

# LGBTI PEOPLE AND EMPLOYMENT



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## DISCRIMINATION BASED ON SEXUAL ORIENTATION, GENDER IDENTITY AND SEX CHARACTERISTICS IN CHINA, PHILIPPINES AND THAILAND

## FACTSHEET



Systemic stigma and discrimination based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) make lesbian, gay, bisexual, transgender, and intersex (LGBTI) people among the most marginalized populations in the Asia-Pacific region.

### The workplace is one of the contexts where discrimination towards LGBTI people happens

- Non-discrimination at the workplace is a fundamental workers' right.
- Throughout the employment cycle - from recruitment to performance evaluation and career development - LGBTI people face barriers to decent work that result in social exclusion, persistent poverty, and poor health outcomes.
- The SOGIESC-based employment discrimination that LGBTI people face represents a fundamental challenge to achieving the 2030 Agenda for Sustainable Development and its commitment of Leaving No One Behind.

### Access to decent work forms an essential part of LGBTI people's lives

- Addressing SOGIESC-based employment discrimination is a crucial step in achieving a number of the Sustainable Development Goals (SDGs), including gender equality (SDG 5), decent work and economic growth (SDG 8), and reduced inequalities (SDG 10).
- Access to work is deeply intertwined with socio-economic empowerment and ability to participate in the public sphere.

**LGBTI People and Employment** is the first systematic study to examine the extent and forms of discrimination based on SOGIESC in China, Philippines and Thailand. The mixed-method study included a desk review, a review of quantitative data collected through online surveys with 1,571 respondents, and qualitative data gathered from national discussions with 151 participants. The report makes concrete recommendations for governments, the private sector, civil society, multilateral agencies and non-government organizations to take action to improve the situation for LGBTI people in employment settings.

# KEY FINDINGS

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## LGBTI people in China, Philippines and Thailand have limited legal protections from discrimination in the workplace

- Among the three countries in the study, only Thailand has a national law, the Gender Equality Act B.E. 2558 (2015), that provides protection against discrimination based on gender expression.
- In the Philippines, some limited legal protection for LGBT people exists at the local level. Local ordinances, along with other grounds, protecting people against discrimination based on SOGIE only exist in 5 provinces, 15 cities, 1 municipality and 3 barangays (villages).
- China's national labour law currently does not specifically provide protections to LGBTI people against discrimination in the workplace.

## The experiences of LGBTI people in the workplace are mostly reported to be negative

- More than 60% of the respondents in China, Philippines and Thailand said they had seen a job advertisement that explicitly excludes their SOGIE in the job requirement.
- 10% of respondents in China, 21% in the Philippines and 28% in Thailand believed that they were denied a job due to their SOGIE.
- 21% of respondents in China, 30% in the Philippines and 23% in Thailand reported being harassed, bullied or discriminated against by others at work.
- The top three negative treatments reported were: people making jokes or slurs about LGBTI persons, gossiping or sharing rumors about certain LGBTI coworkers, or making critical comments about how LGBTI co-workers dress, behave or speak.
- LGBTI people who had been subject to discrimination reported feeling less satisfied with their job and are more likely to consider looking for a new job.
- Many LGBTI people felt the need to hide their SOGIE or intersex status in the workplace.

## There is little recourse to remedy workplace discrimination experienced by LGBTI people

- 7% of respondents in China, 29% in the Philippines and 23% in Thailand said that a sexual orientation non-discrimination policy exists in their organization, and 6%, 41% and 29% of the respondents respectively said that a gender identity non-discrimination policy exists in their organization.
- Only 5% of the respondents in China, 20% in the Philippines and 17% in Thailand stated that their organizations have an official complaint procedure for LGBTI discrimination cases in place.
- Only around 30% of the respondents who experienced workplace harassment, bullying and discrimination reported the problem. Even smaller percentages were satisfied with the result (16% in China and 24% in the Philippines). Only in Thailand did more than half (53%) find a satisfactory outcome to their complaint.

## Creating a better workplace and better practices for LGBTI employees will benefit the national economy, individual companies, organizations and departments, and the economic life and social well-being of LGBTI people and their families

- The few workplaces that have LGBTI-inclusive policies see positive impacts. The higher number of protective policies correlates with less experience of workplace discrimination and higher levels of reported job satisfaction by LGBTI people.
- A more open and affirming workplace is likely to encourage satisfaction and greater loyalty among LGBTI employees, lead to greater productivity and improve corporate image.
- Employers should recognize that being LGBTI-inclusive is not only a good practice, but also makes great business sense, and could establish a competitive advantage over other companies that are not inclusive.
- LGBTI inclusion in the workplace respects the rights of LGBTI people to work, and to work with dignity and their human rights respected.

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