensions in the case of businesses, and expulsion from the country in the case of foreigners.

Russian **courts and regulatory authorities interpret** the above **restrictions broadly**. In practice, **any public meeting advocating for LGBT rights may be deemed unlawful**.

Non-profit **organisations that receive foreign donations** and engage in 'political activity' are **required to register as foreign agents** under the Foreign Agents law (2012).

FAMILY AND SAME-SEX RELATIONSHIPS

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

There is an **equal age of consent** for sexual acts **regardless of gender**. Sex between a person older than 18 years and a person younger than 16 years is criminalised under Article 134 of the Criminal Code.

Same-sex marriage is not legal and marriage is defined as a union between a man and a woman under Articles 1 and 12 of the Family Code.

Even though there is no explicit restriction preventing **trans people** from **marrying**, in practice, due to lack of statutory regulation and applicable court practice, there is **legal uncertainty** about this.

Same-sex relationships are **not** otherwise **recognised** by law.

Same-sex couples have **no legal right to adopt** children jointly as only married couples may adopt children jointly under Article 127 of the Family Code.

The same law also **prohibits same-sex spouses** legally **married in another country** from jointly **adopting** a child in Russia.

EQUALITY AND EMPLOYMENT

Article 19 of the Constitution states that everyone is **equal before the law**, but it does not explicitly refer to sexual orientation and gender identity.

Employment discrimination 'on any ground' is **prohibited** under Article 3 of the Labour Code **but it does not explicitly refer to sexual orientation and gender identity**.

The **law does not specifically consider hate crimes based on sexual orientation or gender identity** as aggravating circumstances in sentencing.

Article 86 of the Labour Code **prohibits an employer from receiving and processing employees' personal data regarding** their political, religious and other beliefs and **private life**.

GENDER IDENTITY

Trans people can legally change their **gender** to female or male by filing an application to the registering authorities under Article 70 of Federal law No 143-FZ.

The law states that in order to do so, the person **must complete a statutorily prescribed form**. However, this **form is not yet available**.

In practice, it is **unclear** what the **requirements** for legal gender change are. In some cases, a medical certificate confirming **gender reassignment surgery** has been requested by the authorities. In other cases, it has been stated that the legal gender change cannot be allowed until the statutorily prescribed form is adopted.

Courts have also stated that a **married person cannot change their legal gender**.

A person over the age of 14 can **change** their **legal name through applying** in written form **to the registering authorities**. However, in the past a **court ruled** that a **trans person could not change** their **legal name as they had not yet changed** their **legal gender**.

IMMIGRATION

As same-sex relationships are not legally recognised, **partners are not able to obtain a dependant visa** under Decree No. 335 (2003).

This is also the case if the same-sex partners are married in another country.



A VIEW FROM RUSSIA

Svetlana Zakharova is communications manager at the Russian LGBT Network, which works throughout Russia. The Russian LGBT Network is a movement seeking to give a voice to, and enhance the visibility of, the LGBT community. It offers various support services, carries out campaigns and engages in dialogue with the government and various international institutions.



Everyday life

Many LGBT people remain invisible in society for fear of violence. Big cities are somewhat safer for LGBT people, small cities are often not safe at all. There, people are attacked for even looking like they might be LGBT. Unfortunately, levels of violence against LGBT people are high. Hate crimes and discrimination are both on the rise. Research conducted by the Russian LGBT Network shows that most LGBT people will not go to the police because they mistrust them, with good reason. LGBT people who've sought help have often been humiliated by state officials. Foreign LGBT people visiting or working in Russia should be aware of this context and be careful.

In April 2017, it became known that men believed to be gay or bi were abducted and tortured in the Russian republic of Chechnya. After what appeared to be a short break, persecutions resumed in July and as of winter 2017, the situation remains critical. People are advised to check our website for updates and information on how they can help.

LGBT groups and advocacy

LGBT groups provide community support and LGBT-specific services. They also focus on advocacy, monitoring the situation for LGBT people in the country as well as submitting reports to various international institutions, including the UN Committees. The so-called 'LGBT Propaganda Law' and the 'Foreign Agents Law' are regularly used to target LGBT groups and their activities. For example, Elena Klimova, a person who started a social network group for LGBT young people called 'Children-404 Group' was charged under the Propaganda Law. That law is also used to refuse permissions for public demonstrations. At other times, the police suddenly show up at closed private events run by LGBT groups and interrogate attendees. Additionally, some LGBT groups, like the Russian LGBT Network, are listed as foreign agents. The application of the Foreign Agents Law meant that we lost certain donors and that we are now subjected to extra scrutiny by the state. It also means that affected NGOs must mark all of their materials as having been produced by "foreign agents".

Despite these difficult conditions, the LGBT movement in Russia is growing. New community groups and initiatives are starting. For example, a coalition of trans groups has recently been formed. All in all, the state's restrictions are making our community grow closer.

Workplace

The large majority of LGBT people hide their sexual orientation and gender identity in the workplace. They are afraid of being humiliated and stigmatized at work or more simply being fired, which is not uncommon. Our survey showed that 37 per cent of interviewees experienced difficulties in their relationships with employers (or potential employers) because of their sexual orientation and gender identity. Another problem is that non-LGBT employees often 'out' their LGBT colleagues to their employers and co-workers.

Inclusive employers should support their LGBT staff by implementing policies that prohibit discrimination and harassment based on sexual orientation and gender identity. They should also train all employees on the importance of non-discrimination and inclusivity. Such training should not only focus on sexual orientation and gender identity, but also other forms of diversity. Additionally, employers can support the LGBT movement in general, even though few currently do. For example, they could provide LGBT groups with venues, office supplies, pro bono services or help with research tasks.

Healthcare

There are almost no medical specialists that trans people in Russia can visit if they wish to transition medically. The very few that do exist are private. This means trans people must pay for every single visit. As a result, many trans people have no choice other than to self-medicate. This means the medication they receive is often from unreliable sources. Lesbian, gay and bi patients mostly hide their sexual orientation from healthcare staff. Some LGBT groups offer medical services to the LGBT community, but they lack resources and funding.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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



Consult local LGBT organisations to understand the local context for LGBT people



Train HR staff and promote inclusive policies



Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies



Carry out diversity and inclusion training for all staff

NEXT STEPS

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



Establish employee engagement mechanisms like LGBT networks and allies programmes



Support local LGBT groups to advance LGBT equality beyond the workplace

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM

IBM addresses the importance of diversity and inclusion in the workplace by holding workshops about all diversity groups as part of an in-office diversity training week in Russia. The workshops include a session on sexual orientation and gender identity. This complements IBM's other established personal development opportunities including leadership training, reverse mentoring and LGBT ally training, which is available globally online. In addition, June Pride Month posters were put up in the coffee corners in Russia openly stating IBM's support for the LGBT community.

Baker McKenzie

Through several different initiatives Baker McKenzie provides its LGBT employees in Russia with anonymous and safe spaces to seek support and advice. Its regular global 'affinity calls', which are communicated to all staff globally, provide an online space for any employee worldwide to listen or raise awareness of any specific problems. To support this, Baker McKenzie's Moscow office also has an LGBT liaison partner, a clearly defined point of contact for one-to-one conversations.

Viacom

Viacom responded quickly to the introduction of regressive legislation passed in Russia, which prevents any form of LGBT 'propaganda' to minors under the age of 16 and severely limits important freedoms for LGBT groups. Following senior-level discussions about the legal change and the social conditions in Russia for LGBT people, the head of Viacom's global HR team (and executive sponsor for the LGBT employee network group) reinforced the organisation's respect for its LGBT staff by vocally confirming its commitment to equal treatment for all employees in Moscow.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

September – QUEERFEST: festival with cultural and educational events. www.queerfest.ru

November – Side by Side International Film Festival. www.bok-o-bok.ru

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



FIND LGBT GROUPS AND COMMUNITIES

Coming Out St. Petersburg – an LGBT organisation focusing on advocacy and awareness raising as well as the provision of psychological and legal services to the LGBT community. www.comingoutspb.com

Moscow Community Centre – an organisation acting as a resource and a platform for LGBT initiatives that seek to implement educational projects in the Moscow region. www.mcclgbt.com

Moscow LGBT Initiative Group "Stimul" - an LGBT group providing free legal advice and focusing on advocacy work and capacity training for LGBT activists. www.msk-stimul.eu

Russian LGBT Network – an organisation seeking to enhance the visibility of the LGBT community through campaigns and direct dialogue with the government and political parties. The Network also offers information support services. www.lgbtnet.org

Russian LGBT Sport Federation – a group promoting health, sports and a healthy lifestyle among the LGBT community through sports and social projects. gay-sport.ru



GET LOCAL LGBT UPDATES

Gay.ru – an online magazine in Russian for gay and bi men. www.gay.ru

Lesbi.ru – an online magazine in Russian for lesbians and bi women. www.lesbi.ru



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 47 ORGANISATIONS OPERATING IN RUSSIA.

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

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

SINGAPORE



Population: 5+ million people



Stonewall Global Diversity Champions: 67



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Singapore is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution **protects rights to freedom of expression, association and peaceful assembly** in relation to **all citizens** under Article 14, subject to other Acts of Parliament.

Sexual orientation and gender identity are **not** expressly **mentioned**.

Public assemblies and public processions are **regulated by the Public Order Act**. The Act does not expressly restrict the right of LGBT persons.

Different **government agencies** are authorised to **enforce restrictions and regulations on** the rights to **freedom of expression, association and assembly**.

The Info-communications and Media Development **Authority regulates the media** and has published codes of practice that regulate, among others, films, television programmes and advertisements. These codes contain certain **restrictions on the portrayal of LGBT themes**.

The Ministry of Home Affairs stated in a 2016 press release that **foreigners are not allowed to organise, speak at or participate in LGBT-themed events** and that **foreign entities should not fund, support or influence such events**.

FAMILY AND SAME-SEX RELATIONSHIPS

"Acts of gross indecency" between men are prohibited, **criminalising sexual activity between men** with a penalty of up to two years imprisonment under Section 377 A of the Penal Code. The section was upheld by the Supreme Court in 2014.

The **legal age** of consent is 16 years under S376A of the Penal Code. The law is **silent on female same-sex sexual activity**.

Same-sex marriages solemnised in Singapore or elsewhere are **void** under Section 12 of the Women's Charter.

Trans people who have **undergone sex-reassignment surgery may legally marry** a person of the **opposite gender** under Section 12(2) of the Women's Charter.

Same-sex couples have **no legal right to adopt children** under the Adoption of Children Act.

EQUALITY AND EMPLOYMENT

Article 12(1) of the Constitution states that **everyone is equal before the law**, but it does not explicitly refer to sexual orientation and gender identity.

Discrimination against citizens **in regard to a specified list of characteristics** is **prohibited** under Article 12(2) of the Constitution. This list does not include **sexual orientation and gender identity**.

There is **no law** that expressly **prohibits employment discrimination against LGBT people**.

Legislation governing professional behaviour of certain professions, such as the Legal Profession Act, **may prevent individuals from practicing their profession if convicted of a criminal offence**.

GENDER IDENTITY

Trans people can **change** their **legal gender to female or male** under Section 12 of the Women's Charter. The legal gender can be changed **on identity cards and passports** but **not birth certificates**.

This is subject to the **requirement of a "sex re-assignment procedure"**. The scope of this procedure is not defined under the Act.

All persons can change their **legal name** under Section 10 of the National Registration Regulations. This requires the submission of a deed poll, reflecting the intended name change.

IMMIGRATION

No laws or case law exist that **allow for dependant visas** for same-sex couples.



A VIEW FROM SINGAPORE

Paerin Choa is a Singaporean lawyer and the spokesperson of Pink Dot Sg, a non-profit movement working for a Singapore in which all Singaporeans, regardless of their sexual orientation, are free to love and be loved. Pink Dot Sg has a growing list of international corporate sponsors and focuses on an annual event where people come together to celebrate the freedom to love.



What are the biggest challenges facing LGBT people in Singapore?

Section 377 A of the Criminal Code directly targets gay and bi men by criminalising sexual acts between men. This law is rarely enforced in practice, but it acts as a serious barrier to progression. As such it doesn't only affect gay and bi men, but also the LGBT community as a whole. For instance, health services and campaigns tailored to the needs of LGB people are not allowed, as they would 'promote' sex between men. In education, teachers are not trained how to counsel and support LGBT students. LGBT organisations that have applied to be registered as societies have had their applications rejected, denying them the status of a legal entity and thus making it harder for them to operate and receive donations. Until section 377 A is abolished, many of these issues will remain.

Which specific issues affect lesbians, bi women and trans people?

Lesbians and bi women face discrimination based on their sexual orientation just like gay and bi men, in addition to discrimination based on their gender. As for trans people, depending on the age in which they start to transition, they may already face discrimination and stigmatisation in schools. This often affects their education. With lower qualifications, their employment opportunities will be limited and some may have to resort to sex work to make a living. Even with proper qualifications, some employers are not open-minded enough to hire trans employees.

Are LGBT issues discussed in the media?

Regulations by the Media Development Authority ban content that justifies or 'normalises' being LGBT on mainstream media. Consequently, LGBT people leading normal, purposeful lives are erased on mainstream media. However, the younger generation in particular are increasingly informed about LGBT issues through the internet and social media. But while people are progressing and attitudes are changing, laws remain a barrier.

Can you describe the recent challenges and restrictions Pink Dot has faced?

Pink Dot Festival is an annual gathering where people come together and celebrate the freedom to love. The event has been taking place at Singapore's Speakers' Corner since 2009 and has received global corporate sponsorship for many years. However, in November 2016, the government made changes to the Public Order Act, which governs assemblies in public places in Singapore. Because of these amendments, only Singaporean citizens and permanent residents can now attend the event. Furthermore, only Singaporean citizens and Singapore-controlled companies can sponsor any public assemblies in Singapore, including Pink Dot. That meant we suddenly lost all international sponsors overnight. As a reaction to this, a few local entrepreneurs came together and spearheaded a campaign to rally local businesses to support Pink Dot. The campaign is called 'Red Dot for Pink Dot' and was a huge success. 120 local businesses stepped up and became sponsors of Pink Dot 2017. However, the event had to take place under very restrictive conditions. The police required the park to be barricaded and they conducted checks of identity cards to ensure that only Singaporeans and permanent residents entered.






What is the workplace like for LGBT people and what can organisations do to promote equality?

The workplace environment for LGBT people can differ significantly depending on the industry and the individual business. Big global businesses have started to champion LGBT equality in Singapore, and many have recently launched local LGBT network chapters. To make employees comfortable with joining, businesses should address worries LGBT employees may have and ensure senior managers are supporting the network. Successful LGBT managers in the workplace should also be profiled. Additionally, many organisations sponsor Pink Dot, although unfortunately this is now only an option for local businesses.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|---|--|
| <ul style="list-style-type: none">  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|---|--|

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



LEARN FROM STONEMALL'S GLOBAL DIVERSITY CHAMPIONS

Barclays

Through unconscious bias training, Barclays Singapore enables its senior leaders to work towards an equal and inclusive work environment. The employee handbook also contains Barclays' LGBT inclusive anti-discrimination policy, building the foundation for an equal workplace environment. In 2012, Barclays Singapore made further commitments to the policy by introducing partner medical benefits for all employees, regardless of the partner's sex or gender identity. Barclays' LGBT network Spectrum has an active chapter in Singapore that works to enable LGBT employees to bring their whole selves to work. In October 2015, the Spectrum Allies Campaign was launched, with senior leaders showing their support by becoming allies or supporters of Spectrum. Beginning in 2015 and continuing annually, Spectrum Singapore organises a quiz night, the proceeds of which are donated to the local LGBT group Oogachaga. The network was also a founding sponsor of Pink Dot, and in 2017 Barclays supported a private showing of the play Tango based on real-life same-sex couple raising a family in Singapore.

Norton Rose Fulbright

Norton Rose Fulbright's global diversity and inclusion strategy includes a focus on gender identity and sexual orientation. All global messaging related to these topics is accessible on the intranet to all staff in Singapore. In line with its global strategy, Norton Rose Fulbright has an Asia LGBTQA Pride network, consisting of partners, lawyers and business services staff. The network recently participated in, and sponsored, a raffle prize for a fundraiser organised by a local LGBT group. The group provides counselling, support and personal development for LGBT individuals, couples and families. In recognition of the firm's Global Inclusion Month in October, the Singapore office hosted an event where people from diverse backgrounds were invited to share their stories with staff. Participants included LGBT individuals.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June - Pink Dot SG: festival celebrating the LGBT community. www.pinkdot.sg

August - IndigNation: LGBTIQ+ Pride season. www.indignationsg.wordpress.com

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



FIND LGBT GROUPS AND COMMUNITIES

Oogachaga - a group providing community-based counselling, support and personal development opportunities for the LGBTQ community. The group also runs professional and corporate trainings. www.oogachaga.com

Purple Alliance - an LGBT organisation conducting research and running events and training to empower individuals and advance the equality of LGBT people, including workplace equality. www.thepurplealliance.com

Sayoni - a community of LGBT women organising and advocating for equality regardless of gender identity and sexual orientation. www.sayoni.com

SG Rainbow - a community group for gay, bi and queer men aged 18 to 35 in Singapore. www.sgrainbow.org

T Project - an organisation running a shelter for trans people at risk in Singapore. The group also engages in campaigning and fundraising activities to empower the trans community in Singapore. www.facebook.com/theprojectsg

Inter-University LGBT Network - a network of LGBT groups in Singapore universities collaborating to create safer and more inclusive school communities for everyone regardless of sexual orientation, gender identity and expression. www.interunilgbt.wixsite.com/interunilgbt



GET LOCAL LGBT UPDATES

Dear Straight People - an online LGBT publication based in Singapore. www.dearstraightpeople.com



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SOUTH AFRICA



Population: 54+ million people



Stonewall Global Diversity Champions: 44



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

South Africa is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution protects the **rights to freedom of expression, association and assembly** under Sections 16-18.

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

FAMILY AND SAME-SEX RELATIONSHIPS

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

There is an **equal age of consent** of 16 years for sexual acts regardless of gender under Sections 15 and 16 of the Criminal Law (Sexual Offences and Related Matters), Amendment Act 32 of 2007.

Same-sex marriage is legal under the Civil Union Act 17 of 2006.

Same-sex and different-sex couples can enter a civil union, which has the same legal status as a marriage under the Civil Union Act 17 of 2006.

Same-sex couples have **equal rights to adopt children** under Section 231 of the Children's Act 38 of 2005.

EQUALITY AND EMPLOYMENT

Section 9 of the Constitution states that **everyone is equal before the law** and **prohibits discrimination based on a specified list that includes sexual orientation**. The **list does not explicitly include gender identity**.

Employment discrimination based on sexual orientation is prohibited under Section 9 of the Constitution and other legislation such as Section 6 of the Employment Equity Act 55 of 1998.

There is **no non-discrimination legislation explicitly protecting trans people** based on their gender identity.

Hate crimes based on sexual orientation have been **considered as an aggravating circumstance** for the purposes of sentencing in criminal trials as per Case RCB216/06. However, this is not codified in legislation.

GENDER IDENTITY

Trans people can change their legal gender to female or male on all identification documents under the Alteration of Sex Description and Sex Status Act 49 of 2003 and the Identification Act 68 of 1997.

Applications need to be made to the Director General of the National Department of Home Affairs.

Legal gender change may be **subject to surgical or medical treatment, a report from the treating medical practitioner** and an **independent medical report** under Section 2 of the Alteration of Sex Description and Sex Status Act.

Trans people can alter their legal name under Section 24 read with Regulations 16, 17 and 18 of the Births and Deaths Registration Act 51 of 1992.

Legal name change is **subject to filing a prescribed form**. It **can only be done once** unless exceptional circumstances exist.

IMMIGRATION

Dependent visas are **available to same-sex partners** of citizens, permanent residents or persons holding a valid study, treaty, business, crew, medical treatment, relative's, work, retired person, corporate, exchange or asylum transit visa under Section 11 of the Immigration Act 13 of 2002.

A VIEW FROM SOUTH AFRICA

Dawie Nel is the Director of the LGBT organisation OUT, based in Pretoria, which has supported the physical and mental health of LGBT people throughout South Africa for the last 21 years. OUT offers health and counselling services, a vibrant community centre, community building programmes and support groups.



Have societal attitudes caught up with progressive legal rights for LGBT people?

South Africa's strong legal protections for LGBT people have had, and continue to have, a hugely positive effect on society including in government, where LGBT rights have been firmly enshrined in South Africa's human rights framework. However, the country's overall transition has been slow due to a number of intersecting factors such as poverty, weak governance and a strongly conservative and religious culture. These factors contribute to the higher levels of discrimination and exclusion LGBT people may still suffer from.

How are lesbians, bi women and trans people treated in society?

South Africa is a patriarchal society and women suffer as a result. It's even more difficult when women do not adhere to expected gender roles, for example 'masculine' lesbians. Trans people too are specifically discriminated against and targeted. Research conducted by OUT in 2016 showed that 47 per cent of trans respondents had experienced discrimination within the last 24 months, including verbal insults, sexual harassment, physical violence and threats of physical violence. However, few trans people reported such incidents to the police.

How are LGBT people portrayed in the media?

Mainstream media often tends to only focus on one part of the LGBT community: the flamboyant gay man. This caricature is hard to dispel because the media reinforces the stereotype. Despite negative public media coverage, there is not a strong and organised anti-LGBT voice, however there is a real lack of positive role models for young people, for example, in sport.

What is the workplace like for LGBT people?

It's varied. Some workplaces can be quite open and others not. It's fair to say that directly or indirectly, in the workplace employees are expected to be heterosexual and cisgender. This impacts on LGBT employees when it comes to appointments, promotions, fitting in and other workplace issues. Trans people in particular face barriers due to gender expectations that they do not always fulfil. Many trans people are not able to complete their education and therefore lack opportunities. Often this means that they will have to work within the sex industry.

Do South African or international companies publicly support LGBT equality?

A number of organisations such as Accenture, EY, IBM and KPMG make clear efforts through employee network groups, awareness-raising events and work in universities to improve the inclusion of LGBT people in their offices. Elsewhere however, there has been limited public sponsorship and low-key support for LGBT rights from the private sector. In smaller companies, I'm aware of a number of instances where people have lost their jobs, with the root cause having been indirectly judged to be related to their sexual orientation.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

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

NEXT STEPS

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

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

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Norton Rose Fulbright

Norton Rose Fulbright started its outreach and development on workplace LGBT inclusion in South Africa through the official launch of its PRIDE employee network group. The network was set up to support a number of important objectives including:

- Engaging allies in the workplace to show support for the LGBT community
- Providing guidance on the implementation of inclusive policies
- Encouraging the recruitment and retention of LGBT talent
- Developing contacts with clients who are members of the LGBT community

PwC

PwC took the progressive measure in 2012 of amending all their adoption and paternity policies in South Africa to be inclusive of same-sex parents. The amendment ensured whoever is assuming the role of primary caregiver to the adopted child may take four months paid leave equivalent to maternity leave. PwC's paternity policy now allows the parent assuming the role of secondary caregiver to make use of the policy. This has placed PwC as an employer of choice because their commitment to inclusion is reflected in tangible measures taken to create equality for their LGBT employees directly.

AIG

AIG requires all new employees in South Africa to attend a two-day workshop called 'Valuing Diversity', which includes content on LGBT inclusion. For underrepresented groups AIG also runs general career-development programmes, such as mentioning and coaching. These groups specifically include LGBT staff.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

March - Cape Town Pride. www.capetownpride.org

May - Pink Loerie Mardi Gras and Arts Festival.
www.pinkloeriefoundation.com

June - Durban Pride. www.durbanpride.org.za

October - Durban Gay and Lesbian Film Festival. www.dglff.org.za

October - Johannesburg Pride. www.johannesburgpride.co.za

November - Nelson Mandela Bay Pride. www.nmbpride.co.za

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



FIND LGBT GROUPS AND COMMUNITIES

Durban Gay and Lesbian Centre - a group working to empower the LGBT community by providing health and other services, support and training.
www.gaycentre.org.za

GALA - a centre for LGBTI history, culture and education in Africa.
www.gala.co.za

Gender Dynamix - a trans community organisation providing resources, information and support to trans people, their partners, family, employers and the public. www.genderdynamix.org.za

Iranti-org - a queer human rights visual media organisation defending the rights of lesbians, transgender and intersex persons in South Africa and across the African continent. www.iranti-org.co.za

OUT - an organisation working for LGBT people's physical and mental health through providing health services and carrying out research and advocacy work.
www.out.org.za

Pietermaritzburg Gay and Lesbian Network - a group working primarily with young, unemployed and marginalized LGBTI people to create a non-discriminatory, supportive and accepting society. www.gaylesbian.org.za

The Triangle Project - a group offering a range of services to the LGBT community, including sexual health clinics, counselling, support groups, a helpline, public education and training services, community outreach and a library. www.thetriangleproject.org

OutRight Action International - a regional branch of OutRight International is based in Johannesburg. They support LGBTIQ organisations in Sub-Saharan Africa and work with mainstream human rights organisations to promote LGBTIQ rights. www.outrightinternational.org/region/africa



GET LOCAL LGBT UPDATES

Mamba Online - a news and lifestyle platform for South Africa's gay community. www.mambaonline.com

GaySA Radio - an online LGBTI internet radio station. www.gaysaradio.co.za



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SOUTH KOREA



Population: 51+ million people



Stonewall Global Diversity Champions: 41



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

South Korea is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 21 and 37 of the Constitution protect the **rights to freedom of expression, association and assembly**.

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

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **not generally criminalised**.

However, **'anal intercourse or other indecent acts'** with any **person working for the military** are **punishable** with up to **two years' imprisonment** under Article 92-6 of the Korean Military Criminal Act.

There is an **equal age of consent** of 13 years for sexual acts regardless of sexual orientation under Article 305 of the Korean Criminal Act.

In 2011, the Supreme Court ruled that **same-sex marriage is not legal** (2009Seu117).

There is **no legal recognition of same-sex relationships**.

Same-sex couples have **no legal right to adopt children** jointly or through second parent adoption. However, single people can adopt children under Article 10 of the Act on Special Cases Concerning Adoption.

EQUALITY AND EMPLOYMENT

Employment discrimination against LGBT people is not **legally prohibited**.

However, the **National Human Rights Commission can investigate and remedy discriminatory acts based on 'sexual orientation, etc.'** under Article 2 of the National Human Rights Commission of Korea Act. It is **not clear whether 'etc.' includes gender identity**.

Discrimination against prisoners and military inmates based on 'sexual orientation, etc.' is **prohibited** under Article 5 of the Administration and Treatment of Correctional Institution Inmates Act and Article 6 of the Act on the Execution of Criminal Penalties in the Armed Forces. Again, it is **not clear whether 'etc.' includes gender identity**.

Article 11 of the Constitution states that **everyone is equal before the law**, but it does not explicitly refer to sexual orientation and gender identity.

GENDER IDENTITY

Trans people can change their legal gender to female or male on certain identification documents, however this is **subject to obtaining permission from the family court** under Article 104 of the Act on the Registration, Etc. of Family Relationships.

Further **requirements for legal gender change** are a **medical diagnosis, sex-reassignment surgery, sterilisation and parental consent** as outlined in the Guidelines for Application on Change of Legal Gender of Trans People. However, these are **internal agency guidelines** and are not legally binding.

Trans people can change their legal names under Article 8 of the Guidelines for Application on Change of Legal Gender of Trans People.

For both legal name and legal gender change, **birth certificates and official documents that have already been submitted** (e.g. past tax filings) **cannot be amended**.

IMMIGRATION

Dependent visas are available to partners of citizens and those with certain work visas, but it is **not specified whether this applies to same-sex couples**.

A VIEW FROM SOUTH KOREA

HaengSeongIn, also known as Solidarity for LGBT Human Rights of Korea, is a South Korean LGBT human rights advocacy group. HaengSeongIn campaigns for LGBT equality, organises workshops and forums for LGBT communities and runs a resource centre.

Joontae Kim, member of HaengSeongIn's labour rights team, spoke to Stonewall to tell us about the situation for LGBT people in South Korea.



행동하는성소수자인권연대
www.lgbtpride.or.kr

Everyday life

Acceptance of LGBT people has increased in recent years. However, 79 per cent of South Koreans still say there are no LGBT people around them. In general, men show little affection towards each other in public, while women do regardless of sexual orientation. Many LGBT people still feel the need to hide their sexual orientation and gender identity. The media often portrays LGBT people as an issue rather than focusing on their actual lives. One of the biggest issues faced by LGBT people in South Korea is the lack of a law against discrimination based on sexual orientation and gender identity. Also, there is the military criminal code which criminalises same-sex relations between consenting adults even during their time off work. It is particularly problematic because Korea employs mandatory conscription system for men. If you reject to serve the country, you have to go to prison for the same period of time.

LGBT groups and advocacy

LGBT groups have been pushing for a comprehensive law protecting LGBT people from discrimination for almost 10 years. It has been discussed by congress three times but never passed. There is a diverse range of very conservative groups putting a lot of effort into stopping the advancement of LGBT rights. Fortunately, many LGBT groups also exist that press for positive changes. However, with little funding available, too often we have to rely on the devotion and time of volunteer activists.

Healthcare

There are very few hospitals offering specialist services for trans people. Where they do exist, they are not covered by health insurance and need to be paid for by the individual. Further, as same-sex relationships are not recognised in South Korea, LGBT people are not allowed the same access to information and visitation if their same-sex partner or legally unrecognised child is in hospital. Due to widespread treatment refusal, people living with HIV/AIDS have no hospital to go to. Only hospice centres run by Christian groups accept them but they provide poor services and are filled with hatred of homosexuality and AIDS. The Korea Centre for Disease Control is disregarding the cases of treatment refusal and saying there is nothing that they can do.

Workplace

LGBT people rarely come out at work because they fear they will be harassed or lose their job. This is the result of a lack of legal protection, a lack of awareness, and a lack of education of non-LGBT colleagues. Even getting a job is often difficult for LGBT people. There are very strict gender norms in the labour market and if an applicant's gender expression is outside the male-female binary, they are often not hired. They may even be excluded from the hiring process as early as the written application form, as CVs need to include a picture of the applicant.

It's important that employers change their policies and benefits to guarantee LGBT people are treated equally. This includes having anti-discrimination policies that explicitly refer to sexual orientation and gender identity, as well as partner benefits that apply to same-sex couples. Global employers who present themselves as LGBT-inclusive organisations outside of South Korea, do not yet do the same in South Korea. This should change. In addition, it's difficult to enhance the rights of LGBT workers because the rights of workers in general unprotected. Therefore, it's essential to enhance the rights of all workers: the rights to organize, to collectively bargain, and others.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|---|---|
| <ul style="list-style-type: none">  Audit and extend equal benefits to same-sex partners  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Work with suppliers and partners to advance LGBT workplace equality  Partner with local LGBT groups to advance LGBT equality beyond the workplace |
|---|---|

Sharing best practice on LGBT workplace inclusion helps other organisations develop and accelerates the pace of change. If your organisation runs any LGBT initiatives in South Korea – however big or small – let Stonewall know and share your work in this briefing.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

July - Pride in Korea (Seoul). www.kqcf.org

July - Korea Queer Film Festival (Seoul). www.kqff.co.kr

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



FIND LGBT GROUPS AND COMMUNITIES

HaengSeongIn – an advocacy group that campaigns for LGBT equality, organises workshops for LGBT communities and runs a resource centre. www.lgbtpride.or.kr

DDing Dong – a crisis support centre for LGBT youth offering mental health support and physical resources. www.ddingdong.kr

Korea Sexual Minority Culture and Rights Centre – an association fighting for the integration of the LGBT population within society and the improvement of living conditions. www.kscrc.org

Ivan Stop HIV/AIDS Project – a group providing information and support on health topics including HIV/AIDS. The group also offers free HIV tests in Busan and Seoul. www.ishap.org

Chingusai – a support organisation and resource centre for gay men. www.chingusai.net

Korea Lesbian Counselling – an advice and information centre for the lesbian community in Korea. It also provides telephone and online counselling. www.lsangdam.org



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SPAIN



Population: 48+ million



Stonewall Global Diversity Champions: 61



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Spain is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY	FAMILY AND RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Rights to freedom of expression, association and assembly are established in the Spanish Constitution as fundamental rights to which every Spanish citizen is entitled.</p> <p>LGBT people and issues are not specifically mentioned but have been included by way of case law.</p>	<p>Sexual acts between people of the same sex are legal.</p> <p>There is an equal age of consent of 16 years for sexual acts regardless of gender.</p> <p>Same-sex marriage was legalised in 2005, when the Spanish Parliament approved an amendment to Article 44 of the Civil Code.</p> <p>As a result, there are no marriage restrictions specific to trans people.</p> <p>Same-sex couples can enter civil unions and registered partnerships on the same terms as different- sex couples.</p> <p>Same-sex couples (married and not married) can adopt children jointly or through second parent adoption under the same conditions as different-sex couples under Article 175.4 of the Civil Code, as amended by Law 13/2005 of 1 July.</p>	<p>Article 17 of the Workers Statute provides protection from discrimination, among others, on the grounds of sex, sexual orientation or 'condition' in employment.</p> <p>According to the case law of the Court of Justice of the EU, gender identity is included as discrimination on grounds of sex.</p> <p>Discrimination in employment on these grounds is also considered a criminal offence under Article 314 of the Spanish Criminal Code.</p> <p>Article 14 of the Spanish Constitution states that Spaniards are equal before the law. Sexual orientation and gender identity are not expressly included in the list of protected characteristics, but have been included by way of case law.</p> <p>Article 510 of the Criminal Code punishes hate crimes based on sexual orientation with imprisonment from one to three years and a fine.</p> <p>Article 22(4)(a) considers the commission of a criminal offence based on sexual orientation as an aggravating circumstance.</p> <p>Some regions have enacted laws promoting LGBT rights but in general terms, there is no specific national law.</p>	<p>Trans people can change their legal gender to female or male on all official documents as provided by the Law Governing Sex Registry Information Rectification (2007).</p> <p>Legal gender change is subject to certain requirements, such as a gender dysphoria diagnosis and proof of absence of personality disorder.</p> <p>Additionally, the person has to undergo medical treatment for at least two years. Under certain circumstances, the individual can be exempted from the medical treatment.</p>	<p>In accordance with the Organic Law Governing the Rights and Liberties of Foreign People in Spain and their Social Inclusion (2000) if a person is allowed to legally reside in Spain, their partner or spouse is allowed to reside in Spain as well. This is regardless of the genders of the couple.</p>



A VIEW FROM SPAIN

Jennifer Rebollo and **Alberto Martín-Perez** are Director and Project Manager at the Spanish LGBT Federation (FELGBT). The organisation represents the collective interests of over 50 LGBT initiatives across Spain. FELGBT lobbies to secure legislative progress, offers community support, provides educational seminars and organises Pride events across Spain.



What are the legal challenges LGBT people still face in Spain?

A lot of progress has been made regarding the legal equality of LGBT people in Spain. Spanish legislation prevents discrimination based on sexual orientation and gender identity. The 2005 Equal Marriage Law and the 2008 law for the change of name and sex in documents (so-called 'Gender Identity Law') provided the LGBT population with equal civil rights. However, obstacles to full effective equality remain.

At FELGBT we are lobbying for progressive legal changes in the areas of health, family life, trans issues, education, work and asylum law. This includes equal parental rights for unmarried same-sex parents as well as the prohibition of conversion therapies for LGBT people. Much needs to be done for the rights of trans people. At the moment, trans individuals are still required to undergo medical interventions to change their legal name and gender on identity documents. We would also like to see a right for trans people to access comprehensive healthcare according to their social, health and legal needs.

What is the general situation for LGBT people in Spain and what are some of the barriers to inclusion?

A majority of Spanish people are, to varying degrees, accepting of LGBT people. For example, around 70 per cent of Spaniards supported marriage equality when it was achieved in 2005. On the other hand, some are still against progress and visible homophobia, biphobia and transphobia still exist.

In general, the lived situation for LGBT people can only be understood in relation to the general context in Spain. Due to the current economic and social crisis, there are high levels of poverty, child poverty and unemployment in Spain. This has an especially grave impact on the LGBT community. Unemployment rates are high in Spain in general, but even higher among trans people and people with HIV/AIDS. Many people are losing their homes, and again, trans people are highly affected by this. This highlights the fact that those affected by intersecting forms of inequality are hit the hardest in times of crisis.

What is the workplace like for LGBT people in Spain?

Many LGBT people do not disclose their sexual orientation and gender identity due to fear of discrimination. A European Union study in 2012 showed that 44 per cent of Spaniards perceived that LGBT people were discriminated against at work. The study also showed that a high majority of lesbian, gay and bi employees were not out in the workplace. Having to hide who you are at work can be very distressing and isolating, and the lack of visibility remains an issue.

Some progress has been made however. In the last 15 years, there has been support from unions to tackle these issues, for example by creating protocols for inclusion. Corporations are also starting to understand the importance of diversity and inclusion. For instance, this year 25 companies have taken part in our project EMIDIS, where we assess the progress companies have made in matters of LGBT diversity in the workplace.

What can employers do to support their LGBT employees?

Employers need to take positive action to create safe spaces for LGBT visibility. LGBT employees who know that they will be supported rather than discriminated against or bullied will feel more comfortable to be out and themselves at work. Employers can take several steps to create such a workplace culture. For example, senior staff can give speeches about the importance of diversity and inclusion. LGBT topics can also be included in events so that all employees can learn how sexual orientation and gender identity is relevant to a person's work life. Managers should be specifically trained on these issues. Employers should also make sure to use gender-neutral language – for instance when inviting an employee's partner to work events. Companies can also work with organisations like FELGBT to learn from our expertise.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|--|--|
| <ul style="list-style-type: none">  Audit and extend equal benefits to LGBT partners  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|--|--|

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Procter and Gamble

2017 marked the 25th anniversary of the inclusion of sexual orientation and gender identity on Procter and Gamble's (P&G) global policies. This means that P&G's employee policies expressly ban discrimination and harassment based on sexual orientation and gender identity. P&G's commitment to LGBT equality can also be seen in its staff benefits, which apply equally to same-sex and different-sex couples in Spain. These include health insurance, life insurance plans, leaves of absence and perquisites like company cars and relocation support. P&G also requires all suppliers to follow the organisation's sustainable business guidelines. These include anti-discrimination clauses that explicitly refer to sexual orientation, gender identity and expression. GABLE is P&G's employee network for LGBT people and their allies. The Spanish GABLE chapter works to raise awareness and create equal and inclusive workplaces for LGBT people. This is achieved through internal and external training programmes, such as tailored trainings for upper and middle management as well as training on how to be an effective ally in the workplace. About 50 GABLE members and allies from 10 different countries participated in the LGBT World Pride event in Madrid in July 2017, wearing branded t-shirts and carrying P&G GABLE flags. Recognising the firm's LGBT diversity and inclusion efforts, P&G was named winner of the Spanish LGBT Federation's first ranking of LGBT-inclusive employers in 2016.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – Barcelona Pride. www.pridebarcelona.org

August – Gay Pride Sitges. www.gaysitgespride.com

June / July – Madrid Pride. www.gomadridpride.com

September – GayDay Madrid - Family Diversity Day. www.gaydaymadrid.es

November – Winter Pride Maspalomas. www.winterpridemaspalomas.com

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



FIND LGBT GROUPS AND COMMUNITIES

Aegal – an association of companies, professionals and institutions directing their activities, products or services toward the LGBT community in Madrid and Madrid region. www.aegal.es

Acropoli – a group working on the social and legal equality of LGBT people and to eradicate LGBT-phobia. The group was started at the Polytechnic University but has since opened up to the community of Madrid. www.arcopoli.org

Asociación Española de Transexuales – a Madrid-based trans rights organisation focusing on a range of topics, such as health, research and the running of a workplace programme. www.transexualia.org

Casal Lambda – a Barcelona-based community centre providing a safe space for LGBT people and offering information concerning LGBT-friendly

venues, employers and neighbourhoods. The group also campaigns for greater acceptance of LGBT people. www.lambda.cat

COGAM Colectivo LGBT+ de Madrid – an organisation defending the human rights of LGBT people, transforming societal attitudes, promoting full legal and social equality, and eradicating discrimination based on sexual orientation, gender identity and HIV-status. www.cogam.org

Federación Estatal de Lesbianas, Gays, Transexuales, y Bisexuales – an umbrella organisation of over 50 LGBT initiatives lobbying to secure legislative progress, offering community support, providing educational seminars, and organising Pride events across Spain. www.felgtb.org

LesWorking – a business networking group for lesbians and bi women. www.lesworking.com



GET LOCAL LGBT NEWS

MagLes – an online lifestyle publication for lesbians and bi women. www.maglesrevista.es

Shangay – an LGBT news, culture and lifestyle magazine. www.shangay.com



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THAILAND



Population: 68.6 million



Stonewall Global Diversity Champions: 55



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Thailand is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The **rights to freedom of expression, association and assembly** are protected under sections 34, 42 and 44 of the Constitution.

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

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are not criminalised and are therefore **legal**.

There is an **equal age of consent of 15 years** for sexual acts regardless of gender under Section 27 of the Penal Code.

Same-sex marriage is **not legal** because Section 1448 of the Civil and Commercial Code defines marriage as a union between a man and a woman.

In judgement No. 18776/2561, the Court of Appeal **recognised a same-sex civil partnership registered abroad** for the purposes of property law.

The Supreme Court ruled in judgement no. 157/2524 that **a person's sex they were assigned at birth** is used to **determine their gender** for the purposes of **marriage**.

Trans parenthood is not recognised. **Parenthood on birth certificates** is recorded based on the **parent's sex they were assigned at birth** under Supreme Court judgement no. 157/2524.

EQUALITY AND EMPLOYMENT

Discrimination on the grounds of **gender identity** by government organisations, private organisations or individuals is **prohibited** under the Gender Equality Act 2015.

Discrimination in employment on the grounds of **sexual orientation** is **prohibited** under section 5.6 of the Thai Labour Standard: TLS 8001:2010.

Section 27 of the Constitution guarantees **equality before the law** based on a limited list of characteristics that does not include sexual orientation or gender identity.

Regulations addressing civil officials' uniforms **impose dress codes** on the basis of a **person's sex they were assigned at birth**.

GENDER IDENTITY

Trans people **cannot change their legal gender**.

Gender reassignment surgery is **allowed** under clauses 5 and 6 of the Regulation of the Medical Council Concerning Ethics in the Medical Profession Rules for Treatment in Sex Change Operations 2009.

The **requirements** for this are **two medical opinions** and, if the person is **aged between 18 and 20, consent from an authorised guardian**.

Trans people **can change their legal name** under the Person Name Act. However, in practice, **attempted name changes may be denied** if they do not match a person's sex assigned at birth.

The **requirements** for a **legal name change** include **submitting an application** to the District Office and that the **name must not resemble the King or Queen's names** or be an **offensive term** under Sections 6 and 17 of the Person Name Act 1962.

Ministerial Regulation No. 75 2012, under the Military Enlistment Act 1954, **bans people with 'gender identity disorder' from military service**.

IMMIGRATION

Dependant visas are not available for same-sex partners of people working in Thailand.



A VIEW FROM THAILAND

Stonewall spoke to **Timo Ojanen**, an advisor with the **Foundation for SOGI Rights and Justice (FOR-SOGI)**. FOR-SOGI works in Thailand to promote and protect human rights for LGBT people through research, policy advocacy, strategic litigation, and awareness-raising campaigns.

Stonewall spoke to **Note Jetsada Taesombat**, Co-Founder and Executive Director of the **Foundation of Transgender Alliance for Human Rights (ThaiTGA)**. ThaiTGA works to advance the human rights of transgender people through advocacy, movement strengthening, and leadership development strategies.



ThaiTGA
The Foundation of Transgender Alliance for Human Rights



Everyday life

Timo: “In Thailand, levels of acceptance for LGBT people vary. Acceptance is higher in informal settings like bars than formal settings like workplaces. LGBT people face challenges including stereotypes, regressive legislation, and limited access to healthcare. HIV prevalence is high, and many LGBT people aren’t accepted by their families and face bullying at school.

Religion, class and cultural norms can impact LGBT people’s experiences. Transgender and gender non-conforming individuals face more discrimination. If you’re middle class or wealthy you can circumvent discrimination by starting a business or responding legally to discrimination. However, middle-class parents may also expect their children to conform to their career expectations. LGBT people can then feel pressured to work somewhere where they must behave and dress according to norms for the sex they were assigned at birth.”

Note: “While Thailand can be seen as a paradise for LGBT people, significant violence and discrimination exists, especially for trans people. The lack of legal gender recognition forces trans people to out themselves and makes accessing services impossible. The only legislation protecting trans people is the Gender Equality Act but getting justice through the Act takes a long time and it offers limited protection. Acceptance for trans people in Thailand is conditional: trans people who are from a good family, meet traditional beauty standards and have money are more likely to be accepted. Trans people experience more pressure to succeed to prove they deserve acceptance.”

LGBT Groups and Visibility

Timo: “LGBT groups can operate freely but registering with authorities can be challenging as they may consider groups ‘immoral’. Some advocacy targets for LGBT groups are equal marriage and legal gender recognition, non-discrimination in employment and education, access to LGBT-friendly health services, and appropriate coverage of LGBT topics in schools. Trans women, masculine lesbians and some famous gay men are quite visible. Bi people and feminine lesbians are invisible and, while trans women and gay characters are visible in the media, they are usually depicted problematically.”

Note: “While many organisations are working on trans issues, only two of them are formally registered. ThaiTGA’s focus is the draft legal gender recognition law. ThaiTGA are also developing an evidence base to support our work and creating guidelines for families on supporting trans family members.”

Workplaces

Timo: “Discrimination in hiring and promotion at work is common, with employers often not realising they are being discriminatory. Sexual harassment is also commonplace, affecting both women and gay and bi men. The frequency of this depends on the kind of organisation. Multinational companies tend to be safer, but factories or more informal work, for example, have higher risks. Organisations should implement discrimination

and harassment policies covering sexual orientation, gender identity and expression and clearly communicate these to staff. Employers should make a public commitment to being inclusive, but they need to find a way to communicate this clearly because the word ‘inclusive’ does not exist in Thai. This can include stating their support for LGBT people in media appearances or at conferences and partnering with local LGBT organisations to implement inclusive practices.

More widely, businesses should portray LGBT people positively by not tokenising or misrepresenting LGBT people in adverts. They can also join business networks addressing LGBT equality. Sharing best practice, such as inclusive HR practices, can also be helpful.”

Note: “Trans people face challenges both accessing and during employment. At universities, trans people are discouraged from studying subjects like medicine or law, regardless of their ability, as there’s an assumption that they won’t be successful. During job applications, trans people are often told they can only have the job if they present as the sex they were assigned at birth. At work, trans employees are treated according to the sex they were assigned at birth, for example when given uniforms or when sharing rooms when travelling.

To support trans staff, organisation’s policies should reflect trans staff’s needs. Recruitment should focus on ability, not gender identity. Job adverts should not specify applicant’s gender. HR staff need to be trained on trans identities as they are the first point of contact in recruitment. Many HR staff believe trans people are mentally ill, which influences hiring decisions and needs to be addressed.

More widely, businesses should try to actively support the LGBT rights movement. Employers need to work with local NGOs and the trans community to show that the LGBT community isn’t just being used for marketing.”

Healthcare

Timo: “Public healthcare is often overcrowded and staff can be insensitive, particularly to minorities such as LGBT people. Private healthcare is better but typically requires private health insurance or high payments. No sexual health services specifically address lesbian or bisexual women’s health. The situation is better for gay and bisexual men and trans women, with dedicated HIV testing and sexual health services in big cities. Some LGBT-friendly counselling services exist, mostly in Bangkok and as semi-professional hotline/online services, but these are often only available in Thai.”

Note: “Thai public healthcare doesn’t cover trans-specific treatments such as hormones or gender reassignment surgery. Many young people access hormones dangerously through the internet or black market. A few clinics and hospitals offer trans-specific support. Trans people in remote areas likely have no access to safe services. Some trans foreigners come to Thailand to get gender reassignment surgery but they should do thorough research because adverts can be dishonest.”

LGBT INCLUSION IN THE WORKPLACE

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Thailand, employers can work to:

1. Implement LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Thailand with adequate, LGBT-specific information.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Willis Towers Watson

Willis Towers Watson's anti-discrimination and bullying and harassment policies in Thailand are explicitly inclusive of LGBT people. Partners of employees all receive the same benefits, regardless of gender. To promote LGBT equality outside of the organisation, Willis Towers Watson sponsors a range of external events and runs sessions focusing on the LGBT community in Thailand. LGBT-specific training was run in the office, focusing on the rights of LGBT people and how to put the training into practice in workplaces in the region. Awareness-raising events were also held, including an IDAHOT event at the Embassy of the Netherlands that Willis Towers Watson sponsored and organised a session for, and a session in the Bangkok office on the benefits that promoting LGBT rights can have for staff. Willis Towers Watson has partnered with Out BKK to organise awareness-raising events. Finally, Willis Towers Watson in Thailand partnered with the Ho Chi Minh office to hold a session on LGBT rights in Ho Chi Minh, Vietnam.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

February – Gay Pride Chiang Mai www.facebook.com/cnxpride

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



FIND LGBT GROUPS AND COMMUNITIES

FOR-SOGI – a Thai non-governmental organisation working to promote human rights based on sexual orientation and gender identity and expression. www.forsogi.org

Out BKK – a business network raising awareness, providing advice and supporting career development for LGBT people in the workplace. www.facebook.com/outinBKK/

Rainbow Sky Association of Thailand – a local organisation working to promote human rights and legal protections for LGBT people in Thailand and support HIV and healthcare efforts. www.rsat.info

Togetherness for Equality and Action (TEA) – a lesbian, queer and bi women-led group that aims to empower LBT youth activists from traditionally marginalised communities. www.teagroup.org

Youth Voices Count – a network dedicated to empowering LGBT youth to advocate on health, safety, security and social acceptance in Asia and the Pacific. www.facebook.com/youthvoicescount



NATIONAL HUMAN RIGHTS INSTITUTION

National Human Rights Commission of Thailand – www.nhrc.or.th

The National Human Rights Commission of Thailand is Thailand's National Human Rights Institution where complaints about human rights violations on the grounds of sexual orientation and gender identity can be made.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 55 ORGANISATIONS OPERATING IN THAILAND.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

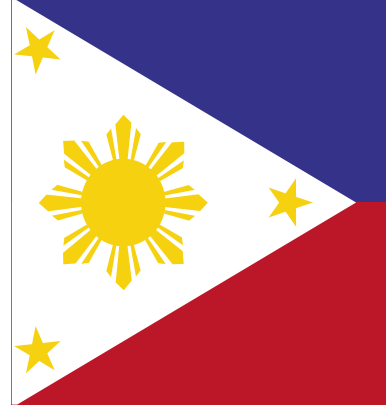
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THE PHILIPPINES



Population: 103 million people



Stonewall Global Diversity Champions: 30



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations

The Philippines is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation, while in Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Article 3 Section 4 of the Constitution protects every **citizen's right to freedom of speech, expression and assembly**.

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

FAMILY AND SAME-SEX RELATIONSHIPS

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

There is an **equal age of consent** of 18 years for sexual acts regardless of sexual orientation under Article 266-A of the Revised Penal Code.

Same-sex marriage is **not legal** under Article 1 of the Family Code and there is **no legal recognition of same-sex relationships**.

'**Lesbianism**' and '**homosexuality**' are listed as **grounds for marriage annulment** under Articles 46 and 55(6) of the Family Code.

Same-sex couples have **no legal right to adopt children** jointly or through second parent adoption. However, **single people can legally adopt** children.

EQUALITY AND EMPLOYMENT

Article 13 Section 3 of the Constitution provides the **right to equality of employment opportunities** for all but there is **no explicit reference to sexual orientation and gender identity**.

Employment discrimination against public social workers based on sexual orientation is prohibited under Section 17 of the Magna Carta for Public Social Workers.

Article 2 Section 14 and Article 3 Section 1 of the Constitution protect **rights to equality before the law** but there is **no explicit reference to sexual orientation and gender identity**.

It is **unclear whether hate crimes based on sexual orientation or gender identity** will be **considered an aggravating circumstance in sentencing** under Article 14(3) of the Revised Penal Code. This is disputed because the article refers to sex but does not expressly mention sexual orientation and gender identity.

GENDER IDENTITY

Trans people are **not able to change their legal gender on identification documents**.

Legal name change is **possible** under **specific circumstances**, however **being trans** is **not one of these** circumstances listed under RA 9048.

IMMIGRATION

Same-sex **dependant visas** are **not available** because same-sex marriages are not recognised.



A VIEW FROM THE PHILIPPINES

GALANG is a Philippine organisation with a special focus on the rights of lesbians, bi women and trans men. Established in 2008, the group works to empower urban poor LBT people to attain social and economic equality.



Maroz Ramos, Deputy Executive Director of GALANG, spoke to Stonewall about the situation for LGBT people in the Philippines.

Everyday life

In general LGBT people still experience discrimination, bullying and sometimes even violence throughout the country. As no national anti-discrimination law offers protection, many LGBT people cannot claim their basic rights and can be discriminated against at work, denied access to services, and so on. In general, foreign LGBT people experience less overt discrimination and harassment than local LGBT people but this doesn't mean that they never do. It's also still very challenging for LGBT people to come out to their families. Those who do are often rejected and thrown out of their homes. This can lead to the inability to finish school and they are more likely to experience poverty. However, we have also seen positive changes in recent years. While the media often portrays LGBT people in a stereotypical and negative way, some positive LGBT role models are starting to emerge, both in the media and in politics. This will have a positive impact on LGBT people in the Philippines.

LGBT groups and advocacy

LGBT groups operate across the country, offering support and working to advance equality. Many groups are working on introducing comprehensive anti-discrimination legislation in the Philippines. While 15 cities have local anti-discrimination legislation, there is no national law protecting LGBT people from discrimination. A proposed national bill has been in congress for 18 years. While progress has been slow, there have been recent positive developments. We also have a sizable number of congress members who are in favour of the bill and who help us push for it.

Healthcare

While national healthcare insurance exists, there is little to no specialised healthcare for LGBT people. There are no specialised services for trans people and no hormone therapy is available. Trans people who wish to transition medically need to travel to another country, but many cannot afford this. When LGBT people seek to access general healthcare, they often face discrimination and verbal harassment from staff.

Workplace

Accessing work is often very difficult for people who are visibly LGBT. If an applicant's gender expression is perceived to be outside the male-female binary, they are often not hired no matter their qualifications. Many LGBT people only find work in the informal sector or even have to move abroad. Those who do find work often experience discrimination and harassment by colleagues. LGBT employees are often told to change their physical appearance to look more 'feminine' or 'masculine'. Many also hide their sexual orientation and gender identity to be treated more equally.

Employers can and should make sure their policies are LGBT inclusive. This reaches from explicit anti-discrimination policies and more flexible dress codes to equal partner benefits. It's also incredibly important to train and educate staff on LGBT issues. This can help eliminate discrimination from recruitment processes and help change the hearts and minds of co-workers. Many LGBT organisations in the Philippines, such as GALANG, offer such training and can help organisations become more LGBT inclusive.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Audit and extend partner benefits to same-sex partners  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|--|---|

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Thomson Reuters

With support from Thomson Reuters' (TR) global LGBT staff network, a local chapter was set up in the Philippines in 2012. Through forums, reverse-mentor programmes and training, the network focuses on awareness raising to create inclusive workplaces for LGBT employees. The network is also instrumental in reviewing internal practices. For example, they worked with the HR team to make TR the first organisation in the Philippines to offer partner benefits to employees in same-sex relationships. This process involved cooperating with, and changing the practices of, vendors and suppliers to offer same-sex couple benefits across healthcare, pension schemes and insurance. TR now works with other businesses in the Philippines encouraging them to introduce equal benefits. For example, TR shares its best practice as a founding member of the Philippine Financial Industry Pride, a network of companies working for LGBT equality. TR also engages with local Philippine businesses, inviting them to awareness-raising events. Nowadays, many of TR's applicants state that they wish to work for TR because of its inclusive workplace culture and equal partner benefits.

Accenture

Rica Paras is senior manager for Technology at Accenture. She is also the Pride at Accenture network lead in Southeast Asia and a network member in the Philippines. Rica shares her experiences in the network:

How did you get involved with the network? I'm active in several LGBT groups and speak publicly about my experience as a trans woman in the Philippines. It was natural to join the network when I started at Accenture in 2013. Back then, the network had around 50 members, now we have more than 500.

Why is it important to have a network in the Philippines? When the network started in 2005, only allies were members. At the time, LGBT employees did not feel comfortable being out. It's difficult when no anti-discrimination laws exist for LGBT people. Now, however, many LGBT employees are members, which shows the network's positive impact at Accenture. The fact that senior leaders support the network also sends a strong message and enables LGBT employees to bring their authentic selves to work.

What activities does the network organise? We focus a lot on education, for example through allies training programmes and awareness-raising events. For one panel event, we invited a famous TV show host who identifies as LGBT. We also march in Manila Pride alongside other businesses and exchange best practices as a member of the Financial Industry Pride.

What have some of the network's biggest achievements been? Thanks to the hard work of the network and Accenture, we now have gender-neutral bathrooms and a gender dress policy based on self-identification. We also offer equal employee partner benefits regardless of sexual orientation.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June - Metro Manila Pride. www.mmpride.org

June - Cebu Pride. www.facebook.com/Cebu.LGBTQ

August - LGBT Workplace Equality Conference. www.lgbtph.org

September - University of the Philippines Dilman Pride.

www.facebook.com/uppride

December - Baguio LGBT Pride Parade.

www.facebook.com/amiananpridecouncil

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



FIND LGBT GROUPS AND COMMUNITIES

ASEAN SOGIE Caucus - a regional network of LGBT rights organisations in Southeast Asia, based in the Philippines. www.aseansogiecaucus.org

Association of the Transgender People in the Philippines - a community group for trans people in the Philippines, welcoming trans people from the Philippines and abroad. www.philippine-transgender-movement.com

Galang - a group focusing on the rights and empowerment of poor urban lesbian, bi and trans communities. www.galangphilippines.org

LAGABLAB LGBT Pilipinas - a network of LGBTQ organisations, individuals and allies seeking to advance and protect the human rights of the LGBT community with special focus on legislation and policymaking www.facebook.com/lagablablgbt

Lezworld - an online community for lesbian women. www.lezworld.com.ph

Mujer-LGBT Organization - a group advocating for HIV/AIDS prevention and awareness as well as against gender-based violence. www.facebook.com/mujerorganizationz

Philippines LGBT Chamber of Commerce - a membership-based industry organisation of businesses working for LGBT equality in the Philippines. www.lgbtph.org

Side B Philippines - a group for bi activists with a focus on bi visibility and employment equality. www.facebook.com/SideBPhil



GET LOCAL LGBT UPDATES

Outrage Magazine – an online and printed LGBT publication in English. www.outragemag.com



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



TURKEY



Population: 80+ million people



Stonewall Global Diversity Champions: 40



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Turkey is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution protects the **rights to freedom of expression, association and assembly** under Articles 26 and 34.

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

However, **general provisions** can be used to **restrict rights of LGBT people and groups**, subject to individual circumstances.

For example, Article 56 of the Turkish Civil Code (2002) states that **'no association can be formed** for an object **contrary to laws and ethics'**.

Another example is Law No. 5651 (2007), which allows for the **blocking and removal of online content**, including material **related to 'obscenity'**.

Recently, **LGBT events have also been banned** for 'public security concerns'.

FAMILY AND SAME-SEX RELATIONSHIPS

Same-sex sexual acts are not criminalised.

There is an **equal age of consent** of 18 years for sexual acts regardless of gender under Article 11 of the Turkish Civil Code.

Same-sex marriage is not legal under Articles 124-144 of the Civil Code.

Same-sex relationships are **not** otherwise **recognised** by law.

Same-sex couples have **no legal right to adopt** children under Articles 305-320 of the Civil Code.

EQUALITY AND EMPLOYMENT

Article 10 of the Constitution states that **everyone is equal before the law** but it **does not explicitly refer to sexual orientation and gender identity**.

Employment discrimination based on **several grounds** is **prohibited** under Article 5 of the Law on Labour. However, **sexual orientation and gender identity** are **not listed as prohibited grounds**.

Hate crimes based on sexual orientation or gender identity are **not considered aggravating circumstances** in sentencing.

GENDER IDENTITY

Trans people can change their legal gender on all identification documents through a court decision according to Article 40 of the Civil Code.

The legal gender **can only be changed to male or female**.

The change of legal gender is **subject to sterilisation, medical opinion, compulsory divorce** and being **over the age of 18**.

Trans people can change their legal name on all identification documents under Article 27 of the Civil Code.

Legal name change is **subject to an application to the National Registration Office**, a **'valid reason'** and having a **witness**. What constitutes a 'valid reason' is not defined in the Civil Code.

IMMIGRATION

Dependant visas are not available for same-sex partners of people working in the country.



A VIEW FROM TURKEY

Sedef Çakmak is on the board of the Social Policy, Gender Identity and Sexual Orientation Studies Association (SPoD) and is also a councillor of the Beşiktaş municipality in Istanbul. SPoD was formed to combat oppression and discrimination in society with a specific focus on sexual orientation and gender identity based violence.



What is the biggest problem facing LGBT people in Turkey?

The equality article in Turkey's constitution does not include sexual orientation and gender identity, which means LGBT people can be lawfully discriminated against in a number of public spheres, including the workplace. This lack of protection makes it extremely difficult to secure positive outcomes in court cases, and is at the heart of homophobia, biphobia and transphobia in Turkish society.

What are some of the specific issues lesbians, bi women and trans people face?

The majority of lesbians and bi women are forced to live in the closet until they gain financial independence, which is also true for women forced into heterosexual marriages. There are several court cases in which women lost custody of their children after a divorce, with the excuse that their sexual orientation made them 'unfit' to be a parent. There is still much work to be done regarding the legal, social and economic rights of lesbians and bi and trans women. The widespread transphobia in society as well as the lack of anti-discriminatory laws narrow down job opportunities of trans people. Many trans women have no choice but to become sex workers. Even though prostitution isn't a crime in Turkey, rights of the sex workers aren't well protected either. This situation causes many trans women sex workers to work in extremely unsafe environments, deprived of basic social securities.

How are LGBT people portrayed in the media?

There is oppressive censorship of a range of subjects by the government, and independent media is tightly controlled. Even some forms of social media, such as Twitter and YouTube, have been temporarily blocked in recent years. In 2011, when the constitution was being re-written, television journalists were extremely reluctant to cover stories about the inclusion of LGBT protections, for fear of losing their jobs. Although there has been some positive change and objective discourse in newspapers, it's still common to find hate speech towards LGBT people on social media.

What is the workplace like for LGBT people?

LGBT people often feel the need to hide their sexual orientation and gender identity at work, and those who don't, or are unable to do so, may face repercussions. Even where discrimination is obvious, it will often be ignored because unemployment rates are high in Turkey and people don't want to risk their livelihoods. Trans people in particular will find it nearly impossible to be open about their gender identity at work. Some positive precedents have been set in the courts, although these mainly relate to the police and the army. However, the private sector is becoming increasingly aware of LGBTI employees and is cooperating with NGOs advocating for LGBTI rights. For example, organisations are seeking to partner with LGBT groups to deliver LGBT rights training to their employees.

Do international or Turkish organisations publicly support LGBT equality?

SPoD has held LGBT training sessions for international organisations, and many of these organisations also have LGBT-inclusive non-discrimination statements on their public recruitment websites. But for most businesses, LGBT equality is not a priority and relationships between the LGBT community and businesses are hard to establish. SPoD would like to see greater cooperation between the public and private sectors and LGBT groups. Employers should create a more inclusive working environment and shouldn't shy away from explicitly condemning discrimination based on sexual orientation and gender identity.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

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

NEXT STEPS

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

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

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM IBM's commitment to diversity is manifested in its global policy, which expresses explicit commitment to sexual orientation and gender identity equality and prohibits discrimination on these grounds. This policy is applied throughout IBM in Turkey. IBM diversity events include LGBT topics. IBM also provides support to its LGBT staff when posting or relocating them to and from Turkey. All internal job descriptions make clear that candidates are not discriminated against on the grounds of sexual orientation or gender identity, reinforcing IBM's diversity policy. If an LGBT employee has to decline a transfer or assignment for reasons relating to their sexual orientation or gender identity, IBM ensures that it will not have a negative impact on their career. If an assignment is accepted or a person moves permanently, IBM treats the person's same-sex partner in the same way that it treats opposite-sex partners.

Baker McKenzie Since its inception in 2014, the Baker McKenzie Istanbul office has been unequivocal in its position as a positive advocate for LGBT+ equality. Every year, a large rainbow flag proudly adorns the front of the building in celebration of Pride week. This way, Baker McKenzie externally displays its support for the LGBT+ community. The local Diversity & Inclusion committee, which has a strong LGBT+ focus, plans a series of internal events visited by clients, NGOs and Baker McKenzie colleagues alike. Each year, the office also joins the annual Istanbul Pride parade carrying 'Baker McKenzie supports Pride week' banners and badges. Many internal film screenings have taken place at the Istanbul office. For example, a screening of the LGBT+ themed documentary *Benim Cocugum/My Child* took place in 2014. This was followed by a Q&A session with the families of some of the trans children featured in the documentary. In 2015, Baker McKenzie organized an LGBT+ panel event, which was attended by colleagues, clients and the then US Consul General to Turkey. 2016 again saw screenings and events rolled out specifically in support of the LGBT+ community. In 2017, the office held an LGBT+ and allies networking event bringing together colleagues, clients and leading local LGBT+ NGOs, helping to educate attendees about LGBT+ equality and build a supportive network.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

January - Pink Life KuirFest is a queer film festival.
www.pembehayatkuirfest.org

June or July – Istanbul Pride.

Note that in 2016-17 these events were banned. For more information, visit www.pembehayatkuirfest.org. Check the events websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

KAOS GL – an LGBT group offering support through conducting cultural, educational, artistic and sports activities and providing information on LGBT rights issues. www.kaosgldernegi.org

Lambdaistanbul LGBTI Solidarity Association – an LGBT organisation focusing on community work, campaigns and the organisation of Pride events. Lambdaistanbul runs a community centre, library and LGBT helpline. www.lambdaistanbul.org

LISTAG (Families of LGBTs in Istanbul) – a voluntary support and solidarity group for families and friends of LGBT people in Turkey. www.listag.org

Mersin LGBT 7 Renk – an LGBT group working to raise awareness of LGBT issues, report instances of discrimination and positively influence laws and policies. www.mersinyedirenk.org

Pembe Hayat – an organisation and community group focusing on trans rights. www.pembehayat.org

Siyah Pembe Üçgen İzmir – an LGBT association focusing on legal and social advocacy work. www.siyahpembe.org

SPoD – a national LGBT organisation focusing on economic and social rights, legal issues, political participation, research, visibility in the media and international solidarity. SPoD's activities also include LGBT training sessions for international businesses. www.spod.org.tr



GET LOCAL LGBT UPDATES

Kaos GL Magazine – a magazine discussing LGBT issues. www.kaosgldergi.com/anasayfa.php

LGBTI News Turkey – a group of volunteer-translators providing English translations and sources on LGBTI issues in Turkey for journalists, activists, scholars and the general public. www.lgbtinewsturkey.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 40 ORGANISATIONS OPERATING IN TURKEY.

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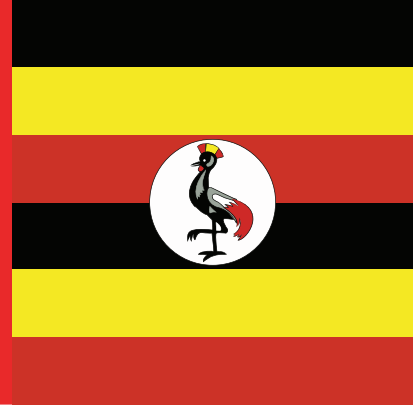
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Legal Partner



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UGANDA



Population: 40.8 million



Stonewall Global Diversity Champions: 19



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Uganda is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

To help put this into context, it is important to note that two further zones exist:

In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation.

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

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 21, 23, 24 and 27 of the Constitution of Uganda protects the **right to freedom of expression, association and assembly**.

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

FAMILY AND RELATIONSHIPS

Any action or attempt to **have carnal knowledge of another against the order of nature is criminalised** and are punishable with up to seven years imprisonment under Sections 145 and 146 of the Penal Code.

While not explicitly stated, **sexual acts between people of the same sex** have long been seen as **falling under this**.

In February 2014, the Ugandan parliament passed an **Anti-Homosexuality Act** but it was **repealed** the following August due to irregularities in the procedure of its passing.

Same-sex marriage is not legal as the Marriage Law defines marriage as a union between a man and a woman.

Same-sex couples **cannot adopt children** because their marriage is not recognised by Ugandan law and only married couples can adopt under Part VII of the Children Act.

EQUALITY AND EMPLOYMENT

Employment discrimination based on **sexual orientation and gender identity is not prohibited**.

No other provisions exist to **protect against discrimination** based on **sexual orientation and gender identity**.

Article 21 of the Constitution of Uganda guarantees **equality before the law**. There is no explicit reference to sexual orientation and gender identity.

Hate crimes based on sexual orientation and gender identity are **not considered an aggravating circumstance** in sentencing.

GENDER IDENTITY

Trans people **over the age of 18 cannot change their legal gender**.

Trans people **under the age of 18 can change their legal gender** under Section 14 of the Births and Deaths Registration Act.

Legal gender change is **subject to** gender reassignment surgery, certification of operation by a **medical doctor**, an **application by the parents** to the Registrar of Births and Death and **approval from the Registrar**.

Legal gender can only be changed to male or female. There is **no option to change legal gender to a third gender**.

Trans people can **legally change their name on all documents and records**, including birth certificates, under Section 12 of the Births and Deaths Registration Act.

Legal name change is subject to **publishing a notification of name change** in the Gazette.

IMMIGRATION

Dependent visas are available to children and spouses, however, there are **no legal provisions that specifically support immigration of same-sex partners**. As same-sex marriages are not legally recognised, this may pose challenges for same-sex couples applying for dependent visas.

A VIEW FROM UGANDA

Stonewall spoke to **Takao Foundation**, which works to strengthen the wellbeing, health and livelihoods of marginalised groups in Uganda and Eastern Africa through advocacy and individual and community capacity development. The individual Stonewall interviewed at the Takao Foundation did not wish to be named.

Stonewall also spoke to **Dr Adrian Jjuuko**, Executive Director of the **Human Rights Awareness and Promotion Forum (HRAPF)**. HRAPF promotes the protection of the human rights of marginalised people through legal aid, research and advocacy, strategic litigation, legal and human rights awareness raising, capacity development and strategic partnerships.



Everyday life

Takao Foundation: “Increasing numbers of LGBT people are open about their identity in Uganda. This is likely because there are more mechanisms to support their human rights. Despite this, LGBT people still face verbal, physical and sexual violence, arbitrary arrest and detention, and are regularly denied access to housing, education and employment.”

Dr Jjuuko: “One of the biggest challenges for LGBT people in Uganda is the legal framework. Exclusion from education, the economy and housing, as well as violence against LGBT people, are all grounded in or facilitated by the law. Cultural and religious attitudes, which are often influenced by the law, as well as a range of other factors, also impact LGBT people’s struggles. For example, white LGBT people in Uganda may have an easier experience. Also, those who are financially empowered face less scrutiny and are generally safer than people who are poor. Finally, gender plays a big part. For instance, gay men are generally treated more harshly than lesbians.”

LGBT groups

Dr Jjuuko: “While many groups work on LGBT issues in Uganda, only one or two are open about this and are visible. The law is increasingly restrictive for LGBT groups, which makes operating challenging. No groups use ‘LGBT’ in their name and cannot organise open meetings as the law doesn’t allow the association of organisations that are seen as promoting illegalities. LGBT activists are also at risk, with several break-ins or murders targeting LGBT organisations and activists.

LGBT groups are focused on changing the law and perceptions and treatment of LGBT people. For example, HRAPF has been training the police on LGBT issues and organisations like Sexual Minorities Uganda (SMUG) are engaging religious leaders and healthcare workers. Legal advocacy has been successful in the past, but recently, this has not been the case. LGBT issues have become increasingly politicised, with courts upholding the status quo.”

Visibility

Dr Jjuuko: “LGBT people are largely not visible in Uganda. When an LGBT person is well known, it is because they are an activist. People may be wary of being visible because in Uganda, the fact that someone is LGBT can often be used against them. LGBT people feel like they need to be invisible to survive, otherwise they will never be able to access the safety and security afforded to others.”

Workplaces

Takao Foundation: “Discrimination, harassment and violence all mean that at work, LGBT people usually hide their identity. The Ugandan context means employers’ ability to externally support the LGBT community may be limited.

However, there are still internal initiatives businesses can implement to help promote LGBT equality and inclusion. Being vocal about their support for the LGBT community internally clearly demonstrates an expectation that LGBT staff should be respected at work. Businesses can also support LGBT organisations by consulting them about their workplace practices. Finally, businesses can support LGBT organisations more publicly in more accepted areas, such as health and HIV/AIDS.

The climate for LGBT people in Uganda means public advocacy is not going to be effective, but businesses can promote favourable messages for the LGBT community in marketing. This should however be done subtly, for example by focusing on wider issues that may impact the LGBT community, such as HIV/AIDS. If you promote LGBT issues from a perspective that all people can relate to, you are more likely to be successful.”

Dr Jjuuko: “The number of LGBT people in formal employment is very low and very few are out at work. Those who are face several problems. People are fired for being LGBT and have no access to justice, as discrimination on the grounds of sexual orientation and gender identity is not illegal. LGBT people also face violence and blackmail from both their employers and colleagues. In general, most employees are not treated well in Uganda, but LGBT people tend to experience the worst of this.

While the situation for LGBT people in Uganda can be challenging, there are still steps employers can take to support LGBT staff. For instance, discrimination and harassment policies covering sexual orientation and gender identity are a key way of protecting LGBT staff. Organisations should also carry out equality and diversity training, which many Ugandan LGBT and human rights organisation offer.

Businesses can also support the LGBT community in Uganda more widely. While public promotion and sponsoring events are not really options, providing funding or pro bono services to LGBT organisations can help the LGBT community and is appropriate for the local context.”

Healthcare

Dr Jjuuko: “LGBT people should have equal access to healthcare but this is not generally the case. Mostly, if you told a healthcare centre you were LGBT, you would not be able to go back there. However, the Ministry of Health supports the Most at Risk Populations Initiative (MARPI) which provides specialised services to LGBT persons. There is limited availability when it comes to many LGBT-specific services and treatments, and stigma towards LGBT people makes accessing them difficult. Wealthy people may be able to access LGBT-specific care through private healthcare. However, in Uganda, some treatments are completely unavailable and so international travel would be required to access them.”

LGBT INCLUSION IN THE WORKPLACE

Despite the challenging context for LGBT people in Uganda, there is great scope for employers to contribute to a Ugandan society that supports equality for LGBT people. There are several ways that an employer can do this through their programmes and policies – however, to ensure that they develop their practices it is important for them to monitor and evaluate their performance.

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees that suits the context of Uganda, while being mindful that LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in Uganda. The safety and security of LGBT staff, both from Uganda and elsewhere, should be paramount at all times and will require careful consideration. Employers should:

1. Implement globally LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies and equal partner and family benefits.
2. Carry out comprehensive diversity **training**.
3. **Engage staff** by ensuring they can access global ally programmes without exposing themselves to risk.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Evaluate your global **procurement** practices to ensure LGBT inclusion is a key part of the tendering process and your relationship with potential and existing suppliers.
6. Work to **understand the local context and support local communities** by partnering with local LGBT groups.
7. Ensure your **mobility** policies account for employee's sexual orientation and gender identity and provide staff travelling to or from Uganda with adequate, LGBT-specific information. Be prepared to evacuate staff in emergency situations that affect your LGBT employees.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Citi

Citi ensures that LGBT people are included throughout their policies. Sexual orientation, gender identity and gender expression are explicitly included in Citi's anti-discrimination and bullying and harassment policies. Employees are required to attend online training on 'Fostering an Inclusive Environment', which specifically addresses LGBT identities, and Citi has hosted global LGBT awareness raising webinars with PFLAG and Stonewall. These webinars covered how to be LGBT allies, along with LGBT rights and advocacy around the world. The sessions were advertised and available to Citi employees in Uganda and were attended by staff based there. Citi has also created a collection of LGBT Travel Safety guides for the 54 countries in which Citi has a presence in Europe, the Middle East and Africa. Citi's EMEA CEO sent these guides to employees in each of these countries, accompanied by a strong message on Citi's commitment to LGBT equality across all countries in which it operates.



GET INVOLVED



FIND LGBT GROUPS AND COMMUNITIES

Cámara de Comerciantes LGBT de UGANDA – a feminist organisation promoting the rights of lesbian, bi and queer women. www.faruganda.org

Icebreakers Uganda – a local group that works to raise awareness for LGBT people on the human rights aspects of health, particularly HIV/AIDS and tackles discrimination and bullying based on sexual orientation and gender identity. www.sexualminoritiesuganda.com/icebreakers-uganda

Sexual Minorities Uganda (SMUG) – a non-governmental organisation that supports LGBTI people by advocating for policy reform and an end to discrimination as a partnership of 18 Uganda LGBTI organisations. www.sexualminoritiesuganda.com

Human Rights Awareness and Promotion Forum – an organisation working to achieve equality, non-discrimination and access to justice for the most marginalised populations, including LGBTI people. www.hrapf.org

Takao Foundation – a local non-governmental organisation working to strengthen the wellbeing, health and livelihoods of marginalised groups in Uganda. www.takao-africa.org



GET LOCAL LGBT NEWS

Kuchu Times – an online media platform for LGBT people. www.kuchutimes.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 19 ORGANISATIONS OPERATING IN UGANDA.

The *Global Diversity Champions* programme gives you the tools you need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep you informed of legal changes and implications for your staff wherever they are in the world. Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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Freshfields Bruckhaus Deringer



Population: 6+ million



Stonewall Global Diversity Champions: 65



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

The UAE is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Article 30 and 33 of the UAE Constitution protect the right to **freedom of expression and assembly "within the limits of the law"**.

Article 72 of UAE Federal Law No. 15 of 1980 for Printed Matter and Publications states that "[v]iews which are in **breach of public morality**, harm young persons or invite persons to espouse or promote destructive principles **may not be published.**"

Article 24 of Federal Law No. 5 of 2012 (Cyber Crime Law) makes it **illegal to "promote disorder, hate, racism or sectarianism and damage the national unity, social peace, public order and public decency."**

All sexual acts outside of a different-sex marriage are illegal, including consensual heterosexual acts committed outside of wedlock. Given this legal context, **expression of support for LGBT rights would likely be deemed a violation of public morality and decency.**

All private **associations must be approved and licensed** by local government authorities.

FAMILY AND RELATIONSHIPS

All **sexual activity outside of different-sex marriage is illegal**. Penalties include imprisonment for a minimum period of one year under Article 356 of the UAE Penal Code, Article 177 of Dubai's Penal Code and Article 80 of Abu Dhabi's Penal Code.

The **death penalty still exists** under Sharia law. It is **unclear whether modern courts would extend such a sentence to such offences**. To the knowledge of the international community, the death penalty has **not yet been applied** for cases of same-sex sexual acts.

Because sexual activity outside of different-sex marriage is illegal, **sexual acts** between people of the same sex are **strictly prohibited**.

EQUALITY AND EMPLOYMENT

There is **no legal prohibition of discrimination** in employment **based on sexual orientation or gender identity**.

Law No. 2 of 2015 against Discrimination and Hatred **prohibits all forms of discrimination on the basis of a limited list of characteristics that does not include sexual orientation or gender identity**.

Article 27 of the UAE Constitution states that all **persons shall be equal before the law** and that no discrimination shall be practiced between citizens based on a list of limited characteristics. This **list does not include sexual orientation or gender identity**.

GENDER IDENTITY

Article 7 of Federal Decree No. 4 of 2016 **legalised gender reassignment surgeries** if a person (a) suffers from gender dysphoria and (b) is provided mental health care to psychologically prepare them for the gender reassignment surgery.

It is **unclear if authorities will change a person's legal gender** on official documents **after such surgery**. The law permitting gender reassignment is very new and it is hard to predict how authorities will implement the law in this respect.

IMMIGRATION

Same-sex relationships are not recognised for immigration purposes.

Article 6 of Federal Law No.6 of 1973 allows for **deportation if security authorities see this as necessary** for the "public interest or public security or public discipline."

Under this law, **people caught engaging in illegal sexual conduct or 'cross-dressing' can be deported.**

LGBT activists previously have been denied entry into the UAE.

CONTEXT

Given the restrictive legislative framework in the UAE with regards to sexual orientation and gender identity, and particularly the threat of the death penalty, any LGBT-related activities in the region should be approached with caution. The safety and security of LGBT staff should be paramount at all times.

The Global Workplace Briefing series seeks to give employers the tools they need to create more equal and inclusive workplaces for their LGBT employees. To inform the content of the briefings and to understand the situation for LGBT people in different countries, Stonewall always consults with local LGBT groups.

However, due to the lack of known and strong civil society groups advocating for LGBT rights in the UAE, Stonewall is unable to consult with local LGBT groups for this briefing.

In the absence of a local perspective, we are limited in the guidance that we can give. As such, the content of this briefing focuses on giving employers the tools they need to support international LGBT staff working in the UAE.

INTERNATIONAL INSIGHT INTO HUMAN RIGHTS IN THE UAE

Amnesty International, in its 2017/18 report on the state of the world's human rights, summarised the general human rights situation in the UAE:

"The authorities continued to arbitrarily restrict freedoms of expression and association, using criminal defamation and anti-terrorism laws to detain, prosecute, convict and imprison government critics and a prominent human rights defender. Scores of people, including prisoners of conscience, who were sentenced following unfair trials remained in prison. Authorities held detainees in conditions that could amount to torture and failed to investigate allegations of torture made in previous years. Women continued to face discrimination in law and in practice. Migrant workers remained vulnerable to exploitation and abuse. Courts continued to hand down death sentences; there was one execution."

The report also stated:

"In Dubai, two men were arrested for "dressing in a feminine way", in violation of their right to freedom of expression." **Amnesty International, Amnesty International Report 2017/18: The State of the World's Human Rights**

ILGA World, in its 2017 State Sponsored Homophobia Report, also addressed the situation for LGBT people in the UAE:

"It is through the Sharia code that the death penalty theoretically can apply to same-sex sexual relations through the offence of Zina (Article 356) which applies to sexual relations outside of marriage of any sort. However, research by leading human rights organisations concludes that although in some cases courts have gone beyond codified laws and imposed harsher sentences of stoning and flogging for Zina crimes, it appears that the law is used in rape cases only."

International Lesbian, Gay, Bisexual, Trans and Intersex Association: Carroll, A., State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition (Geneva; ILGA, May 2017)

LGBT INCLUSION IN THE WORKPLACE

Despite a challenging context for LGBT people in the UAE, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees. However, LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in the UAE. The safety and security of LGBT staff, both from the UAE and elsewhere, should be paramount at all times and will require careful consideration.

CREATING GLOBAL STRUCTURES

It is important that multinational employers work to create a strong global LGBT diversity and inclusion framework. Global policies and structures send a signal to LGBT employees that their needs are taken seriously wherever they are or travel for work. Employers should work to:

-  **Introduce global anti-discrimination and anti-bullying and harassment policies that are explicitly inclusive of sexual orientation and gender identity**
-  **Appoint a global senior champion who addresses the importance of LGBT equality globally**
-  **Build a global LGBT employee network group and a global allies programme**
-  **Have a global diversity and inclusion team or position in place whose remit covers sexual orientation and gender identity**

SUPPORTING MOBILE STAFF

Multinational businesses may send their staff on overseas assignments to the UAE. It is vital that employers have policies and practices in place to support LGBT people ahead of and during their work travel. Employers should take the following steps:

-  **Have relocation policies in place that address additional considerations for LGBT staff and set out how such issues are to be handled by managers**
-  **When sending employees on a posting to the UAE, make sure to provide them with information on the legal and cultural situation for LGBT people in the country, and a realistic overview of how your organisation can support LGBT employees during the posting**
-  **Make sure LGBT employees do not suffer a career detriment if they decide not to accept the assignment due to their sexual orientation and gender identity, by providing equivalent alternatives**
-  **Take steps to avoid outing of LGBT employees in the UAE – this may include change of email address and social media security training**
-  **Have strong security mechanisms in place, digital and otherwise, to ensure confidential access to global employee support mechanisms for mobile and domestic staff. For example, this may include confidential membership lists and privately marked calendar invitations**
-  **Have an emergency evacuation procedure in place that explicitly takes into consideration emergency situations specific to LGBT people**

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Pinsent Masons

Pinsent Masons has a global commitment to equality, diversity and inclusion and work to implement this commitment in its offices around the world. While the firm is always respectful of local laws and culture, Pinsent Masons doesn't compromise on its values, or on its commitment to creating safe and inclusive workplaces for everyone. Before sending staff to work in the UAE, employees are provided with a comprehensive country guide, developed in conjunction with the employee networks including the LGBT+ employee network. This information helps employees to make an informed decision on whether it would be safe for them to take on the assignment. Additionally, a network of people happy to share their personal experiences offers one-to-one chats, so staff can discuss any concerns and gain a better understanding of the local culture before travelling. All staff can also connect remotely to a global employee assistance programme to seek confidential advice and support wherever they work in the world. This programme covers topics such as finances, health, relationships, sexual orientation and gender identity. Pinsent Masons works with the programme's suppliers so that they have a better understanding of how to support LGBT+ staff travelling internationally, for example in regard to accessing medical support or where there may be a risk to an employee's personal safety.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 65 ORGANISATIONS OPERATING IN THE UNITED ARAB EMIRATES.

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

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UNITED KINGDOM



Population: 64 million people



Stonewall Diversity Champions: Over 750

THE LEGAL LANDSCAPE

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

The **rights to freedom of expression, assembly and association** are protected by Articles 10 and 11 of Schedule 1 of the Human Rights Act 1998.

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

FAMILY AND SAME-SEX RELATIONSHIPS

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

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

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

There is an **equal age of consent** of 16 years for sexual acts regardless of gender under Section 1 of the Sexual Offences (Amendment) Act and Section 16 of the Sexual Offences (Northern Ireland) Order 2008.

ENGLAND, WALES AND SCOTLAND: Same-sex

marriage is legal under Section 1 of the Marriage (Same Sex Couples) Act 2013 and Chapter 1 of the Marriage and Civil Partnership (Scotland) Act 2014.

NORTHERN IRELAND: Same-sex marriage is not legal

and same-sex marriages conducted outside Northern Ireland are recognised only as civil partnerships under Part 4 of the Civil Partnership Act 2004.

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

Same-sex couples can enter into civil partnerships under the Civil Partnership Act 2004.

ENGLAND, WALES AND SCOTLAND: Same-sex couples

have the **right to adopt** jointly and through second parent adoption under the Adoption and Children Act 2002 and the Adoption and Children (Scotland) Act 2007.

NORTHERN IRELAND: The Court of Appeal ruled that same-sex parents **have equal rights to apply to adopt** children (Re Judicial Review (2013)).

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

Same-sex parents can both be listed as parents on a birth certificate, but there are **different procedures** depending on the gender and marital status of the same-sex couple, under the Human Fertilisation and Embryology Act 2008 (sections 42, 44 and 54 in particular).

EQUALITY AND EMPLOYMENT

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND:

The right to **enjoy human rights without discrimination** on 'any ground' is guaranteed by Article 14 of Schedule 1 of the Human Rights Act 1998. Courts have ruled that 'any ground' **includes gender identity and sexual orientation**.

ENGLAND, WALES AND SCOTLAND: Employment discrimination and several other forms of **discrimination based on sexual orientation and gender reassignment** are **prohibited** under Section 39 of the Equality Act 2010.

NORTHERN IRELAND: Employment **discrimination on the grounds of gender reassignment and sexual orientation** is **prohibited** under the Sex Discrimination (Gender Reassignment) Regulations 1999 and Employment Equality (Sexual Orientation) Regulations (NI) 2003.

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND: **Harassment and discrimination based on sexual orientation and gender reassignment** are **prohibited in the provision of goods and services, premises, education and public functions** under several laws, including the Equality Act 2010.

SCOTLAND: **Hate crimes based on sexual orientation and being transgender** are **considered an aggravating circumstance** in sentencing under Section 146 of the Criminal Justice Act 2003 and Section 2 of the Offences (Scotland) Act 2009.

NORTHERN IRELAND: **Hate crimes based on sexual orientation** (but not gender identity) are **considered an aggravating factor** during sentencing under Article 2 of the Criminal Justice (No.2) (NI) Order 2004.

ENGLAND AND WALES: **Inciting hatred on the grounds of sexual orientation** is a separate **criminal offence** under Section 29B of the Public Order Act 1986 as amended in 2008.

THE LEGAL LANDSCAPE (CONT.)

GENDER IDENTITY

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND: **Trans people** over the age of 18 **can change** their **legal gender** to female or male by applying for a gender recognition certificate under Section 1 of the Gender Recognition Act 2004.

The **certificate allows** trans people to **acquire a new birth certificate** and **full legal recognition** of their gender identity.

There are several requirements for a gender recognition certificate, **including a medical report** and **evidence** that the person **has lived in their 'acquired' gender** for **two years**.

ENGLAND, WALES AND SCOTLAND: A **civil partnership** would have to be **ended or converted into a marriage before** applying for a **gender recognition** certificate as civil partnerships are only open for same-sex couples.

ENGLAND AND WALES: The **married spouse** of a trans person **can veto** the full legal **gender recognition**.

NORTHERN IRELAND: A **marriage or a civil partnership** would have to be **ended before applying for a gender recognition** certificate as marriage is only available for different-sex couples, and civil partnerships are only available for same-sex couples.

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND: Anyone, including trans people, **can freely change** their **legal name** by making a deed poll and do not need a gender recognition certificate to do so (except for changes to the birth certificate).

IMMIGRATION

ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND: **Same-sex partners** of British citizens or those settled in the UK can apply for a **dependent visa** based on marriage/civil partnership or having a British or "settled" fiancé(e).

Those who can show that a return to their home country puts them at risk of serious harm because they are **LGBT can seek asylum** on these grounds.



LEGAL TRANS EQUALITY

The above described Gender Recognition Act 2004 (GRA) is in urgent need of reform. The current process, under the GRA, means trans people have to go through a series of intrusive medical assessments and long, demeaning and bureaucratic interviews with healthcare professionals in order to 'prove' their gender identity. People who are non-binary (who don't identify as either male or female) don't have any legal recognition at all under the current law.

This legal system was recently reviewed by the Women and Equalities select committee who recommended reform. The UK Government is expected to launch a public consultation in 2018. Stonewall supports an amended GRA that requires no medical diagnosis or presentation of evidence. It is important that the updated legislation recognises non-binary identities, and that it gives all trans people the right to self-determination, through a much simpler process. Stonewall's position is set out in our plan for trans equality – 'A Vision for Change': www.stonewall.org.uk/vision-change



OVERSEAS TERRITORIES & COMMONWEALTH

The UK has 14 overseas territories that are under the jurisdiction and sovereignty of the UK, but do not form part of the UK. The situation for LGBT people across these territories differs but many LGBT people still suffer under the discriminatory effects of British colonial anti-sodomy laws. These laws also still influence former British colonies. A total of 36 of the Commonwealth's member states maintain laws which criminalise sexual acts between people of the same sex.

This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts.



THE UK: A SNAPSHOT

The United Kingdom is made up of England, Wales, Scotland and Northern Ireland. LGBT communities in each part of the UK share many experiences, but also face distinct challenges. Stonewall operates in England, Wales and Scotland and works in partnership with the Rainbow Project in Northern Ireland.



John O'Doherty, director of the Rainbow Project, on being LGBT in Northern Ireland:

"The rights of LGBT people in Northern Ireland have vastly advanced in the last 20 years. Discrimination against LGBT people is illegal, trans people can change their legal gender and same sex-couples can enter civil partnerships. However, many challenges remain. Same-sex couples cannot yet marry and the nationwide Gender Recognition Act needs reform. While acceptance of LGBT people is growing – particularly in cities – Rainbow Project research has shown that one in three LGBT people are worried about being the victim of crime. Additionally, because the focus in Northern Ireland is often on divisions in the post-conflict society, it's harder to make people focus on other issues surrounding equality. In general, LGBT people lack visibility in all aspects of life and public discourse."

Ruth Hunt, chief executive of Stonewall, on being LGBT in Britain:

"Over the past 25 years, Britain has taken huge strides on the journey to equality for LGBT people. Changes in the law mean that more schools, employers and public services are tackling anti-LGBT discrimination and bullying. Equal marriage is now a reality for many, and Section 28 - a law making it illegal to discuss same-sex relationships in schools - has been consigned to history. But for many LGBT people, these legal changes have not translated into true equality, and for trans people in particular there is still much progress to be made before they are fully protected and equal under the law."

Everyday life and discrimination

While acceptance of LGBT people has increased vastly in the past 25 years, a huge amount of work still remains before all LGBT people can feel safe, included and free to be themselves in Britain. Stonewall's *LGBT in Britain 2017* research showed that in England, Scotland and Wales:

- One in five LGBT people have experienced a hate crime or incident because of their sexual orientation and/or gender identity in the last 12 months
- Two in five trans people have experienced a hate crime or incident because of their gender identity in the last 12 months

Healthcare

Health and social care services have a duty to treat people fairly and equally. However, there are too few clinics that provide specialised treatment for trans people, with very long waiting lists. Stonewall's *Unhealthy Attitudes 2014* report also highlighted some major issues resulting in the unfair treatment of both LGBT patients and staff in England, Scotland and Wales. For example, Stonewall's research showed that:

- 10 per cent of health and social care staff say they are not confident in their ability to understand and meet the specific needs of lesbian, gay or bi patients and service users
- 24 per cent of health and social care staff are not confident in their ability to respond to the specific care needs of trans patients and service users

Workplace

Every year, Stonewall measures the performance of employers through our Workplace Equality Index and publishes a list of the Top 100 Employers. We have seen huge progress since the Index started in 2005. However, we also know that many challenges remain and that our work is not yet done. For example, in our *LGBT in Britain – Trans Report* research we found out that:


- One in eight trans employees have been physically attacked by colleagues or customers in the last year
- Half of trans and non-binary people (51 per cent and 50 per cent respectively) have hidden or disguised the fact that they are LGBT at work because they were afraid of discrimination

Come Out for LGBT

At Stonewall we know that the fight for LGBT equality in Britain is far from over. 'Come Out for LGBT' is our new campaign. We're asking people to visibly show their support for LGBT equality and encourage others to do the same. To see how people are coming out for LGBT and to learn what you can do, visit: www.stonewall.org.uk

LGBT INCLUSION IN ORGANISATIONS

Many employers and universities publish information about their initiatives for LGBT staff and students. To find out what your organisation and other employers do to support LGBT people, staff and students can look out for the following:

- | | |
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| <ul style="list-style-type: none">  Are policies and staff benefits explicitly inclusive of LGBT people?  Are LGBT people specifically encouraged to apply?  Do specific development opportunities exist for LGBT people?  Do LGBT network groups and formal allies programmes exist? | <ul style="list-style-type: none">  Are LGBT role models celebrated?  Does the leadership team champion LGBT equality?  Are staff and students asked about their sexual orientation and gender identity in surveys to analyse and improve LGBT initiatives?  Does the organisation engage with the wider LGBT community? |
|---|--|

Through the Diversity Champions programme, Stonewall works with over 750 organisations to help them create inclusive and accepting environments for their workforce and students. To join the programme or find out more, visit www.stonewall.org.uk/dc

Stonewall also has a range of free workplace resources available at www.stonewall.org.uk/workplace-resources



BEST PRACTICE FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Lloyds Banking Group “At Lloyds Banking Group, our goals are to become the best bank for customers, a company that reflects the diversity of modern Britain in our workforce, and provides an inclusive and welcoming environment for everyone” - **Karin Cook, Group Director, Group Services and Group Executive Sponsor for sexual orientation and gender identity**

Lloyds Banking Group became Stonewall's Employer of the Year 2017 after competing with more than 400 employers in the Workplace Equality Index. The Group has an LGBT strategy that covers colleagues, customers and communities. Bringing the strategy to life, the Group has recently extended their private healthcare provision to include interventions and support for trans employees. Lloyds Banking Groups' LGBT staff network, Rainbow, has over 5,000 members. They support the Group's strategy by focusing on professional development and promoting visible role models and allies. They've also supported : Bi Visibility Day and Transgender Day of Visibility, with new training tools, social media campaigns, and by flying the bisexual flag and transgender flags at 35 of their key sites. Lloyds Banking Group supports LGBT organisations across the UK, with colleagues and leaders spending over 1,000 hours volunteering with these charities and raising £75,000 within the last year. The Lloyds Bank 'For Your Next Step' advertising campaign featured a same-sex marriage proposal. The campaign was reported in the LGBT and mainstream press and has received positive feedback from the LGBT community.

The University of Birmingham The University of Birmingham examines LGBT inclusivity in the whole student journey, as well as supporting their LGBT staff. The University's successful LGBT staff network provides consultation, raises awareness and contributes to staff, student and community initiatives, including during LGBT History Month. Last year, for instance, one event focused on LGBT asylum seekers and included a talk by Clare Summerskill about her 2016 play Rights of Passage. The university careers service was the first in the country to set up an LGBT mentoring scheme which aims to enable young LGBT people to be comfortable about being themselves in the workplace after they graduate. 'Get out stay out' connects LGBT students with LGBT professionals in the city of Birmingham who act as mentors. They come from a range of public, private and voluntary sector organisations including the university's own LGBT staff network. The university has also led the establishment of the inter-institutional LGBT Inclusivity in Higher Education network and annual conference (@LGBTQinHE), which brings together higher education providers from across the UK and internationally to increase understanding of LGBT issues and make higher education a more inclusive place. As part of this work, the University of Birmingham have developed an LGBTQ-inclusive curriculum best practice guide. The guide supports higher education staff to think about inclusive language, curriculum content and the importance of LGBT role models in the learning environment. It is available for free online: www.intranet.birmingham.ac.uk/staff/teaching-academy/documents/public/lgbt-best-practice-guide.PDF.

GET INVOLVED



FIND LGBT GROUPS AND COMMUNITIES

To find LGBT services and community groups that are local to you, use Stonewall's What's in My Area search tool at www.stonewall.org.uk/whats-my-area

If you can't find what you're looking for you can call our info line on 08000 50 20 20 (Mon-Fri 9:30am - 5:30pm, UK time) and the info team will try to point you in the right direction.



PRIDE EVENTS IN THE UK

Pride events now take place in more than 100 towns and cities across the UK. Every year, Stonewall attends more than 30 Prides across the UK and is always looking for people to campaign for LGBT equality with us.

To find out more about volunteering with Stonewall at Pride celebrations, visit www.stonewall.org.uk/pride

SPOTLIGHT ON UK BLACK PRIDE

UK Black Pride is an annual Pride event. It promotes unity and co-operation among all black people of African, Asian, Caribbean, Middle Eastern and Latin American descent who identify as LGBT, as well as their friends and families.

Find out more: www.ukblackpride.org.uk

SPOTLIGHT ON TRANS PRIDES

The number of trans-specific Prides grows each year, celebrating trans, including non-binary, and intersex people and fighting discrimination against trans communities. Find out more:

Trans Pride Brighton: www.transpridebrighton.org

Sparkle Manchester: www.sparkle.org.uk

Trans Pride South West: www.facebook.com/transpridesouthwest

Trans Pride Scotland: www.facebook.com/TransPrideScotland/



GET LOCAL LGBT UPDATES

Bi Community News – a bimonthly publication focusing on the bi community. www.bicommunitynews.co.uk

Diva Magazine – an online and printed magazine for bi women and lesbians. www.divamag.co.uk

Gay Star News – an online LGBT news publication. www.gaystarnews.com

Pink News – an online LGBT news publication. www.pinknews.co.uk



STONEWALL EMPOWERMENT PROGRAMMES

Stonewall runs a series of personal and professional development programmes to enable people to connect with and influence others to challenge homophobic, biphobic and transphobic bullying, celebrate difference, improve inclusion and increase the visibility of role models.

Find out more at www.stonewall.org.uk/our-work/working-individuals



STONEWALL'S DIVERSITY CHAMPIONS PROGRAMME WORKS WITH MORE THAN 750 ORGANISATIONS OPERATING IN THE UNITED KINGDOM.

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

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UNITED STATES OF AMERICA



Population: **326+** million people



Stonewall Diversity Champions: **76**



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

The US is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The First Amendment to the Constitution explicitly protects **freedom of speech and peaceful assembly**.

The Supreme Court ruled that the Fourteenth Amendment to the Constitution should be interpreted to protect the right to **freedom of association** (N.A.A.C.P. v. Alabama (1958)).

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

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal** (Supreme Court ruling Lawrence v Texas (2003)).

There is an **equal age of consent** for sexual acts regardless of sexual orientation. The age varies from 16 to 18 years depending on the state.

Certain states that have **age of consent exceptions** for younger people who are close in age **only apply** these exceptions to **different-sex partners**. Texas is an example.

Same-sex marriage is **legal** (Obergefell v. Hodges (2015)).

Some states additionally recognise same-sex relationships through **civil unions** or **domestic partnerships**.

People have **equal rights to joint adoption and second parent adoption** regardless of sexual orientation (Obergefell v. Hodges (2015)).

The Supreme Court ruled that **same-sex couples** must be **treated the same** as opposite-sex couples on their **child's birth certificate** (Pavan v. Smith (2017)).

EQUALITY AND EMPLOYMENT

Employment discrimination against LGBT people is not legally prohibited on a **federal level**.

Certain states and cities prohibit discrimination based on **sexual orientation** and **gender identity** in the workplace and beyond. For example, this is the case in California.

The Fourteenth Amendment to the Constitution protects the right to **equality before the law**, but it does not explicitly refer to sexual orientation and gender identity.

Offences based on actual or perceived sexual orientation or gender identity are **punishable as hate crimes** and may be subject to harsher penalties under 18 U.S.C. § 249.

North Carolina's House Bill 2 restricts cities and counties in North Carolina **from protecting against employment discrimination** based on **sexual orientation** and **gender identity**.

GENDER IDENTITY

Trans people can change their **legal gender** on identification documents. However, some states do not allow the gender to be changed on birth certificates.

Changing the legal gender marker on a **US passport requires medical certification** of gender transition by a licensed physician under Dept. of State, 7 Foreign Affairs Manual (FAM) § 1300 App. M.

Requirements for legal gender change on other identification documents vary by state and often require sex-reassignment surgery.

Trans people can change their **legal name on all identification documents**, but the change **must be approved by a court**. Some states also require the applicant to publish the name change in a local newspaper. For example, this is the case in Alabama.

IMMIGRATION

Dependant visas are **available to married spouses** of people working in the country.

Those who can show that a return to their home country puts them at **risk of serious harm because** they are **LGBT can seek asylum** on these grounds under 8 U.S.C.S. § 1158.



A VIEW FROM THE USA

The Human Rights Campaign (HRC) is the United States' largest civil rights organisation working to achieve LGBTQ equality. HRC represents more than three million members and supporters across the country. Members from HRC's communications, global, healthcare, HIV & health equity, legal and workplace programs spoke to Stonewall to tell us about the situation for LGBTQ people in the US.



Everyday life

While the US has nationwide marriage equality and an inclusive federal hate crimes law, the experiences of LGBTQ people in the US vary dramatically. This can be based on where they live as well as factors such as race, income and educational attainment. Discrimination in employment, housing, education and services remains a significant problem. The federal agencies responsible for enforcing employment non-discrimination laws have determined that LGBTQ people are protected under existing federal laws. However, federal courts have been inconsistent in reaching the same interpretation.

Beginning in 2017, the Trump-Pence administration has been working to overturn recent progress on equality by fighting to eliminate and weaken existing legal protections through the courts. It has further issued instructions to make sweeping changes in the American regulatory system.

At the state and municipal level, both legal protections and oppressive laws exist, depending on the state. 19 states plus the District of Columbia have explicit non-discrimination protections in employment, housing and public accommodations for both sexual orientation and gender identity. These laws deter discriminatory behaviour but enforcement is inconsistent. Oppressive laws typically allow discriminatory behaviour and create a system in which LGBTQ people have no recourse when they are harmed.

All legal protections that do exist help support social acceptance. In turn growing social acceptance helps create more legal changes. Urban areas are generally more accepting of LGBTQ people. And while LGBTQ people have increasing rates of visibility in the media, they are often less visible in their home communities.

LGBTQ groups and advocacy

The LGBTQ movement in the US is diverse and vibrant. The movement is led by thousands of advocacy organisations and direct service providers at the local, state and federal levels. In this environment, allies have played a critical role in standing up for equality. More than 60 per cent of Americans currently support same-sex marriage and different polls have shown that majorities support trans rights, such as gender-identity inclusive anti-discrimination legislation. Despite growing acceptance and progress, challenges remain. Individuals and organisations opposing LGBTQ rights remain better funded and persistent in trying to halt, undermine and roll back progress.

Workplace

US federal laws do not consistently afford workplace protections based on sexual orientation or gender identity. LGBTQ jobseekers are left vulnerable to discrimination. Trans people experience rates of unemployment and under-employment up to four times that of cisgender peers. LGBTQ people must utilise resources such as the HRC Foundation's Corporate Equality Index to see whether an individual employer has enacted its own LGBTQ protections.

Private sector employers have led the way on comprehensive policies, benefits and practices for LGBTQ workers and their families. By adding specific sexual orientation and gender identity protections into existing non-discrimination policies, employers can mitigate the patchwork of state laws leaving significant gaps in LGBTQ workplace protections. In addition, businesses can ensure LGBTQ workers and their eligible family members are covered under employer-provided health, leave and financial benefits. Employers can support inclusive environments and leadership opportunities by resourcing LGBTQ and allied employee resource groups. They can also invest in training and education on issues of LGBTQ diversity.

Businesses can engage the external LGBTQ community in the US through public policy advocacy, supplier diversity programmes, sponsorship and philanthropy of LGBTQ organisations. Corporate executives can leverage their unique platforms to further pro-LGBTQ public policy and combat anti-LGBTQ laws at the federal and state levels. In addition, businesses can integrate diverse LGBTQ content into marketing and promotional materials as well as creative content that promotes inclusivity.

Healthcare






Healthcare is gradually becoming more LGBTQ inclusive in the US. Some states and many healthcare providers and facilities offer patient non-discrimination protections for LGBTQ patients. More and more healthcare providers and facilities are offering employee training on LGBTQ cultural competency and inclusion.

People in the US access healthcare insurance through either their employers or a variety of governmental programmes such as Medicare and Medicaid. This means a person's ability to access LGBTQ-inclusive healthcare services, such as transition-related coverage or HIV prevention (PrEP), depends on the type of health insurance they have. It also depends on the level of training and experience of their provider and healthcare facility. Larger urban areas are more likely to have inclusive services. However, social determinants such as stigma, discrimination, poverty and homelessness prevent many LGBTQ individuals from accessing services where they exist.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

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

- | | |
|--|---|
| <ul style="list-style-type: none">  Consult local LGBT organisations to understand the local context for LGBT people  Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none">  Train HR staff and promote inclusive policies  Carry out LGBT-inclusive diversity training  Encourage senior managers to promote their commitment to LGBT inclusion and equality |
|--|---|

NEXT STEPS

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

- | | |
|---|---|
| <ul style="list-style-type: none">  Audit and extend partner benefits to same-sex partners  Establish employee engagement mechanisms like LGBT networks and allies programmes  Carry out LGBT awareness-raising events | <ul style="list-style-type: none">  Partner with local LGBT groups to advance LGBT equality beyond the workplace  Work with suppliers and partners to advance LGBT workplace equality |
|---|---|

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



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Google Google uses its position as a leading technology company to positively influence the lives and rights of LGBT people across the US. Google collaborates closely with LGBT advocacy groups like the HRC to learn about and understand the issues affecting LGBT people in the country. As a result, Google has utilised its power to advocate for legal changes. For example, in support for same-sex marriage, Google signed an open letter to the US government as well as a statement to the US Supreme Court. Google also uses its media platforms to change hearts and minds. This includes YouTube campaigns to amplify the voices of LGBT people and the creation of LGBT-themed Google Doodles.

Citi Citi is committed to creating equal and inclusive workplaces for its LGBT employees and its policies build the foundation for this. Citi's US anti-discrimination policies expressly ban discrimination and harassment based on sexual orientation and gender identity. Citi also offers equal partner benefits to same-sex and different-sex couples in the US. A transitioning at work policy ensures that managers and HR can support trans employees who are transitioning. Additionally, trans-specific health benefits are included under Citi's healthcare scheme for employees. As part of its approach to increasing diversity, Citi has a Pride Affinity Steering Committee co-chaired by senior leaders to help provide accountability for LGBT diversity outcomes. The Affinity Steering Committee oversees all aspects of Citi's LGBT workplace equality, including the 14 local LGBT employee network chapters in the US, with around 2,700 members. These are open to LGBT people and allies. The network chapters are initiated and led by employees and offer professional development, mentoring and networking. Many of the network chapters also support LGBT organisations. For example, the local Pride chapter in New York City has collaborated with SAGE, an organisation focused on supporting older LGBT people. In addition to supporting SAGE's mission through volunteering, Citi Community Development has supported SAGE's efforts to expand the amount of affordable housing for older LGBT people, and has provided financial education support. Citi also runs initiatives to train staff on LGBT topics. For example, in 2018 an LGBT inclusion education series focused on allyship and education on global LGBT issues to help raise employee awareness. An Ally 101 session, led by the organisation PFLAG Straight for Equality, was introduced by our two Pride Affinity co-leads and focused on US-specific data, information, ally programming and opportunities. Citi has also shown its support for LGBT equality in the US by signing amicus briefs relating to key cases before the Supreme Court.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – New York Pride. www.nycpride.org

June – San Francisco Pride. www.sfpride.org

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

October – Out and Equal Yearly Workplace Summit. www.outandequal.org/event/workplacesummit/

All year – Find Prides across the country: www.gaypridecalendar.com



FIND LGBT GROUPS AND COMMUNITIES

The National Center for Lesbian Rights – an organisation working to advance LGBT rights through litigation, legislation, policy and public education. www.nclrights.org

The National Center for Transgender Equality – an organisation focusing on social justice advocacy for trans people. www.transequality.org

The National LGBTQ Task Force – an LGBTQ advocacy group focused on training and mobilising activists across the country. www.thetaskforce.org

Lambda Legal - a national organisation working for full recognition of civil rights of LGBT people and everyone living with HIV through litigation, education and public policy work. The group's efforts include workplace protections for LGBT people. www.lambdalegal.org

Gay, Lesbian & Straight Educators Network (GLSEN) – a network working to create safe and affirming schools for all, regardless of sexual orientation, gender identity and gender expression. www.glsen.org

Human Rights Campaign (HRC) - one of United States' largest civil rights organisations working to achieve LGBTQ equality. www.hrc.org

Out & Equal Workplace Advocates – an organisation working to achieve LGBT workplace equality in partnership with businesses and government agencies. www.outandequal.org

A directory of LGBTQ professional and student associations can be found here: www.hrc.org/resources/lgbt-professional-and-student-associations

The above is a small sample of a variety of national LGBT groups. Many more groups exist on national level and state levels.



GET LOCAL LGBT UPDATES

Advocate – an online and printed LGBT magazine. www.advocate.com

Curve – a magazine for bi women and lesbians. www.curvemag.com

Metrosource – a national publication on popular culture from an LGBT perspective. www.metrosource.com

Out – an LGBTQ fashion and lifestyle magazine. www.out.com

San Francisco Bay Times – an LGBTQ magazine. www.sfbaytimes.com

The above is a small sample of a variety of LGBT magazines.



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 76 ORGANISATIONS OPERATING IN THE US.

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

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