

**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](http://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.

# EQUAL WORKPLACES EQUAL RIGHTS

## ADVOCACY APPROACHES

for LGBTQ+ Employment from Across  
the Commonwealth

# INTRODUCTION

The experiences of lesbian, gay, bi, trans and queer (LGBTQ+) people across the Commonwealth varies greatly. Some countries criminalise consensual same-sex sexual acts and trans identities and/or expression, while others have legalised gender recognition and same-sex marriage. Yet wherever a country may be in its journey towards acceptance of LGBTQ+ people, the role of civil society is crucial.

Civil Society Organisations (CSOs) drive legislative change, and improve the lived experiences of LGBTQ+ people through support services, research, campaigns and advocacy. In recent years, landmark decisions decriminalising consensual same-sex sexual acts have been seen in a variety of Commonwealth countries, including Belize, Botswana, Seychelles, India, and Trinidad & Tobago. In Guyana, a colonial-era law criminalising ‘cross-dressing’, used to criminalise trans Guyanese, was also struck down. None of these wins for LGBTQ+ people would have been possible without the work of CSOs.

Nonetheless, there is still a long way to go in order to achieve equality for LGBTQ+ people across the Commonwealth, and addressing socioeconomic rights is integral to realising this goal. Creating safe and inclusive workplace environments and improving LGBTQ+ people’s access to employment can improve the lived experiences of the community, and has the ability to drive wider social change.

LGBTQ+ people face significant socioeconomic challenges as a result of discrimination, harassment, and violence. Due to COVID-19 this discrimination is increasing, with many being driven into poverty as a result of the economic impact of the pandemic. Lesbians, bi women and trans people are amongst those most affected. Progressing the employment rights of LGBTQ+ people is a critical way to alleviate these socioeconomic challenges. This is especially needed within Commonwealth states: Of the 54 Commonwealth countries, only 15 states protect against discrimination in employment on the basis of sexual orientation, and less than 10 states offer these protections on the basis of gender identity.

This report adopts a broad and inclusive definition of advocacy. This includes any activities undertaken, either by a group or individual, with the aim of influencing decisions within political, economic and social systems to advance LGBTQ+ rights. Advocacy can take many forms, from public statements, to quiet diplomacy, to supporting other organisations to advance LGBTQ+ equality.

Employment provides LGBTQ+ people with an income which can act as a gateway to accessing many other fundamental rights that are too often denied to LGBTQ+ people across the Commonwealth. An income can provide food, water, housing, healthcare, clothing, education, leisure and rest time, and political engagement.

In today's globalised world, businesses also have a role to play when it comes to advocating for LGBTQ+ rights. The responsibility of the business community to act in the public sphere and support change has been highlighted in international human rights frameworks such as the UN Standards of Conduct for Business. Through collaboration, businesses and civil society organisations can strengthen their approaches to advocacy when tackling LGBTQ+ employment rights and increased workplace inclusion.

Here, we have brought together examples from seven civil society organisations based across a range of Commonwealth countries, to highlight their varied approaches to advocating for LGBTQ+ employment needs. We also share their views on the role businesses can play in advocating for legal reform and social change with regards to LGBTQ+ employment rights.



### **The Advocacy Approaches for LGBTQ+ Employment report**

is part of the Equal Workplaces, Equal Rights project. Other free resources within this project include:

- Equal Workplaces, Equal Rights e-learning course on LGBTQ+ employment rights and workplace inclusion

**[global-learning.stonewall.org.uk](http://global-learning.stonewall.org.uk)**

- Equal Workplaces, Equal Rights: Increasing LGBTQ+ Access to Employment in the Commonwealth Best Practice Guide

**[stonewall.org.uk/resources/equalworkplaces-bestpracticeguide](http://stonewall.org.uk/resources/equalworkplaces-bestpracticeguide)**

# COMMONWEALTH CASE STUDIES

The 54 Commonwealth states vary greatly in their employment laws, policies and protections relating to sexual orientation and gender identity and expression - from the relatively progressive to the non-existent. Here we have chosen to take a snapshot of advocacy approaches used by seven CSO partners which together represent this diverse range of legal contexts. These case studies focus on some of the more challenging Commonwealth settings, where creative ideas and strategies are often needed to address these issues. We hope the examples provided will offer inspiration to other CSOs and to businesses advocating for increased LGBTQ+ inclusion and employment rights in similar jurisdictions.

The seven LGBTQ+ Civil Society Organisations which provided case studies for this report are:

**BISI ALIMI FOUNDATION**

**NIGERIA**



**COLLECTIF ARC-EN-CIEL**

**MAURITIUS**



**EQUAL GROUND**

**SRI LANKA**



**PRIDE CIRCLE**

**INDIA**



**SOLACE INITIATIVE**

**GHANA**



**TRANSWAVE JAMAICA**

**JAMAICA**



**UNNAMED CSO**

**BANGLADESH**



our partner chose to remain anonymous due to the high levels of homophobia, biphobia and transphobia in Bangladesh



# BISI ALIMI FOUNDATION, NIGERIA

## Legal Snapshot

### SEXUAL ORIENTATION

Consensual same-sex sexual activity between adults is illegal in Nigeria with a maximum punishment of 14 years imprisonment or, under Sharia law in the north of the country, the death penalty.

The Same Sex Marriage Prohibition Act (SSMPA) (2013) criminalises cohabitation between same-sex couples, any “public show of same-sex amorous relationship” and imposes a 10-year prison sentence on anyone who “registers, operates or participates in gay clubs, societies and organisation” or “supports” the activities of such organisations.

### GENDER IDENTITY AND EXPRESSION

It is not possible for trans people to amend their gender on official documents, leaving them highly vulnerable to discrimination and preventing them from accessing appropriate services.

## Advocacy Focus in Relation to LGBTQ+ Employment

Although the SSMPA does not directly relate to employment, the effects of this legislation are wide reaching. Sesugh Ivande, Research and Policy Manager at Bisi Alimi Foundation, details why addressing the SSMPA has been a top priority for the organisation since its inception and how this law impacts LGBTQ+ access to employment.

“The presence of the SSMPA has been a limiting factor to LGBTQ+ people having access to employment, healthcare, education and justice. The law has been used by the government and authorities to harass, intimidate, and discriminate against LGBTQ+ people. Companies are afraid of visibly advocating for LGBTQ+ rights because of the presence of this law. Advocacy groups and organisations are prohibited from forming to advocate for LGBTQ+ rights as a result of this law.

We strongly believe that we should focus on actively engaging law makers in Nigeria on the dangers and adverse effects the SSMPA has on the progress of the country politically, socially and economically.”

## Approach to Advocacy

### Bisi Alimi Foundation's advocacy strategy includes:

- ...Carrying out legislative engagements with law makers and policy makers with the aim to educating them on the far-reaching impact of the SSMPA and provide guidance on sexual orientation and gender identity/expressions.
- ...Communicating an understanding of the law and its adverse effects will lead to a repeal of the law and the making of better policies for LGBTQ+ protection at home, in the workplace and in society at large.

## The Role of Business in Advocacy

*“Businesses are the economic drivers of progress of any country in the world. The influence businesses have on social, legal and policy change is powerful and should be well utilized in a country like Nigeria which is rated to be the largest economy in Africa.*

*First, it is important for businesses in Nigeria to be willing to learn and unlearn some ideologies they have about sexual orientation and gender identity/expressions.*

*For a business to be able to play a role in larger society in advocating for legal/policy reforms, it must be willing to look inward and make sure it has policies that protect its LGBTQ+ employees, and that such policies are implemented. It must be willing to support and protect its LGBTQ+ employees and clients from discrimination.*

*Businesses can carry out engagements with influential government executives and law makers to advocate for a legal/policy change on sexual orientation, gender identity and expression (SOGIE), as global research has shown that discriminatory laws against LGBTQ+ people greatly affects the progress of businesses and the economy of a country.*

*Businesses can support programmes that are organised by LGBTQ+ advocacy groups like Pride events, roundtable business discussions, workplace diversity trainings, etc.*

*Businesses can independently carryout LGBTQ+ friendly programmes as part of their Corporate Social Responsibility, carry out mass campaigns that advocate for equal workplaces for all, and make commitments of support for equality and non-discrimination.”*



# COLLECTIF ARC-EN-CIEL (CAEC), MAURITIUS

## Legal Snapshot

### SEXUAL ORIENTATION

Same-sex sexual activity is criminalised under the Criminal Code (1830) Article 250 (1), but this law is not enforced.

Some legal protections from workplace discrimination on the basis of sexual orientation exist under both the Equal Opportunities Act (2008) and the Workers' Rights Act (2019).

### GENDER IDENTITY AND EXPRESSION

The Workers' Rights Act (2019) makes reference to, inter alia, 'sex, sexual orientation, and gender'. It does not explicitly mention gender identity and expression. The Equal Opportunities Act (2008) does not mention gender identity or expression

## Advocacy Focus in Relation to LGBTQ+ Employment

Although the Equal Opportunities Act (2008) and the Workers' Rights Act (2019) provide some protections in the workplace, Anjeelee Beegun, Director at Collectif Arc-en-Ciel (CAEC) explains why tackling these pieces of legislation are still priorities for LGBTQ+ advocacy in Mauritius:

*“For the time being, only discrimination on the basis of sexual orientation is prohibited under law, and there is no mention of gender identity or expression. Moreover, even though the law has recently been revised, some clauses (such as those regarding termination of contract and dismissal) still favour the employer, thus putting LGBTQ+ employees in a vulnerable situation in the workplace.”*

## Approach to Advocacy

*“We frame the advocacy around this piece of legislation as a worker's rights issue rather than an LGBTQ+ rights issue. For the discrimination clause, instead of just asking for the addition of “gender identity or expression”, we should ask to make it an open-ended clause. As the world evolves, new grounds of discrimination are appearing. If the law is close-ended, it would be difficult to remain up to date with these evolutions.*

*In order for advocacy in this area to succeed, it is important to have strong allies such as trade unions and other human rights organisations. When approaching advocacy for employment law reform, it is also important to work with businesses to find common ground in case there are elements of the reform which businesses may initially oppose. Negotiation is important so that we can all agree on an approach together. If businesses, trade unions and human rights organisations are agreeable to proposed amendments, it becomes easier for parliament to vote in favour of such changes.”*



## The Role of Business in Advancing LGBTQ+ Employment Rights and Workplace Inclusion

“ The first step for businesses is to internally adopt policies which go beyond legal provisions and provide additional measures to ensure the inclusion of LGBTQ+ persons. Multinational companies that have inclusion policies adopted at an international level should ensure these are implemented locally.

Businesses can provide training and sensitization sessions on LGBTQ+ inclusion to their employees and they can work with local non-governmental organisations (NGOs), encouraging their employees to volunteer for LGBTQ+ causes. They can also set up mentorships and internships for LGBTQ+ persons.

Finally, businesses can help amplify the voices of LGBTQ+ persons and NGOs. Businesses have a very strong lobbying influence and a far better reach with decision makers than LGBTQ+ CSOs. As such, they can amplify the voices of LGBTQ+ persons and make those voices heard by decision makers.

CAEC is currently involved in strategic litigation to decriminalise consensual same sex activity. LGBTQ+ employees are also affected by this law and global businesses may have difficulties transferring LGBTQ+ employees to Mauritius because of this law. Therefore, businesses have an invested interest in supporting decriminalisation and should lend their support to these efforts.. They can do this by speaking publicly on the issue, by having private conversations with decision makers or by promoting the advocacy efforts of NGOs, such as through social media campaigns. ”



# EQUAL GROUND, SRI LANKA

## Legal Snapshot

### SEXUAL ORIENTATION

In Sri Lanka, same-sex sexual relations among consenting adults are criminalised by Sections 365 and 365A of the Penal Code, which states that “carnal intercourse against the order of nature” and “acts of gross indecency” are criminal offences punishable by the law, carrying a sentence of up to 10 years. Since they were amended in 1995 (with the word ‘male’ being replaced with ‘person’), Sections 365 and 365A do not specify that these offences pertain to same-sex sexual relations, but they are nonetheless most often used against the LGBTIQ+ community, as they originated from sodomy laws put in place during the British colonial era.

### GENDER IDENTITY AND EXPRESSION

The Vagrancy Law and Section 399 of the Sri Lankan Penal Code (referring to cheating ‘by pretending to be some other person’) are frequently used by the authorities against the LGBTIQ+ community, particularly trans people.

## Advocacy Focus in Relation to LGBTQ+ Employment

Shihara Maduwage of EQUAL GROUND shares their LGBTQ+ advocacy priorities in Sri Lanka:

“The existence of these laws invites and excuses discrimination, harassment, violence, and stigma against the LGBTIQ community. Actions such as denying entry into establishments and public spaces, misgendering or using incorrect pronouns, hurling derogatory remarks, bullying and verbal abuse, and even physical violence are all too common in Sri Lanka. As a result of these laws, Sri Lanka’s LGBTIQ community largely lives in the shadows and instances of violations of their fundamental rights go unreported.

EQUAL GROUND’s research has found that LGBTIQ employees tend to face sexual and verbal harassment in workplaces, and are sometimes denied job opportunities and promotions. One of the managers we interviewed during our survey noted that they will be reluctant to hire an LGBTIQ person to a top management level due to existing stereotypes. Some of the managers and organisational decision-makers also noted that their non-discriminatory policies do not include SOGIE because it is not recognised by Sri Lankan law.

Both employers and employees agreed that decriminalising same-sex sexual relations among consenting adults would be a first and important step in gaining equal rights and acceptance for the LGBTIQ community. Therefore, this is our overarching advocacy goal.”

## Approach to Advocacy

EQUAL GROUND has engaged with the media, policy makers and politicians on previous advocacy campaigns. They have published articles in national newspapers, written joint statements with high profile human rights organisations, as well as corresponding with Ministry of Justice when raising awareness of particular issues. These activities have led to public statements from the Ministry and commitments for relevant inquiries to take place.

## The Role of Business in Advancing LGBTQ+ Employment Rights and Workplace Inclusion

EQUAL GROUND's research shows that at least 12% of the population of Sri Lanka identifies as LGBTIQ. Shihara says:

*“Businesses have a responsibility to make sure that LGBTIQ employees are safe and protected in workplaces. Proper implementation of non-discrimination policies is key, along with strong reporting mechanisms. Many LGBTIQ employees feel that they have no way to take action against harassment, discrimination, and violence they face in their workplaces due to their sexual orientation, gender identity or expression. The business community has a key role to play in Sri Lanka accepting and embracing the LGBTIQ community. Businesses can also play a significant role in lobbying for policy-level change as some corporations have influence over political campaigns. Therefore, working together with strong corporate allies will help with legal reform.”*



# PRIDE CIRCLE, INDIA

## Legal Snapshot

### SEXUAL ORIENTATION

In 2018 the Supreme Court of India, in the case of Navtej Singh Johar & Ors v. Union of India, unanimously ruled that Section 377 of the Indian Penal Code which criminalised “carnal intercourse” was unconstitutional “in so far as it criminalises consensual sexual conduct between adults of the same sex”.

### GENDER IDENTITY AND EXPRESSION

The Transgender Person (Protection of Rights) Act (2019) prohibits the government and private persons from unfairly discriminating against trans people on the basis of gender identity in employment relationships, however it does not provide any penalty for non-compliance.

## Advocacy Focus in Relation to LGBTQ+ Employment

Rather than looking to achieve specific legal reforms aimed at increasing LGBTQ+ access to employment, Pride Circle working with the third sector, advocating to advance LGBTQ+ diversity and inclusion in the workplace

This includes companies bringing in robust LGBTQ+ inclusive workplace policies that go above and beyond the minimum standards mandated by law. These policies include:

- ...Protecting LGBTQ+ people from discrimination
- ...Using gender-neutral language
- ...Giving people the opportunity to identify beyond the gender binary
- ...Having gender-neutral toilet facilities
- ...Enabling a gender-neutral dress code
- ...Implementing same-sex couple insurance coverage
- ...Affirmative insurance coverage for trans people

## Approach to Advocacy

Pride Circle has engaged in a wide range of advocacy approaches aimed at creating equal employment opportunities for the LGBTQ+ community. Maitri Kothari-Shah, Senior Program Manager at Pride Circle, details some of their successes.

**“RISE:** Our annual flagship event RISE (Reimagining Inclusion for Social Equity) is an amalgamation of Conference, Job fair and marketplace for LGBTQ+ owned businesses. The job fair is an opportunity for inclusive organizations to take affirmative action and hire LGBTQ+ talent. While organizations get to brand themselves as an ‘Employer of Choice’, the LGBTQ+ talent also get an opportunity to interact with the employees and better understand the company’s culture and also enquire about its policies (especially Anti-Discrimination, Insurance coverage and the like) and the support they could expect if they were to be hired.”

**“Road to Rise – Skill building workshops –** We organise a series of skill-building workshops focusing on a wide range of topics (technical and non-technical). These sessions are open only to the LGBTQ+ community and are offered to them at no cost. It gives them an opportunity to upskill themselves and prepare them on what to expect at job interviews.”

**“India Workplace Equality Index (IWEI):** Developed in partnership with Stonewall and Keshav Suri Foundation, the IWEI is a comprehensive benchmarking tool that enables organizations to measure their efforts on LGBTQ+ inclusion. It takes a holistic approach and has various components; one of them being ‘affirmative LGBTQ+ hiring’ – awarding points/celebrating organizations that are already taking conscious efforts to hire from the LGBTQ+ talent pool and prompting others to plan for it and include in their inclusion roadmap.”

## Approach to Advocacy

Maitri explains why Pride Circle believes that, in the Indian context, businesses have a role to play in advocating for legal and policy reforms, but that they also have an important role to play towards wider social changes too.

**“Organisations can influence society through their advertisements and branding - by providing affirmative messages of LGBTQ+ integration into mainstream society.”**

As well as asserting their influence in the political sphere, Pride Circle believes that through visible allyship, businesses have the capability to positively shift social attitudes towards LGBTQ+ communities and that this is a key factor in making it easier for LGBTQ+ people to access employment.



# SOLACE INITIATIVE, GHANA

## Legal Snapshot

### SEXUAL ORIENTATION

The Criminal Offences Act 1960, Section 104 Unnatural Carnal Knowledge, criminalises sexual intercourse in an “unnatural manner”. This provision is only applied to same-sex sexual activity between men.

### GENDER IDENTITY AND EXPRESSION

Gender identity is not addressed in law.



While there are broad constitutional and labour protections from discrimination, these do not explicitly address discrimination on the basis of sexual orientation or gender identity. Social stigma and fear of further discrimination prevents many LGBTQ+ people from reporting.

## Advocacy Focus in Relation to LGBTQ+ Employment

Robert Akoto Amofo, Solace Initiative’s Technical Advisor, explains why expanding constitutional protections from discrimination under Article 17 of the Ghanaian Constitution is a top priority for Solace Initiative when it comes to advocating for improved LGBTQ+ access to employment.

“Expanding article 17 of Ghana’s constitution, which talks about discrimination, will afford us the opportunity to advocate against any form of discrimination due to sexual orientation and gender identity in the workplace and limit the extent of harassment against LGBT people. It will empower LGBT people to use the law in case they feel any ill treatment against them because of their sexual orientation or gender identity. These protections will not only focus on the workplace but any space where people find themselves signifying that there will be no tolerance for discrimination.”

## Approach to Advocacy

Experience has taught Solace initiative that in Ghana, laws focused solely on LGBTQ+ rights is likely to meet resistance. As such, a more pragmatic approach is to amend the phrasing within existing legislation, rather than creating LGBTQ+ specific clauses.


“The possibility of amending article 17 will be welcomed if it is not made as a law specifically for LGBT people, but for all people including women, children and so on.”

Robert details the key steps required in lobbying the government to achieve the expansion of discrimination protections.

- 1.** Conduct research and produce a report that shows clear evidence of discrimination in various spaces within the country and make recommendations to address this
- 2.** Engage the Commission on Human Rights and Administrative Justice (CHRAJ) to promote the need to make these revisions, as the government institution responsible for human rights protection and anti-discrimination
- 3.** Form a coalition of organisations ready to work together to advance the call for these revisions
- 4.** Identify key policy makers and parliamentarians who may need to be engaged to advance discussions
- 5.** Prepare policy briefs and notes to inform policy makers of said plans and provide technical information to support the work of allies
- 6.** Hold a workshop with relevant government officials and agencies such as the Attorney General and Ministry of Justice
- 7.** Continue engagement and campaigns until the changes to the relevant law/s are passed

## **The Role of Business in Advancing LGBTQ+ Employment Rights and Workplace Inclusion**

Robert summarises the support businesses can provide:

- 1.** Businesses should set examples both to their staff and to other businesses by drafting LGBTQ+ inclusive policies internally, and zero-tolerance statements regarding LGBTQ+ discrimination in the workplace
  - 2.** They should also engage in their local communities, and support the advocacy efforts of LGBT CSOs who are working towards the inclusion of sexual orientation and gender identity in any employment legislation
  - 3.** Provide technical assistance to organisations that are working towards advancing such any given cause, such as within campaigns led by LGBT CSOs
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# TRANSWAVE JAMAICA, JAMAICA

## Legal Snapshot

### SEXUAL ORIENTATION

In Jamaica, The Offences Against the Person Act (1864) criminalises “buggery”, making consensual same-sex sexual acts between men illegal, as well as “gross indecency” which has been interpreted to be any kind of physical intimacy between men.

### GENDER IDENTITY AND EXPRESSION

Trans people cannot change their legal gender.

## Advocacy Focus in Relation to LGBTQ+ Employment

In order to advance the employment rights of LGBTQ+ people, TransWave seeks to address Jamaica’s lack of legal protections with regards to discrimination. Renae Green, Co-Executive Director at TransWave explains why addressing this is so important:

“The Jamaican constitution excludes provisions that would protect its citizens from discrimination on the basis of sexual and/or gender minority status. There is also no comprehensive anti-discrimination policy that could protect the aforementioned from discrimination in all aspects of life including the workplace. To remedy this situation, an Anti-Discrimination Act would need to be introduced. The act should recognise the importance of both gender neutral and gender specific/inclusive language within its wording.

If a section of the document speaks exclusively to protections offered to women, then highlighting that women can be either trans or cis would ensure that the language is both specific and inclusive. No one should have to deny their gender in order to seek redress.”

## Approach to Advocacy

“In order to create an anti-discrimination act, TransWave would have to engage parliamentarians. Currently, there are a few Members of Parliament who have acknowledged the plight of LGBTQ+ Jamaicans. However, those members could be lobbied in a bid to bring a bill before the House of Representatives. During this time, a public campaign can be organised to highlight the value to be had from more LGBTQ+ people occupying spaces within our economy through employment.”

This approach highlights the strength of supporting traditional forms of advocacy with campaigning. Before implementing a public campaign however, it is important to complete a risk assessment to ensure that any such efforts will be both effective and safe to carry out.



## The Role of Business in Advancing LGBTQ+ Employment Rights and Workplace Inclusion

In the Jamaican context, Renae Green of TransWave speaks directly to businesses about how one of the most critical things they can do is to be a visible LGBTQ+ ally:

“Businesses should make clear that they accept queerness AND SHOW IT. If you allow people to be who they are and don't shy away from expressing that in your company language and brand, that's inclusion. Make sure that minority groups see themselves reflected in your business—whether that's people of colour or visibly queer, trans, or nonbinary people.

... When businesses add the diversity of the LGBTQ+ community into their company, they are helping the community gain respect and understanding from wider society ...This in turn could lead to legal/policy reforms which will help the LGBTQ+ community to access to more jobs.”



# UNNAMED LGBTQ+ CSO, BANGLADESH

Our CSO partner requested to remain anonymous for safety reasons, due to the high risk of homophobia, biphobia and transphobia aimed at those working on LGBTQ+ issues publicly in Bangladesh.

## Legal Snapshot

### SEXUAL ORIENTATION

Same-sex sexual activity is criminalised in Bangladesh under section 377 of the Penal Code.

### GENDER IDENTITY AND EXPRESSION

Hijra are recognised as a third gender by the state and are able to register as such on official documents.



While the Constitution of Bangladesh guarantees its citizens the fundamental right to equal protection under the law there is no explicit mention of sexual orientation or gender identity. There are no laws protecting LGBTQ+ people from discrimination in employment based on sexual orientation or gender identity.

## Advocacy Focus in Relation to LGBTQ+ Employments

Our CSO partner explains how a focus on employers' internal policies, rather than seeking legislative change, is currently the most pragmatic, safest, and effective form of advocacy:

*“The employment policies in Bangladesh under the Bangladesh Labour Act (BLA) 2006 prevents discrimination on the grounds of sex, but does not mention gender or sexual orientation.*

*There is currently no law in Bangladesh that specifically offers protection to individuals against different forms of discrimination. An anti-discrimination law was drafted and submitted for review by National Human Rights Commission in 2018, Section 4 of which stated that if anyone discriminates against any person based on, inter alia, sexual orientation or gender it will be considered an offence.*

*The same Act could have protected LGBTIQ individuals from discriminatory behaviours in the workplace. However, the law is still under review and no efforts have been yet made by the relevant ministries in the government to pass this.*

*With all this in mind, if we were to engage in advocacy aimed at feasible and effective reforms that would allow access for employment for LGBTQ+ individuals in Bangladesh, we would focus our efforts on organisational policies.”*

## Approach to Advocacy

Our CSO partner recommends a three part strategy to supporting businesses to increase LGBTQ+ inclusion in the workplace:

### ENGAGE

- ...Build connections with companies and businesses, starting with those known to be progressive.
- ...Set up one-on-one meetings to review and understand their existing anti-discrimination policies (if any).

### DISSEMINATE

- ...Develop a handbook on workplace inclusion with information and tips for businesses, including real life case studies on the challenges LGBTQ+ individuals face in workplace.
- ...Hold seminars with human resources (HR) professionals in organisations within our network, aimed at discussing diversity and inclusion at work.

### FOLLOW-UP

- ...Follow up with the attendees of these seminars and provide support in relation to any reforms that these businesses may be planning as a result of the seminars.
- ...Continue to engage with decision makers on LGBTQ+ inclusion
- ...Create and deliver workshops to aid the implementation of any policy reforms

## The Role of Business in Advancing LGBTQ+ Employment Rights and Workplace Inclusion

*“The role of businesses is extremely important in removing barriers to LGBTQ+ people accessing employment. Diversity and inclusion in the workplace can influence innovation and growth of a business. However, this would require planned and constant effort from senior management and should go beyond just listing things you can or cannot do or say.”*

*“Advocating for LGBTQ rights can be a challenge for a variety of reasons, including, a lack of capacity and resources within civil society organisations. Businesses can support us by undertaking capacity-building initiatives as a part of their Corporate Social Responsibility. They can also support us in smaller but meaningful ways, such as providing safe spaces to conduct meetings or events.”*



# SUMMARY

Across the various legal and social contexts our seven civil society partner organisations operate in, we can see variety of strategies in advocating for LGBTQ+ employment rights and increased workplace inclusion. Advocacy does not necessarily need to result in the abolition or introduction of a pivotal piece of legislation. Even where aims may seem modest, cumulatively they can make a significant impact in bringing about wider social change in attitudes towards LGBTQ+ communities.

## Tips for CSOs considering advocacy:

- 1.** Be clear why advocacy is needed and what the benefits of engaging in advocacy efforts will be
- 2.** Set clear and precise objectives using the SMART criteria (Specific, Measurable, Achievable, Relevant, Time-bound)
- 3.** Identify who you want to influence, create an influence plan and develop your advocacy approach accordingly
- 4.** Consider how to best engage with different stakeholders, and why caution and accountability is important.
- 5.** Assess risk within the specific social and political environment you are operating in and create a mitigation strategy for these
- 6.** Evaluate the effectiveness of your advocacy activity through a monitoring and evaluation (M&E) plan to assess whether you have met your objectives.

## Tips for Businesses advancing LGBTQ+ employment rights and Workplace Inclusion:

- 1.** Local contexts can be complex and are affected by legal, social, political and cultural factors. Businesses should consult LGBTQ+ CSOs and legal experts in order to gain an accurate understanding of the realities of life for LGBTQ+ people in a particular country.
- 2.** LGBTQ+ CSOs have a wealth of knowledge and expertise that can too often be under-utilised and under-valued by businesses. Businesses should actively reach out to LGBTQ+ CSOs to consult on their LGBTQ+ inclusion and diversity work.

**3.** Community engagement is a two-way street. As well as businesses bringing civil society on board to consult on work that's important to the business, businesses should seek to support civil society in projects that are important to LGBTQ+ communities.

**4.** Businesses visibly supporting equality for LGBTQ+ people can be powerful – but only where it is safe to do so. Businesses should consult LGBTQ+ civil society to ensure any external promotion of their LGBTQ+ inclusivity takes the correct approach.

**5.** The key to authentically engaging with LGBTQ+ communities is centring the interests of these communities in all of a business's work on LGBTQ+ inclusion and diversity, and embedding LGBTQ+ inclusion into everything it does.

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is part of the Equal Workplaces, Equal Rights project. Other free resources within this project include:

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**[global-learning.stonewall.org.uk](http://global-learning.stonewall.org.uk)**

• Equal Workplaces, Equal Rights: Increasing LGBTQ+ Access to Employment in the Commonwealth Best Practice Guide

**[stonewall.org.uk/resources/equalworkplaces-bestpracticeguide](http://stonewall.org.uk/resources/equalworkplaces-bestpracticeguide)**

# GENERAL SOURCES

Human Dignity Trust, Map of Countries that Criminalise LGBT People

<https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/>

Cato Institute, Human Freedom Index

<https://www.cato.org/human-freedom-index/2020>

ILGA World Trans Legal Mapping Report

<https://ilga.org/trans-legal-mapping-report>

ILGA World State-Sponsored Homophobia Report

<https://ilga.org/state-sponsored-homophobia-report>

US Department of State, 2019 Country Reports on Human Rights Practices

<https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/>

## Civil Society Partner websites:

Bisi Alimi Foundation (Nigeria)

<https://www.bisialimifoundation.org/>

Collectif Arc-en-Ciel (Mauritius)

<https://collectifarcenciel.org/>

EQUAL GROUND (Sri Lanka)

<https://www.equal-ground.org/>

Pride Circle (India)

<https://www.thepridecircle.com/>

Solace Initiative (Ghana)

<https://solaceinitiative.org/>

TransWave (Jamaica)

<https://transwaveja.org/>

Unnamed Partner, (Bangladesh)

Our partner has chosen to remain anonymous due to the high levels of homophobia, biphobia and transphobia in Bangladesh

