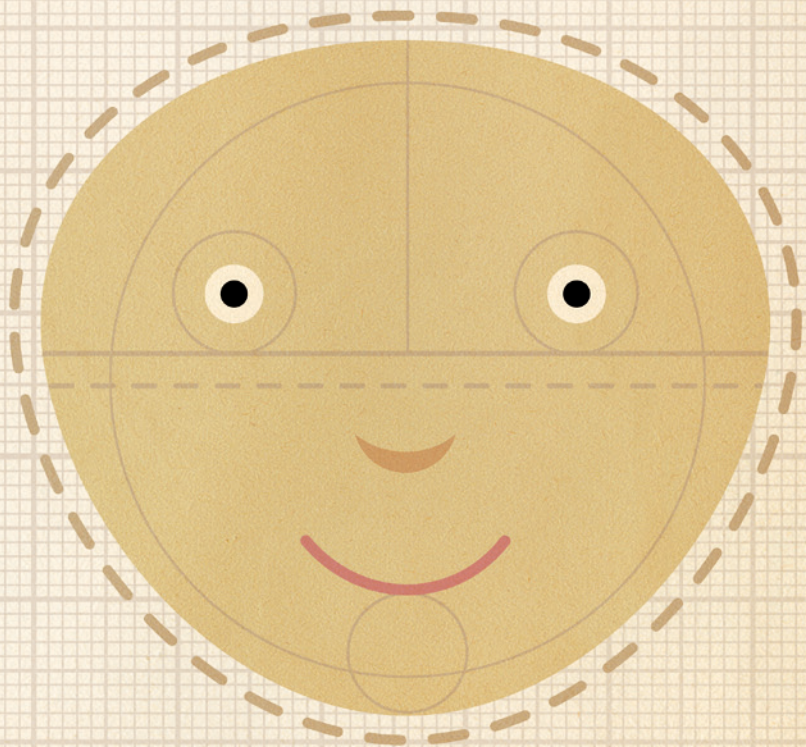


# THE PROMOTION OF LGBT HUMAN RIGHTS IN THE WORKPLACE



Project “Building equal opportunities in the workplace:  
fighting homo-lesbo-transphobia.”

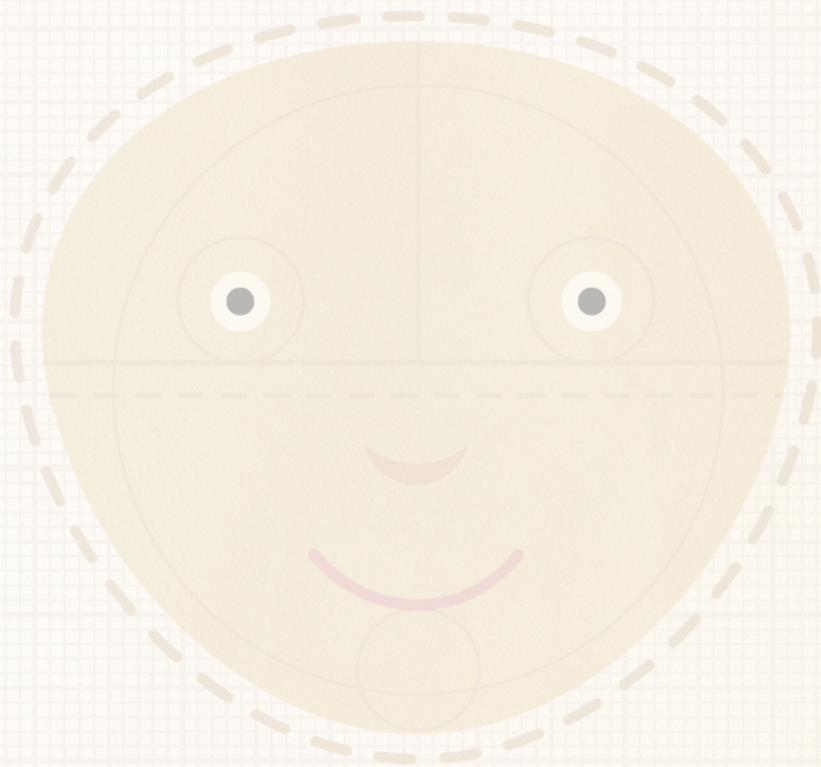
(Revised and expanded 2<sup>nd</sup> edition)

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workplace: fighting homo-lesbo-transphobia.”

(Revised and expanded 2<sup>nd</sup> edition)



Empoderando vidas.  
Fortalecendo nações.

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# INDEX

UN AGENCIES INTRODUCTION.....	8
PROTECTING ALL MEMBERS OF OUR HUMAN FAMILY.....	10
AN INVITATION TO ACTION.....	13
Understanding this material.....	13
The current workplace and the importance of thinking and acting for the promotion of LGBT human rights .....	16
The matters of sexual orientation, gender identity and people living with HIV/Aids in the workplace .....	17
An innovative material to face modern challenges and keep up with advances that are already taking place in society .....	21
BORN ALAOR, NOW ALANA – THE STORY OF A TRANSSEXUAL WOMAN IN THE WORKPLACE .....	24
What we’ve learned from Alana.....	30
For personal and institutional thought .....	31
RONALDO’S DILEMMA – THE STORY OF A GAY MAN WHO COMES OUT AT WORK .....	32
What we’ve learned from Ronaldo.....	39
For personal and institutional thought.....	39
MEIRE’S FIGHT – THE STORY OF A LESBIAN UNIONIST WOMAN FIGHTING AGAINST GENDER AND SEXUAL ORIENTATION DISCRIMINATION .....	40
What we’ve learned from Meire .....	45
For personal and institutional thought.....	46
CARLOS IS A PERSON LIVING WITH HIV/AIDS – THE STORY OF A HETEROSEXUAL MAN WHO FINDS OUT THAT HE IS HIV+ .....	47

What we've learned from Carlos .....	54
For personal and institutional thought .....	55
<b>MAKING IT HAPPEN .....</b>	<b>56</b>
So now it's become a subject? .....	56
How should the subject of LGBT be addressed in the corporate environment? .....	57
An opportunity for the leadership to express itself.....	58
But aren't we supposed to respect everyone, including religious freedom? .....	60
The responsibility of labour unions to promote human rights in workplace relations .....	61
The employer's responsibility to not discriminate and to respect .....	62
Looking into Recommendation 200 concerning HIV and Aids in the workplace .....	65
Valuing diversity is the way .....	66
The path is made of dialogue .....	66
Promoting diversity in all relationships .....	67
Without management there is no solution! .....	67
The role of those who work in HR .....	68
The role of those who work in diversity valuing.....	68
The commitment to influence society .....	69
Participating and strengthening the corporate movement toward LGBT rights and rights of people living with HIV/Aids.....	70
<b>10 COMMITMENTS .....</b>	<b>72</b>
10 business commitments to promoting LGBT Rights .....	74
Indication of actions.....	76
Depth indicators .....	86
<b>EPILOGUE .....</b>	<b>88</b>
<b>ZERO DISCRIMINATION .....</b>	<b>90</b>
<b>"FREE &amp; EQUAL" CAMPAIGN .....</b>	<b>92</b>



# UN AGENCIES INTRODUCTION

The stigma and discrimination lived by the LGBT population (lesbian, gay, bisexual and transgender) has resulted into serious human rights violations, hampering the eradication of violence and of diseases such as Aids. In the workplace, stigma and discrimination influence the levels of efficiency and production, of workplace well-being and also influence the access to and permanence in decent work<sup>1</sup>.

Considering that supporting the promotion of human rights is one of the UN's main missions in Brazil, the International Labour Organization (ILO), the United Nations Development Programme (UNDP) and their partners have promoted the initiative "Building equal opportunities in the workplace: fighting homo-lesbo-transphobia."

Based on ILO's Recommendation 200: "Recommendation concerning HIV and Aids and the World of Work (2010)", we have interacted with worker organizations, private companies, in addition to representatives of the Brazilian government and representatives of organizations of civil society. These interactions had the goal of identifying situations of stigma and discrimination against LGBT people and

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<sup>1</sup> According to ILO's definition, decent work "refers to adequate opportunities for work, remuneration (in cash and in kind), and embraces safety at work and healthy working conditions."

people living with HIV/Aids in the work context, as well as identifying ways to overcome them through actions to confront homo-lesbo-transphobia in the workplace, directed to both employers and employees.

The efforts made in 2013 resulted in this publication, which presents cases and suggestions of actions inspired by real life stories. For the most part, the guidance here presented requires the implementation of simple procedures, which have to be sided with real commitment to equal opportunities and equal treatment.

Decent work is a right of all workers, as well as of those who are looking for work. It represents the assurance of work in conditions of freedom, equality, safety and human dignity. This publication is a collective contribution to the promotion of decent work for the LGBT population in Brazil. We expect the UN to contribute to the construction of a Country that is free from discrimination, where all human beings enjoy respect and have their rights assured.

*International Labour  
Organization  
(ILO)*

United Nations  
Development Programme  
(UNDP)

United Nations  
Programme on HIV/AIDS  
(UNAIDS)

# PROTECTING ALL MEMBERS OF OUR HUMAN FAMILY

[http://www.ohchr.org/Documents/Issues/Discrimination/LGBT/LGBT\\_SG\\_oped\\_en.doc](http://www.ohchr.org/Documents/Issues/Discrimination/LGBT/LGBT_SG_oped_en.doc)

By Ban Ki-moon, Secretary-General of the United Nations <sup>2</sup>

I am a great champion of the power of youth to change the world, but this week I celebrate a 64-year old responsible for ushering in momentous progress. Not a person, but a document that was born in December 1948 and forever altered the view of how we treat members of our human family. The Universal Declaration of Human Rights triggered a fundamental shift in global thinking by affirming that all human beings - not some, not most, but all - are born free and equal in dignity and rights.

The fight to realize the ideals of the Declaration is at the heart of the mission of the United Nations. The international community has built a strong record of combating racism, promoting gender equality, protecting children, and breaking down barriers facing persons with disabilities. We have a long way to go in all of these areas. But we are turning the tide on discrimination in both law and practice.

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<sup>2</sup> Article originally published in the newspaper Folha de São Paulo in January 4th, 2013 in printed and online versions.

While some old prejudices have started to dissolve, others remain. Around the world, lesbian, gay, bisexual and transgender (LGBT) people are targeted and assaulted, sometimes killed. Even children and teens are taunted by their peers, beaten and bullied, pushed out of school, disowned by their families, forced into marriage and, in the worst cases, driven to suicide. LGBT people suffer at work, at clinics and hospitals, and in schools – the very places that should protect them. More than 76 countries continue to criminalize homosexuality.

I have spoken out repeatedly against this tragic and unjust discrimination, and I am encouraged by the many positive developments of recent years. There have been far-reaching reforms in Europe, the Americas and a number of Asian and African countries, and extraordinary shifts in social attitudes in many parts of the world. At the United Nations, we have seen a series of historic firsts. Last year, the Human Rights Council adopted the first UN resolution on human rights, sexual orientation and gender identity, expressing “grave concern” at violence and discrimination against LGBT people. The High Commissioner for Human Rights published the first UN report documenting the problem, and the Human Rights Council discussed the findings earlier this year – the first time a UN body held a formal debate on the subject.

Activists have helped to open a door. We cannot let it close now. We must all speak out against homophobia, especially leaders in the public eye.

It is an outrage that so many countries continue to criminalize people simply for loving another human being of the same sex. In some cases, new discriminatory laws are being introduced. In others, these laws are not home-grown; they were inherited from former colonial powers. Laws rooted in the prejudices of the 19th-century are fuelling 21st-century hate. As long as the law treats certain individuals as contemptible, criminal, worthy only of punishment, broader society will have license to do the same.

These laws must go. We need to replace them with laws that provide adequate protection against discrimination, including on the basis of sexual orientation and gender identity. We also need a broad public education effort to help people overcome hate and fear and accept one another for who they are.

When I meet with leaders from around the world I raise my voice for equality for the LGBT members of our human family. Many leaders say they wish they could do more, but they point to public opinion as a barrier to progress. People also cite religious beliefs and cultural sentiments.

I fully respect peoples' rights to believe – and to follow in their own lives – whatever religious teachings they choose. This, too, is a human right. But there can be no excuse for violence or discrimination, ever.

I understand it can be difficult to stand up to public opinion. But just because a majority might disapprove of certain individuals does not entitle the State to withhold their basic rights. Democracy is more than majority rule. It requires defending vulnerable minorities from hostile majorities. Governments have a duty to challenge prejudice, not yield to it.

We all have a role to play. Desmond Tutu said recently that the tidal wave of change is made of up a million ripples. As we celebrate Human Rights Day this year, let us recommit to realizing the promise of the Universal Declaration of Human Rights for all people – as it was intended.

*Ban Ki-moon, 68, South Korean diplomat, is Secretary-General of the United Nations.*

# AN INVITATION TO ACTION

## Understanding this material

Four situations lived by characters introduce you to stories that might be taking place closer than you imagine. Meire is a lesbian, Alana is a transgender person, Ronaldo is a homosexual and Carlos is a person living with HIV/Aids. The situations that these characters go through are based on real life stories that involve LGBT people (lesbian, gay, bisexual and transgender), especially in their workplace. Meire, Carlos, Alana and Ronaldo represent millions of workers who face all kinds of challenges.

Through their stories, you will be able to work on LGBT rights in the workplace, be it a corporate environment or a labour union. It is suggested that this material be read individually and also in groups. At the end of each story, questions are posed and these can be worked on during, at least, four meetings. In each meeting, the story and its subject area may serve as reference to: (I) diagnose the organization's current situation, (II) define a desirable situation, and (III) write an action plan to achieve what has been established defining a schedule, people to be held responsible, and everything else that may involve an action plan.



We suggest the use of the four questions present in the book *Blue Ocean Strategy*<sup>3</sup>:

- » What needs to be reduced?
- » What needs to be eliminated?
- » What needs to be raised?
- » What needs to be created?

These questions not only bring a vision of what is missing, of what the problem is, but also bring an appreciative approach by establishing what needs to be raised, and by acknowledging advances, what is positive and what is in service of promoting LGBT human rights.

This introduction might seem complex, but it is expected to be read by everyone who will be using this material, especially those who work in companies and unions with diversity valuing actions or programs; as well as managers and senior executives of these organizations.

This material can be applied to a company's corporate unit, but it is suggested to range through the whole organization, being linked to people management strategies, to the general activities on diversity valuing or to specific actions regarding sexual diversity valuing.

This suggestion of a more institutional and less fragmented approach, to local or regional units of an organization, is related to the strong link that the material presents to the organizational identity (mission, vision, values, principles, code of conduct and structuring policies, including policies on HIV/Aids and equality of opportunity and treatment in the workplace). There is also a link made through the stories to the organization's strategies on relationships with different publics, such as clients, suppliers, communities, among others, as well as to actions in the fields of products, services, customer care, internal communication, external communication (advertising), social actions and volunteer work in the community.

In companies, it is expected that this material meets the increasing demand for tools that approach the subject, for human resources professionals and pro-

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<sup>3</sup> KIM, Chan & MAUBORGNE, Renée. *Blue Ocean Strategy: How to Create Uncontested Market Space and Make Competition Irrelevant*. Harvard Business Review Press; 1 edition (February 3rd, 2005)

professionals in general. The material capacitates its users through systematized dialogue activities between professionals that want or need to better understand matters related to an environment that is more inclusive and respectful toward sexual diversity and HIV/Aids serology. Other than the internal public, the proposed actions and considerations can and should impact on the relationship with different stakeholders. This implies in being careful and improving the attraction and development of good employees, as well as, for example, suppliers and clients.

At labour unions, this material has a double function. As an employer and as an organization, with professionals involved in the most varied activities, it is expected that this material be useful to deepen discussions and encourage the implementing of good practices of inclusion and respect to all. As an organization that promotes worker rights, it is expected that this material should be useful to improve professional knowledge of those who act sided to companies and their employees, knowing more about the matters that involve lesbian, gay, bisexual and transgender people.

If the organization has groups of professionals that, formally or informally, get together to debate on the subject of LGBT, it is suggested that these groups be involved in defining the strategy of use of this material, other than just being considered a target audience. The many possibilities of this material's usage by groups or projects related to diversity of all kinds, such as gender, religion, age, race, or others, shall not be overlooked, expanding the knowledge on existing interrelation between the promotion of decent work and the promotion of LGBT rights and of people living with HIV/Aids with their specific subject areas.

The material, be it printed or digital, may come with a message from the company's leaders, an opportunity to reinforce the mission and commitment to the company's own values and principles, beside the values and principles of universal human rights. Internal communication may use the posters that accompany this material (also available in digital version), defending a workplace that respects the dignity of all people, that values diversity and that stimulate inclusion as a way of guaranteeing creative and innovative interactions.

Finally, it is strongly recommended that this material should be accompanied by examples of good practices, attitudes and behaviors that the company considers to be valuable references. This appreciative approach, which emphasizes what is good, other than identifying problems, helps to improve structures and processes, inspires the reformulation or the creation of policies that bring the company up-to-date with human rights, especially for LGBT people.

## The current workplace and the importance of thinking and acting toward the promotion of LGBT human rights.

The work environment is no longer as it used to be and changes are ever more rapid and profound. The increase in population and its concentration in urban areas, globalization and cultural changes, create new challenges to the workplace and to the social actors with which it interacts.

Homogeneity is no longer easily imposed, even though sophisticated exclusion and repression mechanisms still persist in managerial practices. It is no longer easy to hold the simplistic vision that workers are the same as “human resources” or as “labour force”, terms used to dehumanize and clear out any personal characteristic from this environment that is desired to be sanitized and apparently uniform. The diversity of people, situations, perspectives and expectations, force organizations to seek for essence, for what makes sense and for deeper meanings for ways of being and of doing things, escaping from formulas that value only the superficial.

People bring to the workplace a plurality of characteristics that defy rules, styles, standards, processes and politics that were once imposed and obeyed with few questions asked. Discriminatory practices, previously taken as natural, are now problematized and rejected.

Specificities are now expected to be considered, respected and, even more than that, to be made explicit, deconstructing the dominant standard which determines what is accepted as normal, beautiful, healthy, correct and competent, among other attributes that get confused with characteristics such as gender,

race, disability, HIV/Aids serology, age, sexual orientation and gender identity, for example.

We have a significant amount of laws in the UN system that deal with these issues and will help us create more welcoming workplaces, such as ILO's Convention 111<sup>4</sup> and Recommendation 200 concerning HIV and Aids, explored further on in this document.

What was previously made invisible or ignored now demands attention, clear answers and a not always peaceful interaction. There is a lack of repertoire to deal with the diversity of characteristics or identity markers present in the workplace and in the society in which organizations perform their activities. There are still those who try to pretend it's possible to ignore diversity and there are those who recognize that the management world faces new challenges.

One of these challenges is the coexistence with the issues of sexual orientation, gender identity and HIV/Aids serology, as well as with their real representatives demanding jobs, freedom of expression, respectful treatment, opportunities to develop their careers and equality when it comes to benefits, for example. These matters are present in the life stories told here. In each one of them there are conflicts, drama and dilemmas experienced by the characters and by the organizations, pointing to possibilities of better alignment to human rights in the managing of organizations. It is believed that this alignment should capacitate organizations to access plural talents and to deal with the diversity present in society. Everybody wins with a decent work agenda and with an environment free from discrimination and harassment.

## The matters of sexual orientation, gender identity and people living with HIV/Aids in the workplace

The stories of our four characters bring the opportunity of thinking about the matters of sexual orientation and gender identity. These are characters that bring many of the experiences lived and faced by millions of workers in their daily lives

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<sup>4</sup> Available at [http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:12100:0:NO:P12100\\_ILO\\_CODE:C111](http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:12100:0:NO:P12100_ILO_CODE:C111) (Access on December 1st, 2014).

in order to have their rights, their dignity, their freedom and equality guaranteed, in the workplace and in any other aspect of their lives.

The denial of rights because of sexual orientation and gender identity is named homo-lesbo-transphobia, a violence that transforms sexual diversity characteristics into reasons for inequality, vulnerability, exclusion and all kinds of risks.

The right to work is one of these human rights that have to be assured to LGBT people. It's not just about having access to jobs and work stability, but it is also about the right to an inclusive environment where everyone is able to fully develop their potential, with no barriers or obstructions to their career, with respectful treatment, equality and liberty to express themselves with no constraint or violence.

This approach, which combines the matters of sexual orientation and gender identity to the subject of HIV/Aids, justifies itself by the recognition that homo-lesbo-transphobia creates vulnerabilities to infection by HIV. In Brazil, gay men, men who have sex with men (MSM), transvestites and transsexuals are more vulnerable to infection. However, the stigma also accompanies infected heterosexuals who receive the same treatment as homosexuals, having to face homo-lesbo-transphobia. The discrimination mechanisms are interrelated, bringing aspects of gender, race, disability, social class, among others.

The National Confrontation Plan of Aids Epidemic and STDs among Gays, MSM (men who have sex with men) and Transvestites<sup>5</sup>, says:

Homophobia and transphobia have been recognized as structuring elements of vulnerability for gays, MSM and transvestites. (...) The effect of these negative elements to self-esteem, the difficulties in sociability and the hostility at school usually result in exclusion from the family and in discontinuity of formal education, projecting, among other things, great difficulties in qualifying to enter the job market. Stigma and discrimination are associated to life situations linked to clandestinity, a greater degree of vulnerability and risk to different types of situation and to social exclusion. (...) The exclusion or hostile coexis-

<sup>5</sup> Launched in 2007 by the Ministry of Health's Department of STDs, AIDS and Viral Hepatitis. Available in Portuguese at [http://www.aids.gov.br/sites/default/files/anexos/publicacao/2008/40373/plano\\_hsh\\_pdf\\_25272.pdf](http://www.aids.gov.br/sites/default/files/anexos/publicacao/2008/40373/plano_hsh_pdf_25272.pdf) (access on December 1st, 2014).

tence, associated to a negative perspective of self-image – originated by low self-esteem or created and mistakenly reinforced by the media and by religion – exposes gay men, other MSM and transvestites to a lack of safety and to violence of all kinds. The main type of violence experienced by these population groups has been physical violence, resulting in death, representing extreme measures of intolerance and discrimination. (...) This is, therefore, the most frequently described scenario as one of the main factors of vulnerability to STDs/Aids among these population groups.

One of the types of violence faced by LGBT people or by people living with HIV/Aids is the inability to be themselves in their workplace, in the environments in which they live, express or should fully express their citizenship.

This brings a number of problems, discouraging opened talks about their reality, their thoughts and views of the world. It is even worse when this oppression comes from within, and these people themselves start having difficulties to accept how they are, to respect their own being and to respect people who are in their same condition. This expression of human diversity makes life harder, impoverishes the workplace and makes it less productive granting it an artificial homogeneity supported by a repression that is harmful to everyone.

When a person is not respected in their condition, singularity or situation, a lot of energy and time is wasted in hiding

#### **What is the difference between transvestites and transsexuals?**

This is an answer of very tenuous limits.

We have to be very careful not to fall under simplism and say that one goes through surgery and the other one doesn't, which isn't true. If we chose this as an answer, we would be unconsiderate to many realities, such as of transsexual men who, in the majority of cases, don't undergo phalloplasty (the construction of a penis) and are still men. It is not the sexual organ that defines our gender, which is a social and cultural construction. Many transvestites use surgery to obtain a feminine body, such as silicone implants and the use of hormones, without changing the anatomy of their sexual organ. The use of these two terms is a phenomenon most commonly present in Latin America, especially in Brazil. In other parts of the world, there isn't a difference and all of these groups are considered to be transsexuals. For their part, transsexual people may or may not chose to go through biological sex change through sex change surgery, and those who have not had the surgery are not excluded from the gender they feel they belong to. It is a complex matter but, before distinguishing people this way, it is more important to respect each one's autonomy, recognizing the gender identity in which they feel more comfortable.

In case of having doubts on designating someone as a transvestite or a transsexual, ask them how the person would like to be recognized because, be them a transvestite or a transsexual, the respect should be the same!



their reality before a dominant, oppressive and violent pattern. This imposed standard unqualifies the person in many ways. It does not allow the recognition of qualities in their professional activities and submits them to constant and invasive personal judgment of their intimacy. There is no doubt that transvestites and transgenders are faced with even higher difficulties when excluded from job opportunities or when going through their transformation during their work activities.

**Heteronormativity** is a group of dispositions (lectures, values, practices) by which heterosexuality is instituted and lived in different spaces (family, school, work, etc.) as the only natural and legitimate possibility of sexual expression, ignoring any other sexual orientation, such as bisexuality and homosexuality.

The workplace promise, in any organization, that merit is the basis to choose a job applicant or someone for a leadership position, is destroyed by prejudice and discrimination. Any difference from the dominant standard, which is heteronormative and contrary to the diversity of characteristics and situations of life, speaks louder than a person's skill, which should be a main focus point when choosing someone for a job.

Environments that create unhappy and less productive people based on prejudice, stigma, harassment, violence and discrimination practices are not interesting to the fight for expanding worker rights, and not even to companies that aim for success in their activities and results.

More than just saying *no* to stigmatization and to discrimination, this material invites everyone to say *yes* to diversity as an enriching value that can be added to our lives, to organizations, their results and contributions to a more sustainable society.

Diversity, including sexual diversity, expands the internal repertoire, improves the quality of decisions and favors connections that are essential to the strategy plans of all sorts of organization. Environments that are respectful, inclusive and that promote interaction between people, therefore valuing diversity, are potentially more creative, qualified, innovative and capacitated to deal with an also diverse world, under rapid and profound process of change.

## An innovative material to face modern challenges and keep up with advances that are already taking place in society

Promoting an environment free from discrimination, that values diversity, is not an easy task, even though its importance is so evident. One person alone or one sector of society alone cannot find effective and quick answers to the modern challenges and to assimilate the changes that are already happening, with advances and implications of all kinds.

For that reason, this material has been produced considering the opinion of unionists, activists for LGBT human rights, specialists, people living with HIV/Aids, members of UN agencies and professionals from companies responsible for actions of people management, diversity valuing and corporate social responsibility. Two meetings were held with a focus group that contributed to the project “Building equal opportunities in the workplace: fighting homo-lesbophobia,” through their realities, interests, proposals and perspectives.

The document “The Promotion of LGBT Human Rights in the Workplace” is part of this project. It is a group initiative from ILO, UNDP and UNAIDS, UN agencies that act to make the promise of a free and equal world to all, present in the Universal Declaration of Human Rights<sup>6</sup>, a reality for LGBT people and people living with HIV/Aids.

The focus on the workplace does not isolate or limit people to only this part of life. The stories here presented show that the denial of rights affect every aspect of life, generating negative impacts to business management, union practices and also to the sustainable development of society as a whole.

Unions, other than being employers, should insert in their work agendas and in their activities toward the promotion of worker rights, matters related to sexual orientation and gender identity, with all the specificities and implications that this reality represents referring to wages, fighting discrimination, health, safety, life quality, among others. The same happens with people living with HIV/Aids,

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<sup>6</sup> Available at [www.un.org/en/documents/udhr](http://www.un.org/en/documents/udhr) (Access on December 1st, 2014).

who should find in unions the understanding about their reality and the commitment to their right to a job that fully respects them.

Corporate social responsibility, a movement that stimulates respect to human rights, should consider lesbians, gays, bisexuals, transvestites, transsexuals and people living with HIV/Aids in their way of being, of living, and of relating to different publics or stakeholders.

More than just looking at them as employees, companies should also consider these people as suppliers, members of the community, clients or consumers. This approach implies promoting rights also in the company's commercial relationships, caring for the quality of customer services, considering the population at stake in product development, service provision and in internal and external communications, beside other aspects that promote the culture of diversity valuing.

The invitation to reflection is mainly directed to:

- » LGBT people;
- » people living with HIV/Aids;
- » managers and co-workers;
- » professionals in human resources and people management areas;
- » professionals in social responsibility areas;
- » people responsible for diversity valuing actions;
- » unionists and union leaders.

It is understood that each and every one of us, uniting efforts against homo-lesbophobia, discrimination, stigmatization toward HIV and Aids, can promote respect to rights and accomplish the promise of a world where people are effectively free and equal.

On one hand, each story presents situations lived by the characters when faced with prejudice and discrimination, as well as the dilemmas experienced by them and by organizations. On the other hand, not everything is a problem and there

are stories that reflect the advances present in society, with organizations committed to the promotion of human rights at work.

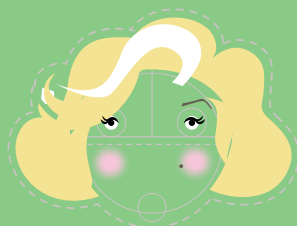
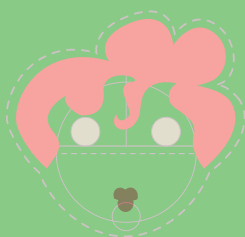
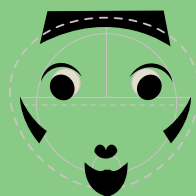
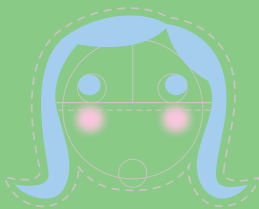
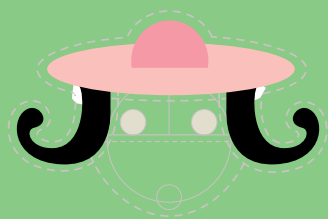
In each story there are text boxes with the role of further exploring an information and offering a conceptual reference, a piece of news or a clue to stimulate discussion, rethink attitudes, behaviors or procedures in the organization.

The suggestion is that this document should serve as a tool to expand the knowledge of its readers, raise awareness and cause a positive impact on their professional lives. In these terms, group readings involving people of different natures or activities in the organization may promote conceptual, strategic and operational alignment.

Each story ends with considerations and questions that suggest change in posture, new approaches and, as mentioned in the beginning, more structured action plans to better face problems in organizations.

The “Making It Happen” section brings tips of posture and of practices through issues that are directly or indirectly addressed in the stories. In general, they offer quick answers to questions about sexual diversity valuing and on the promotion of LGBT rights in the workplace.

The invitation to reflection is also an invitation to act so that stigmatization and discrimination practices can be effectively eradicated from the work environment. Moreover, it is the expression of belief that each person can make a difference through their individual attitudes and practices structured in the organizations toward promoting human rights. The invitation has been made. Have a nice read!



# *Born Alaor, now Alana*

THE STORY OF A TRANSEXUAL  
WOMAN IN THE WORKPLACE

Character: **Alana Silva**

Age: **43 years old**

Company business: **Insurance**

Job position: **Senior Financial Analyst**

Time of employment: **9 years**

With a degree in accounting from one of the best colleges in the country, Alaor started working at the company 9 years ago and is currently a Senior Financial Analyst. During these 9 years he never had anything to demerit his professional conduct, always keeping impeccable posture and behavior in his corporate activities. What no one knew, apart from a few close friends,

was that, Alaor, in his intimacy, lived a desire that was not explicit in the workplace. He lived a duality related to his gender.

Ever since he was young, Alaor felt the desire to manifest as a woman, but repressed his wish for fear of external reactions, prejudice and exclusion. At work, he noticed the jokes about transgender people, always negative and fed by transphobia. He could never picture himself actually being who he wanted to be in that space. While living with his coworkers, he felt like expressing himself as a woman through clothing, accessories, and his appearance in general, but fear wouldn't let him. He went on with his daily routine according to what seemed to be more acceptable to society and to the company.

Time went by and his desire grew stronger, as a way with no return. He noticed that, besides feeling like a woman, he now felt the need of expressing himself as one. He couldn't talk about what was happening to him – who was actually a her. Some attitudes would let it show: she had her eyebrows done, started wearing earrings (even if small ones), painted her nails, changed her outfit colors and her hairdo.

As time went by, these changes were no longer enough and no longer corresponded to what she wanted to manifest and show

**Gender identity** is the individual gender experience of each person, which may or may not correspond to their birth sex. It includes the feeling toward their body, which may, by choice, involve change of appearance or bodily functions through medical, surgical or other procedures. It may also involve other gender expressions, such as clothing, a specific way of speaking and mannerisms.

See The Yogyakarta Principles, available at <http://www.yogyakartaprinciples.org/>  
(Access on December 1st, 2014).



at work. She didn't feel like Alaor anymore, so she named herself Alana. This gave her a sense of conformity in accordance to what she wanted to express. She had found herself, but still tried to hide her gender identity, because it could bring her consequences in her workplace.

The process got more intense until Alana decided to look for specialized help at the Ambulatory of Integral Health for Transvestites and Transsexuals<sup>7</sup>. There, she received psychological and legal support, obtaining information on what was happening to her.

During a talk at the psychological ward, she said that she found it very difficult to make people understand that she wasn't an effeminate gay man, but was actually a woman. The treatment provided her with support to decide on taking on her real gender identity. She went on vacation and decided to undergo some procedures she had been longing for (hormone treatment, facial hair removal and silicone breast implants), but was still unable to complete the sex change process<sup>8</sup>.

After proceeding with those changes and getting close to her return date to work, she decided to talk to the HR department, being that she didn't trust her direct boss. She informed HR that she would return to work no longer as Alaor, but as Alana.

When HR got the news, they became very surprised and scheduled an internal meeting to discuss the case. Some said that the company had never

**Transphobia** is the loathing, discrimination and violence practiced against transvestites and transsexuals because of their gender identities. It manifests through negative opinions, exclusion, denial of access to public policies, physical or verbal abuse or even murder. It is also commonly manifested in an indirect way by one's excessive concern about making people follow social roles in accordance to their biological sex.

<sup>7</sup> Ambulatory of Integral Health for Transvestites and Transsexuals of the Reference and Training Center of STDs/AIDS from the Department of Health of the State of São Paulo. Rua Santa Cruz, 81, Vila Mariana, São Paulo - SP. Available at <http://www.saude.sp.gov.br/centro-de-referencia-e-treinamento-dstaids-sp/homepage/acesso-rapido/ambulatorio-de-saude-integral-para-travestis-transsexuais> (Access on December 1st, 2014). In Portuguese.

<sup>8</sup> As proposed by Resolution 1,652 of November 6th 2002, of the Federal Council of Medicine, which disposes on the transsexualization process, "the selection of patients for the sex change surgery will obey the evaluation of a multi-disciplinary team formed by a psychiatrist, a surgeon, an endocrinologist, a psychologist and a social assistant (...) after the minimum of two years of follow-up." Available at [www.portalmedico.org.br/resolucoes/CFM/2002/1652\\_2002.htm](http://www.portalmedico.org.br/resolucoes/CFM/2002/1652_2002.htm) (Access on Dec. 1st 2014). In Portuguese.

gone through anything similar to Alana's situation or had even imagined something like it. Someone remembered cases of transgender people who applied to their job opportunities and were automatically excluded from the selection process. This time, it was someone from inside the company who was bringing this demand. Many questions came up on how to deal with Alana's new reality. They were afraid for the team's relationship, the boss's reaction, the relationship with other areas and with clients. To their understanding, the company was too chauvinistic to deal with this.

When she went on vacation, Alana hadn't communicated anyone about the changes she intended to undergo, so HR saw itself forced to act quickly.

When told, her boss, at first, didn't accept her return, asking her to wait at home until there was an official positioning from the company. Right away he started thinking about reasons suitable to fire the employee such as lack of productivity, low performance or any other argument that wouldn't show his prejudice but would still rationally justify letting her go. However, none of it applied to Alana.

The boss's decision wasn't well taken by HR because they understood that dismissing her would be harmful to the company's image and that it would make way for possible law suits.

Rejecting the idea of dismissal, HR still didn't know how to deal with Alana. They didn't even know if she should be called Alana or Alana. What would her name tag say? Would it still say Alana and have a male picture on it? Which bathroom would the employee use? Could the e-mail be kept the same, since clients wouldn't be able to see who was behind written communications?

According to the Ministry of Health's **Ordinance 1,707** of August 18th of 2008, which establishes the transexualizing process: "sexual orientation and gender identity are recognized by the Ministry of Health as determinant and conditional to the health situation, not only for implying specific sexual and social practices, but also for exposing the LGBT population to aggravations from stigma, discrimination and exclusion, which violate their human rights, including the right to health, to autonomy and to free development of personality."

Available at [http://bvsms.saude.gov.br/bvs/saudelegis/gm/2008/prt1707\\_18\\_08\\_2008.html](http://bvsms.saude.gov.br/bvs/saudelegis/gm/2008/prt1707_18_08_2008.html) (Access on December 1st, 2014).  
In portuguese.

What about during phone conversations? Would there be a woman's voice with a man's name? What should they say to the coworkers? Who would communicate the team? How about when she had outside work activities? Could she represent the company? Hadn't Alana thought about the trouble she was causing the company? Couldn't she simply had stayed as Alaor and lived as Alana in her personal life?

Someone remembered that the company already does some work with diversity valuing through the inclusion of people with disabilities, women and apprentices, for example. In their code of conduct there was a positioning of no discrimination. Someone else then brought up that it would be interesting to look into how the company head office dealt with this kind of situation, and to look for what the company's global policies said. They found out that there were many initiatives for LGBT, such as documents, directives, affinity groups, sponsorships to gay pride parades, among others. Following this path, they also remembered the vision, mission and values of the company, which reinforce a posture of no discrimination and of diversity valuing, not to mention the business strategy which also dealt with every populational group.

They concluded that there were no reasons not to change her name tag, adapting it to her social name, Alana Silva, and to change her picture so that it would suit her new appearance. Why not change an e-mail address? And if she's a woman, why shouldn't she use the women's bathroom? From one moment to another, all of the "whys" became "why nots" and suddenly simplified issues that at first seemed almost impossible to deal with.

**Social name** is understood as the name by which transvestites and transsexuals recognize themselves, as well as how they are identified by their community and in their social environments. The social name is the name by which they prefer to be called, in contrast to the name officially registered in their documents and that doesn't reflect their gender identity.

Alana was called in for a meeting with HR and with her boss. She had the opportunity to tell her story, talk about her expectations, her fears and her desire to keep working at the company. This talk showed that there were still some adjustments to be made in the measures the company should take. Not everyone had the same point of view, but the commitment to the company's identity prevailed.

It was decided that Alana's boss and someone from HR would communicate the team, also organizing an action to sensitize the company on the issues of sexual orientation and gender identity. After that, it would be Alana's turn to also talk to her team about her feelings of being a woman and about how she would like to be treated. The HR director presented the case to the company's president and they decided that Alana's boss should deal with possible conflicts, always basing his arguments on the organization's values and, overall, using the code of conduct. The same was to be done for the relationship with those outside the team. Alana herself suggested, based on her learning experience, that an affinity group should be created to discuss matters of sexual diversity, helping the company to better deal with the issue in attracting and maintaining talent and also for business in general.

When the group was created, they did a research on the current legal framework and general rules on the subject. They found Ordinance 1.707/2008<sup>9</sup> from the Ministry of Health, which institutes the transsexualizing (sex change) process; Ordinance 1.820/2009<sup>10</sup>, which addresses the rights and duties of all users of the public health system and assures the use of the social name at the Unified Health System (in Brazil – SUS); and Ordinance 2.836/2011<sup>11</sup>, which institutes, also at SUS, the National Policy of Integral Health for Lesbians, Gays, Bisexuals, Transvestites and Transsexuals. They also started to follow news from unions and from the LGBT movement, enriching their internal discussions, bringing new perspectives and suggesting improvements in the company's processes, including benefits for the employees. The group's actions became so significant that it turned into a reference in the industry, strengthening the company's reputation in the market.

Alana also changed the focus of her worries, turning her energy to work. By doing that, her productivity improved in a more respectful and hospitable environment. As of her boss, who used to base himself solely on results, there was improvement in dealing with prejudice. He noticed that promoting a respectful environment created an atmosphere that led to great business results.

<sup>9</sup> Available at [http://bvsms.saude.gov.br/bvs/saudelegis/gm/2008/prt1707\\_18\\_08\\_2008.html](http://bvsms.saude.gov.br/bvs/saudelegis/gm/2008/prt1707_18_08_2008.html). In Portuguese.

<sup>10</sup> Available at [http://bvsms.saude.gov.br/bvs/saudelegis/gm/2009/prt1820\\_13\\_08\\_2009.html](http://bvsms.saude.gov.br/bvs/saudelegis/gm/2009/prt1820_13_08_2009.html). In Portuguese.

<sup>11</sup> Available at [http://bvsms.saude.gov.br/bvs/saudelegis/gm/2011/prt2836\\_01\\_12\\_2011.html](http://bvsms.saude.gov.br/bvs/saudelegis/gm/2011/prt2836_01_12_2011.html) (All accessed on December 1st, 2014). In Portuguese.

# WHAT WE'VE LEARNED FROM ALANA

Gender identity is the way a person wants to relate, be respected as, interact and express themselves regarding the social role of being a man or as a woman. Alana's story puts us face to face with the exercise of respect to the way people want to be treated. Many times we want certainties, documents, explanations that justify the inclusion of a person based on their characteristics, when, actually, the respect to self-determination should be enough.

When talking about **transsexual people** we immediately picture a transsexual woman (male to female), better know and with more social visibility. However we should not forget transsexual men (female to male). Even though transsexual men aren't that visible yet, it is important to acknowledge their existence and to guarantee they are treated adequately and have access to their rights.

Justifying exclusion with arguments based on chauvinism or on a company's immaturity generates a paralysis in processes that could be transforming, improving behavior and actions, making it more interesting for everyone.

It is crucial that the company respects the decision of its employees to belong to a gender different than their birth sex. In Brazil, we are still in the process of consolidating these rights:

- » SUS (Unified Health System) considers transsexuality as a wish to live and be accepted in the condition of a person of the opposite sex, which, in general, comes accompanied by a feeling of ill-being or a feeling of inadequacy in relation to their own anatomical sex. These situations should be approached by rendering integral attention to health.
- » At the example of the Gender Identity Law, approved by the Argentinian Congress, Chamber's Bill 5002/2013<sup>12</sup>, of federal deputies Jean Wyllys (PSOL – Socialism and Liberty Party) and Erika Kokay (PT – Worker's Party), proposes that transgender people have the right to gender identity and to file for the rectification of their registry of sex and the change of

<sup>12</sup> Available at [http://www.camara.gov.br/proposicoesWeb/prop\\_mostrarintegra?sessionid=CBAFAEA20C3BD3327B8FBEE09C20024A3.node1?codteor=10594466&filename=PL-5002/2013](http://www.camara.gov.br/proposicoesWeb/prop_mostrarintegra?sessionid=CBAFAEA20C3BD3327B8FBEE09C20024A3.node1?codteor=10594466&filename=PL-5002/2013) (Access on December 2nd, 2014). In Portuguese.

their name and image registered in their personal documents. The right to gender identity may involve, by free choice, the change of appearance or bodily functions through pharmaceutical, surgical or other ways.

These initiatives are important and, although we still don't have any approved legislation, companies can and should anticipate by organizing themselves internally, promoting a more inclusive and respectful behavior toward the human rights of this still so discriminated portion of the population. The fact that we still don't have any approved laws doesn't mean that we can't act.

## FOR PERSONAL AND INSTITUTIONAL THOUGHT

These questions help seek for actions to face inequalities related to sexual orientation and gender identity.

If you are a transvestite or a transgender person, answer from your point of view and life experience in your workplace. Overall, find opportunities to contribute to your organization toward the promotion of LGBT rights.

- 1 Do you know any transvestites or transsexuals, male or female, in your company?
- 2 Is he/she respected by the company as such? If yes, how? If not, why?
- 3 Does your company know the current legislation regarding gender identity?
- 4 Why do transvestites and transsexuals face discrimination? How can this situation change? How can you help with this change?
- 5 How does HR act against discrimination and toward the inclusion of transvestites and transsexuals when hiring? If it doesn't act yet, what could be done to create a welcoming and respectful environment for these people?





# *Ronaldo's dilemma*

THE STORY OF A GAY MAN WHO  
COMES OUT AT WORK

Ronaldo Silva entered the bank 5 years ago as Supply Chain Supervisor, being responsible for managing suppliers and responding directly to the area's directors. As soon as he got in, his colleagues noticed and made mean remarks on his "more delicate" ways, when compared to other men there. Once they found out that he was married and a father to two children, the comments about his possible homosexuality eased.



Character: **Ronaldo Silva**  
Age: **35 years old**  
Company business: **Banking**  
Job position: **Director of Supply Chain**  
Time of employment: **5 years**

Three years into the company, Ronaldo got promoted to Supply Chain Director, but was living some drama at home. Being from a religious family, he had always denied the attraction and desire that he felt for other men. When he met his wife, he found they had many things in common. He decided to marry her, believing that the love and friendship they had built would make these "sinful" desires disappear. He could no longer take the pressure from society and from his family to get married. With all the drama, he didn't even feel happy about his promotion. He couldn't admit to his wife or to himself the fact that the desire hadn't disappeared and that, in fact, it had grown ever since he met John at the local gym.

The **sexual orientation** of each person refers to the affective and sexual attraction toward others of a different gender, of the same gender or of more than one gender.

See The Yogyakarta Principles, available at <http://www.yogyakartaprinciples.org/> (Access on December 1st, 2014).

Ronaldo didn't have the courage to tell his kids that he was interested in a man and that he could no longer stay married to their mother. How would his family take this? What about people at church? What would they say? Faced with these questions, he became depressed and his marriage went downhill. Relief came when his wife filed for divorce, saving him from having to explain himself.

As soon as he separated from his wife, rumors in the company spread and many went back to disqualifying him and making jokes about his sexuality. Some even said Ronaldo had taken advantage of the situation, staying “in the closet” to get promoted.

Ronaldo noticed something strange going on and sometimes noticed a few laughs, but he didn’t think that he was the reason of these jokes. He believed that he had never shown any signs of his homosexuality. Because he occupied a higher job position than most, he had always been treated cordially. His fellow directors and other high executives were less welcoming and a bit ruder. He imagined that happened because of him being the youngest director.

Ronaldo was sent to the company’s head office in England to take part in a training to standardize procedures in his area. Once he got there, he had the opportunity of getting to know their structure and how they operated their different areas. He was amazed with the diversity of people coming from different cultures, the way they worked together and how the differences didn’t seem to interfere in their activities.

On the first day of training, Ronaldo saw a table with lots of pamphlets about the bank, and one of them caught his eye. The pamphlet had the picture of two men holding hands. The title said “Diversity is welcome here!” He became very interested. He felt as if that pamphlet reflected him, as if it was a welcoming mirror.

After the end of the training, Ronaldo headed to the head office’s HR department and asked to know more about the program from that pamphlet. He found out that the bank had an LGBT affinity group inserted into a diversity program. There were other groups that debated on issues such as cultural differences, religion, disabilities and generational issues. The LGBT group, such as all others, was a volunteer group and met regularly to discuss the company’s and society’s situation. The group planned actions to help make strategic decisions for the company. Ronaldo found all of that very interesting and wondered why they didn’t have the same in Brazil. At the office he worked in, they only talked about the inclusion of people with disabilities and apprentices, nothing else.

After returning to Brazil, he kept in touch with the head office's LGBT affinity group for a while, taking part in online chatting, following their meeting's records and reading articles recommended by the members. This helped him build courage to start responding to those jokes at work and, at the same time, gave him information on the strategic importance of respect toward sexual diversity for the company.

**The International Day Against Homophobia and Transphobia** is celebrated on May 17th. On this day in the year of 1990, WHO (World Health Organization) removed homosexuality from the list of International Disease Codes (ICDs).

Available at [www.onu.org.br/oms-alerta-que-preconceito-prejudica-a-saude-de-gays-lesbicas-bissexuais-e-trans/](http://www.onu.org.br/oms-alerta-que-preconceito-prejudica-a-saude-de-gays-lesbicas-bissexuais-e-trans/) (Accessed on December 3rd, 2014). In Portuguese.

All of this strengthened his personal conviction in relation to his own sexual orientation. He no longer saw meaning to keep pretending to be someone else. After all, he understood that he was not sick or sinful and that he wasn't committing a crime. Gradually, he started to come out, realizing that, the more truthful he was to himself, the more respect he got from others. This change strengthened his bonds with the company, making him start to feel proud to work there. It also generated more motivation toward work; he became happier and more creative. The energy once spent on hiding his sexual orientation was now better directed.

Stimulated by his colleagues from the head office and feeling more confident and more comfortable with himself, he went to HR and proposed the creation of a sexual diversity affinity group. He showed the documents he had gotten from the head office, said that he had been in touch with the English group and that he had learned that diversity valuing is enriching to all.

The HR director was astonished. He started asking questions about the reasons for discussing LGBT. To him, it was obvious that Ronaldo wanted to act for his own cause, bringing to the bank what should be kept in his private life. If the Europeans were so "modern" it did not mean that Brazil should follow their lead. During their talk,

According to Resolution 001/1999 of March 22nd 1999, of the **Brazilian Federal Council of Psychology (CFP)**, "homosexuality does not constitute disease, disturb or perversion."

Available at [http://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999\\_1.pdf](http://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999_1.pdf) (Accessed on December 3rd, 2014). In Portuguese.

According to Daniel Borrillo, **homophobia** is the intolerance, rejection, dread, prejudice and persecution of people who do not follow the norms of the predominant masculine gender, with a role established culturally by male power for men and women.

BORRILLO, Daniel. *Homofobia: história e crítica de um preconceito*. Belo Horizonte: Autêntica, 2010. In Portuguese.

the HR director said to Ronaldo that, at that moment, the company had other priorities. He said that they already contemplated diversity in the company, reminding Ronaldo of the legislation that makes companies meet quotas for hiring people with disabilities and also for apprentices. He highlighted that, in Brazil, reality was different. Facing Ronaldo's insistence, he said that he would think about it, but he obviously didn't plan on doing it. His answer was just a way of trying to make Ronaldo give up.

The coworkers who were around during that talk quickly spread the word on Ronaldo's wish to lead a LGBT group. Once again jokes about his homosexuality started. Some directors positioned themselves against the idea because, to them, this issue referred to people's personal lives and not to work. One of them even said that the company couldn't encourage what he considered to be a disease. Another said that an employee could feel offended by the fact that the company was discussing this issue.

They even discussed the case with the bank's president, saying that Ronaldo wasn't mature enough for his job, that he was too young and too impetu-

ous. They used many arguments with the intent of getting rid of him. Ronaldo, knowing about this, realized that he was being a victim of homophobia, and decided to invest in raising their awareness.

On March 2011, the **Brazilian Supreme Court** adopted stable union for same sex couples. The Regional Courts then started to legislate so that registry offices would hold same sex marriages. On May 2013, the Brazilian National Council of Justice dispatched a norm determining that all registry offices in Brazil are obliged to perform every procedure already existing for heterosexuals equally for same-sex couples.

He talked to the group from the head office and suggested an event in Brazil to talk about diversity valuing where they should present as well as the bank's global president. The event took place and sensitized a great part of Brazil's leaders by showing the importance of diversity to the bank's busi-

ness strategy, the impact it caused on the work environment and on talent attraction, among other benefits to the organization. Ronaldo got new allies and some helped him build the affinity group, strengthening the discussion and the diversity valuing practices in the country.

Ronaldo led the first meeting of the sexual diversity affinity group. It didn't have many participants because people were afraid of facing homophobia from some coworkers and leaders. One of the strategies to enhance the number of participants was to produce a pamphlet with terms, orientations and establishing the bond between the LGBT issue with the company and its business. Another strategy was to create a communication channel through which employees could anonymously contribute, talk about their feelings on the company's environment and have access to all of the materials produced. Through those actions, the number of participants of the group increased, and some of them stopped participating anonymously, revealing their identities publicly. Like Ronaldo, these people had found their space in the company, enhancing the feeling of belonging, their commitment and their life quality at work.

Before the increasing discussion in the bank regarding LGBT rights, the person responsible for the product area realized the opportunity to create an estate financing opportunity for their homosexual clients, also improving the quality of service to all.

In one of the group's meetings, an employee shared that he planned on marrying his partner and that he would like to take a wedding leave, as was legally offered to other employees. This discussion brought up the fact that some of the company's policies were not yet adapted to the new legal scenario. Because of this demand, the group suggested to the area in charge of benefits, a revision of the processes in order to guarantee equality in rights, providing guidance on how to do it.

Initiated by Txai Consultoria e Educação (Txai Consultancy and Education), over 80 large companies have met at the **Companies and LGBT Rights Forum**, which has as its mission, "to articulate and spread knowledge on business practices of sexual diversity management focused on the human rights of LGBT people, fight against homophobia and adding of value to the brands."

The suggestion was taken and, as predicted, some people, based on personal beliefs, disagreed and sent a message to the president. The president, now more sensible to the subject thanks to the event organized by the head of-fice in Brazil, made it clear that diversity valuing was one of the company's principles and that there was a commitment to abide by the country's law.

Having this positioning turn public, the LGBT group felt recognized and encouraged to continue contributing so that the bank would be consolidated as a good place for everyone to work. Ronaldo became a reference for the discussion of sexual diversity in the workplace. He was invited to tell his story in many different spaces and, by doing it, expanded the bank's reputation in society. Today, he is married to John, that man he met at the gym. After a while, he was able to gain the respect of his children and his ex-wife.

# WHAT WE'VE LEARNED FROM RONALDO

Ronaldo's story shows that there are barriers created by homophobia. It makes companies lose valuable opportunities of attracting and maintaining great talent, besides losing business opportunities with their clients and value chain.

Promoting a work environment that is free from discrimination, inclusive and respectful, generates higher productivity, decreases absenteeism and exposure to risks, improves the quality of services and the relationship with different publics.

Three important tips are given by Ronaldo's story. The first one was looking into the practices adopted by the company's head office. We often don't need to reinvent procedures. The specificities of the Brazilian company may be considered without being held as reason to reinforce homophobia. The second tip is when the president exposes that the bank is ruled by values and principles that should be considered when facing possible conflicts or disagreements. And the third tip is related to the fact of Ronaldo "coming out of the closet", showing that it is healthier and a way to contribute to the community's better dealing with sexual diversity.

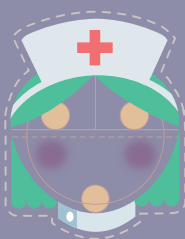
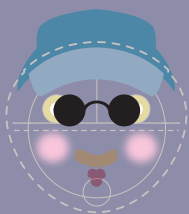
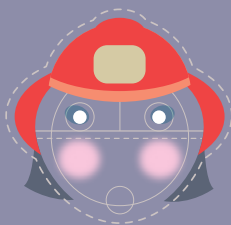
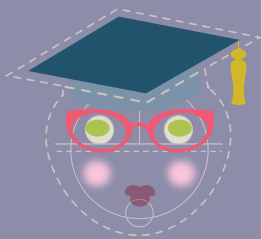
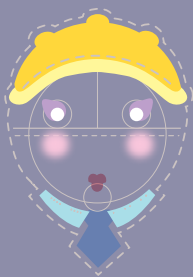
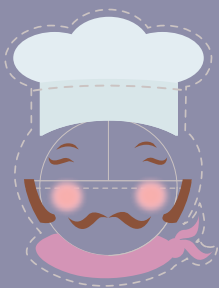
## FOR PERSONAL AND INSTITUTIONAL THOUGHT

These questions help seek for actions to face inequalities related to sexual orientation and gender identity.

If you are a transgender person, answer from your point of view and life experience in your workplace. Overall, find opportunities to contribute to your organization toward the promotion of LGBT rights.

- 1 How can Ronaldo's story help you promote a more inclusive workplace?
- 2 What are the benefits offered by a workplace that is free from homophobia?
- 3 Is there isonomy between homosexuals and heterosexuals when it comes to the benefits offered by your company?
- 4 Is your company in conformity to LGBT legislation?
- 5 Does your company's code of conduct address homosexuality and gender identity?





# *Meire's fight*

THE STORY OF A LESBIAN UNIONIST WOMAN  
FIGHTING AGAINST GENDER AND SEXUAL  
ORIENTATION DISCRIMINATION

Character: **Meire Silva**

Age: **29 years old**

Company business: **mining**

Job position: **Machine Operator**

Time of employment: **2 years**

Meire is the youngest daughter in a family with three siblings. After her father's death, she had to take care of her elderly mother, Mrs. Genesia, being that her siblings lived in a different city. To make the process of caring for her easier, she took her mother to live with her and her partner, Judite.

Ever since her teenage years, in the city of Ponto Novo, inner Bahia, Meire dated girls. This wasn't a problem to Mrs. Genesia, who was always embracing of her daughter. On the other hand, her father and siblings didn't accept the fact that she was a lesbian.

Lack of opportunities in town made the family move to the outskirts of Salvador, in hopes of improving their economic status. Already in Salvador, Meire graduated High School and was looking for a job. Talking to one of her neighbors, she came to know of a machine operator course that her neighbor had taken in order to work at the Industrial Complex of Camaçari. Meire saw this as an opportunity, because she would be able to work during the day and study at night. She was well evaluated by her teachers, given her performance and leadership ability. Following her neighbor's footsteps, after finishing the course, she applied for a job at Camaçari and was soon hired.

Arriving at the mining company, she noticed, once again, that she would have to face some challenges for being one of the very few women there. Other than that, her masculine ways and her leader-like behavior quickly caused her problems. Many coworkers started calling her "He-Meire", making fun of her as if she was a man. With time she also noticed that, even when doing her best, her bosses didn't value her work and wouldn't promote her. Others got promoted, even colleagues she had trained herself.

One day, her category's union came to the company calling out to employees to participate in an assembly, because they were discussing collective

It is important to advance in gender issues, valuing the potential, talent and personal aspirations of women and, beyond strengthening them in their families and communities, to follow public policies toward gender.

**Women empowerment**, be it through work, education or values reinforcement, is fundamental to change the world and social relations.

bargaining over wage. Meire was touched by the union director's speech when he said that employees should be respected in their gender, race, age and disabilities. She thought it was a good idea to get affiliated to the union with the intent of having someone who could help her deal with her issues.

During the following week, the company opened a job opening of a leadership position for internal hiring. Along with the job announcement there was a text highlighting that the company was committed to gender equal-

ity, indicating that women would be prioritized for this job. This made her feel enthusiastic to apply, and so she did.

Meire went on with her work routine and felt increasingly bothered by executional problems with the internal procedures. She tried to warn her bosses, but she wasn't heard. Whenever a coworker had the same attitude, their thoughts would be considered. One day, when Meire got very irritated, she told her boss that she could no longer take this situation. It was clear to her that it was not a work issue, but prejudice because she was a lesbian woman. She also said that she couldn't wait to leave the area and that she really hoped to get picked for that job she had applied to. Her boss replied: "Can you read? That job opportunity is clearly for a woman. You're so masculine you probably pee on your feet! I, myself, have already suggested that you should use the men's bathroom." With no hesitation, Meire demanded respect and quickly responded: "I am a lesbian, I am not a man!"

After this episode, Meire remembered the union director's speech about employee's rights and, as soon as she had an opportunity, went to the union to talk about what had happened to her. Once she got there, she observed there were very few women as part of the union's board. The director she talked to advised her on matters of gender and on the efforts that the union had already been making to assure rights and equal opportunities to women in the workplace. He talked about campaigns, debates and other actions that

aimed to reach wage isonomy and fair treatment to men and women.

Meire listened to his guidance, but knew that her problems went beyond gender. She then asked the director about what the union was doing to guarantee lesbian rights. He went quiet for a while, showing that he didn't know about this subject. He had to tell her that it was still something to be worked on and that needed to be developed.

**Lesbophobia** is the intolerance, rejection, dread, prejudice and persecution of women who do not follow the gender norms established culturally by male power. It is aggravated by the unequal relationships that disqualify women in general.

Faced by this reality, Meire thought that she should insert this discussion into the union, because she found it impossible to fight for rights that didn't include everyone, no exceptions. She got closer to the union and suggested that they should create a discussion group on the subject. If there was no answer to her situation as a lesbian woman, there wouldn't be an answer for gay men, bisexuals or transgender people.

Supported by the union's director and building up from many different conversations, Meire achieved her goal of forming a discussion group involving other lesbians, gays and heterosexual allies. The group had the goal of achieving in their collective bargaining, provisions about respect to sexual diversity, such as policies of no discrimination based on sexual orientation and gender identity, social name, adaptation of health plan benefits, adoption leave, bereavement leave, right to accompany a partner during hospitalization, among other benefits that considered same sex couples.

With these new perspectives offered by the union, Meire talked to a co-worker from HR and mentioned what was being proposed for a new collective bargaining and heard her reply: "But you're already working with us! What else do you want? Privileges for being a lesbian? If you were hired, it means that this company has no prejudice." Before her coworker's point of view, Meire realized that challenges were bigger than she had supposed. She would have to do way more in order to reach a more inclusive workplace that considered LGBT to be a relevant issue. Still, stimulated by the small

progress she had been making at the union, Meire didn't give up. She chose to keep on fighting for a cultural change at the company.

As to the job she had applied for, Meire wasn't chosen then. She did get chosen for another job position a while later, showing the company's maturity change toward its homosexual employees.

A coworker, who was a member of the committee that had analyzed the job applicants, secretly told Meire that she was very well evaluated. He told her that she should have been chosen for the first job opportunity, but that the company decided on someone else for fear of getting a bad reputation for having an openly lesbian leader.

Before being promoted, Meire still went through many battles with her boss. The only thing that protected her from being fired was her relationship with the union. When she finally reached headship, she gained more authority to face her former boss, who was now at the same job level as her. Through that, she was able to neutralize many of his discriminating attitudes and erroneous decisions, influencing even more the company toward the understanding of the importance of no discrimination at work.

# WHAT WE'VE LEARNED FROM MEIRE

Meire's story puts us before a process of discrimination that involves both being a woman and being a lesbian.

Talking about gender, which is something that already takes place in many companies, without considering the dimension of sexual orientation, compromises the advances for women and brings vulnerabilities that increase the risk of discrimination toward lesbian women. In a mostly masculine environment, women who stand out, be them heterosexual or lesbians, suffer stigma and discrimination. This doesn't have to do with their leadership or their competence, but with the sexist and chauvinistic culture to which we are submitted to, during educational processes be it at school, in our families, at church or at work.

Women who develop activities that are usually done by men are often labeled as lesbians and, in many cases, suffer mobbing and sexual harassment, or even violence. This shows that sexual orientation is used to intimidate people, especially those who do not correspond to the standards of heteronormativity and of chauvinism. Facing discrimination for sexual orientation of lesbian women, as mentioned, strengthens the fight for women's rights, for respect and equality in the workplace. This understanding should bring more sympathy between women.

Breaking this discrimination chain means embracing new parameters in relation to the rights of lesbian women, guaranteeing equality of opportunities at the workplace. Facing discrimination is vital so that companies can value their good employees, especially for opportunities of job promotions. It is also essential for the company to guarantee that lesbian women don't face any barriers toward having access to leadership roles, and to have LGBT sensitizing actions in the company, to face prejudice and to positively influence the organizational culture.

Some initiatives begin in unions, such as, for example, a campaign at ISP Brasil (International Federal Union for Public Services)<sup>13</sup> with the title "LGBT is super cool", which aims to strengthen the fight toward equality of opportunities to LGBT workers in the public sector. This campaign points to the need of managing the achieving of

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<sup>13</sup> <http://ispbrasil.org.br> (Access on December 4<sup>th</sup>, 2014). In Portuguese.

provisions in collective bargainings to expand civil rights to same sex couples, such as health plans and others.

## FOR PERSONAL AND INSTITUTIONAL THOUGHT

These questions help seek for actions to face inequalities related to sexual orientation and gender identity.

If you are a lesbian woman, answer from your point of view and life experience in your workplace. Overall, find opportunities to contribute to your organization toward the promotion of LGBT rights.

- 1 At your company, are men and women treated equally?
- 2 Are there policies and rules that consider the specific reality and demands of lesbian women?
- 3 Do you think that being a woman and a lesbian aggravates a person's situation?
- 4 How can Meire's story help you promote a more respectful and inclusive workplace for all women, including lesbians?



# *Carlos*

*is a person living  
with HIV*

THE STORY OF A HETEROSEXUAL MAN WHO FINDS  
OUT THAT HE IS HIV+



Carlos is part of a family from inner Minas Gerais and graduated High School as an adult by earning his GED. Being that his family was very poor and he had to start working at a very young age. He had to help with the expenses at home, since what his father made, added to what his mother earned by being a cleaner, wasn't enough to support the family of six chil-

Character: **Carlos Silva**

Age: **39 years old**

Company business: **retail**

Job position: **Cashier**

Time of employment: **4 years**

dren. He had two passions: soccer, which he played every Sunday, and girlfriends. He would break up with one and get a new one in a flash, but never got married, which gave owned him the fame of being a womanizer.

He worked for many years at an outdoor market, selling fruit in Mr. Pedro's shack, and then worked in a small grocery store in his neighborhood. During a conversation with one of their suppliers, he learned that a hypermarket was about to open nearby. Stimulated by Mr. Pedro, who said Carlos had a way with people, he applied to be a cashier, was hired and has been working at this job for the last four years.

Lately, he started feeling very tired and noticed that he was losing weight. He looked beat. Every now and then he would miss work for different reasons, all involving his health, which seemed to not be doing very well. This situation started to bother his coworkers, especially after the very busy week of Easter, occasion that he missed for having a fever and feeling very sick.

Noticing the situation, his supervisor referred him to a doctor who was part of their health plan and that, according to him, was very good. He said that his whole family went to this doctor whenever they had any health problems, and that he could cure anything. Carlos was very suspicious toward doctors, since none of them seemed to find out what was wrong with him, but still took his supervisor's advice and made an appointment.

The doctor asked him many questions and ordered a list of exams to investigate what was happening. When the doctor handed him the list, Carlos found it weird that he was asking for an HIV test, and said that he wasn't gay to have to get tested. He said he liked women. The doctor explained that HIV infection wasn't exclusive to homosexuals, but that it is related to many different factors, such as having unprotected sex, be it with a man or with a woman.

#### **LIVING WITH HIV IS DIFFERENT THAN HAVING AIDS.**

**HIV** (abbreviation of Human Immunodeficiency Virus) is the virus that causes Aids. By getting into the human organism, it installs itself into the immune system cells, responsible for the body's defense.

**Aids** (abbreviation of Acquired Immune Deficiency Syndrome) is a set of well defined signs and symptoms that may appear in people infected by HIV. During the evolution of the HIV infection, there is a progressive destruction of the human defense organism (the immune system) by the appearance of opportunistic infections and determined types of tumors. When a person who is infected by HIV has one of these opportunistic infections or tumors, it is then correct to say that they have Aids.

Convinced by the doctor, Carlos went to a lab and got all of his exams. After a few days, he returned to the doctor's feeling a bit apprehensive. The lab had contacted him asking him to go back for a second run on his HIV test.<sup>14</sup> When he started opening the envelopes, the doctor revealed to Carlos that his HIV test had come back with a reactive result. Still confused, Carlos asked what that meant. The doctor told him that he was infected by the HIV virus. He explained about HIV and asked him to have two other exams done, considering this reactive diagnosis: an HIV viral load test (which measures the amount of HIV in the blood) and the CD4 exam (which measures the number of white blood cells that fight infection). He also explained that, nowadays, by recommendation of WHO – World Health Organization, anti-retroviral therapy was offered immediately to preserve the patient's immune system.

During the conversation, before his results, the doctor valued the importance of getting tested for HIV, especially for people who have an active sex life.

<sup>14</sup> As indicated in regulation 488/98 of the Secretary of Vigilance of the Ministry of Health, available at [sna.saude.gov.br/legisla/legisla/aids/SVS\\_P488\\_98aids.doc](http://sna.saude.gov.br/legisla/legisla/aids/SVS_P488_98aids.doc) (Accessed on December 4th, 2014). In Portuguese.

He said that many quick test campaigns are run by HIV/Aids Programs all around Brazil<sup>15</sup>.

Even after talking to the doctor, Carlos left the office feeling very confused and telling himself: “I’m not gay; I never had sex with men.” He had always thought that this disease only affected homosexuals. He couldn’t comply with this situation. He kept thinking about how people would react when they found out that he got infected. They might think he’s gay.

The results of the exams for CD4 and viral load came and Carlos returned to the doctor’s office. He sent Carlos to the public medical system so that he could get the medicine for free<sup>16</sup>, and informed him about the need to register to SAE (Brazilian Specialized Assistance Service for HIV/Aids)<sup>17</sup>. He reinforced the importance of adherence to treatment, which facilitates the acceptance and integration of the medication to the routine of people getting treated.

Carlos was very scared of people finding out about his serology. What if they started treating him just as they had previously treated other HIV positive people? Did his company have to know about his situation? Could they fire him for it? What would he do if he had to miss work for being sick? What about for getting treatment? What would his sex life be like from now on? Would he have to contact the women he had sex with? There were so many questions going through his mind that he felt paralyzed and didn’t know who could help him.

Weeks went by and what he feared happened: he was changing in the company’s locker room, with his locker door opened, when two coworkers saw his medicine flasks that he had forgotten to put away in his bag. One of them asked if those were his, saying that he knew what they were for. Carlos didn’t answer, he changed the subject.

<sup>15</sup> These campaigns are known as “Fique Sabendo” (translates to “Get Informed”), which consist on a mobilization to incentivate the quick HIV testing and have as a goal to raise the population’s awareness on the importance of getting tested. Available at <http://www.saude.sp.gov.br/centro-de-referencia-e-treinamento-dstaids-sp/fique-sabendo/> (Accessed on December 4th, 2014). In Portuguese.

<sup>16</sup> The distribution of drugs for people infected with HIV and people sick with AIDS is free and ruled by Law 9,313/96, available at [www.planalto.gov.br/ccivil\\_03/leis/19313.htm](http://www.planalto.gov.br/ccivil_03/leis/19313.htm) (Accessed on December 4th, 2014). In Portuguese.

<sup>17</sup> Available at [www.aids.gov.br/tipo\\_endereco/servico-de-assistencia-especializada-em-hivaids](http://www.aids.gov.br/tipo_endereco/servico-de-assistencia-especializada-em-hivaids) (Accessed on December 4th, 2014). In Portuguese.

Even without giving an answer, rumors started to spread that he was taking drugs to treat Aids, and this caused some coworkers to stay away from him. By ignorance, many still believed that physical contact could transmit the disease, deciding to completely ignore him. Some even started saying that he wasn't doing his job as well as before. Living in this situation made Carlos decide to tell his supervisor about what was happening. He knew that he had the right to keep his serology in secret at work<sup>18</sup>, but he thought that it would be very hard to get treatment without the support of his boss. Besides, it had been his boss to support him in looking for a doctor.

A 2012 study by the National Business Council for the Prevention of HIV/Aids (Cenaids), on answers of Brazilian corporations, indicated that 87% of the interviewed companies didn't perform any activities on HIV/Aids prevention in the last 12 months. A concerning data is that, on requiring of HIV/Aids tests to job applicants and employees, only 41.3% prohibit this requirement.

Even though this situation had driven some people away, it did bring others closer. His supervisor, during a very sensitive talk and without invading his intimacy, told him that the hypermarket chain was a member of Cenaids<sup>19</sup> - National Business Council for the Prevention of HIV/Aids - an organ created to discuss the issue in the work world. The boss said that, even though he couldn't get into detail, Carlos wasn't the only person with HIV in the company, but that, even though they were making efforts, there were

still a long way into changing and adapting the organizational culture about prevention, respect and welcoming of people in this condition.

This first talk with his supervisor encouraged Carlos to look more into his rights, to think about his own prejudice and what could be done to make the workplace more respectful and welcoming to people living with HIV/Aids and to LGBT coworkers. During another talk, his supervisor introduced him to Mara, an employee from the financial department who had been living with HIV/Aids for over ten years and who had been through the same experience.

<sup>18</sup> Information from the Department of STDs, AIDS and Viral Hepatitis, available at [www.aids.gov.br/pagina/no-trabalho](http://www.aids.gov.br/pagina/no-trabalho) (Accessed on December 4th, 2014). In Portuguese.

<sup>19</sup> Available at [www.cenaids.com.br/](http://www.cenaids.com.br/) (Accessed on December 4th, 2014). In Portuguese.

Mara told Carlos that this was a very important discussion, and told him about ILO's Recommendation 200<sup>20</sup>. It is an international labour standard with important judicial impact that is already part of the Supreme Court's jurisprudence. According to Mara, this Recommendation reaffirms the need of enhancing efforts to achieve social justice and to fight discrimination and stigmatization related to HIV and Aids.

It is expressed in ILO's Recommendation 200 that HIV and Aids have a more severe impact on vulnerable and risk exposed groups and that stigma, discrimination and the threat of losing work experienced by HIV or Aids infected people are barriers to the knowledge of their own situation relating to HIV, which increases the vulnerability of workers to HIV and impairs their rights to social benefits.

She opened Recommendation 200 in her computer and showed Carlos that it establishes principles that should guide the workplace in relation to HIV and Aids, especially the principles of no discrimination, gender equality, right to confidentiality and the prohibition of mandatory testing:

HIV and Aids should be recognized and treated as a workplace issue, which should be included among the essential elements of the national, regional and international response to the pandemic with full participation of organizations of employers and workers;

workers, their families and their dependents should enjoy protection of their privacy, including confidentiality related to HIV and Aids, in particular with regard to their own HIV status;

there should be no discrimination against or stigmatization of workers, in particular jobseekers and job applicants, on the grounds of real or perceived HIV status or the fact that they belong to regions of the world or segments of the population perceived to be at greater risk of or more vulnerable to HIV infection;

measures to address HIV and Aids in the workplace should be part of national development policies and programs, including those related to labour, education, social protection and health

<sup>20</sup> Available at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO::P12100\\_INSTRUMENT\\_ID:2551501](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO::P12100_INSTRUMENT_ID:2551501) (Accessed on December 5<sup>th</sup>, 2014).

Carlos started to feel better, because he realized that there was a document on the situation he had been living and that there were other people like him who went on with their lives normally. Mara was one of them.

With this new discovery he read the entire Recommendation 200, realizing that many measures could be taken at his workplace. It is a good environment to work on the reduction of HIV transmission and to stimulate the participating and empowerment of all workers, independently of sexual orientation, gender identity and the fact of belonging or not to a vulnerable group.

Mara, having gone through all of it before, realized her role as a mentor to Carlos. She helped him a lot and introduced him to a group of HIV+ people who met at an institution. Besides socializing, they had a space to discuss their experiences on taking the drugs, matters of nutrition and of sexuality, the importance of physical activity, the psychological, social and legislative follow-up.

Nowadays, Carlos goes on with his treatment. He now has an undetectable viral load, has found himself a girlfriend in the support group and even speaks about getting married. He even got back to playing soccer.

# WHAT WE'VE LEARNED FROM CARLOS

Carlos' story suggests that companies, labour unions and governments should:

- » increase dialogue to seek for concrete solutions toward DST/Aids prevention in companies, in a systematic way and not just through isolated actions;
- » promote the insertion of workers with positive serology, including those who often don't have access to the formal work world;
- » create internal mechanisms to guarantee a workplace that is respectful, welcoming and free from prejudice, be it for people living with HIV/Aids, be it for LGBT people.

Article 3 of the Brazilian Federal Constitution<sup>21</sup>, states that everyone is equal before the law, forbidding any type of discrimination. It says that the State should promote the well-being of all, with no prejudice of origin, race, sex, age, or any other form of discrimination. Some states (Distrito Federal, Espírito Santo, Goiás, Minas Gerais, Paraná, Rio de Janeiro and São Paulo) reinforce the prohibition of discrimination related to HIV/Aids through their legislation.

It is indispensable for companies to know the legislation referring to people living with HIV/Aids. According to the Ministry of Health's Department of STDs, Aids and Viral Hepatitis:

The person bearing the virus has the right to maintain their serology private at work, as well as during pre-employment, periodic or discharge health exams. No one is bound to reveal their serology, if not under circumstances of the law. The law, for its part, can only demand an HIV test in cases of blood, organs or sperm donations. The demanding of the test for hiring, permanence or discharge purposes based on positive HIV serology is illegal and considered an act of discrimination. In case of discrimination at work,

<sup>21</sup> Available at [www.jusbrasil.com.br/topicos/10641719/artigo-3-da-constituicao-federal-de-1988](http://www.jusbrasil.com.br/topicos/10641719/artigo-3-da-constituicao-federal-de-1988) (Accessed on December 6th, 2014). In Portuguese.

on the part of a private company, it is recommended to register the situation at the closest Police Department of Work<sup>22</sup>.

Companies, for their part, should encourage their workers to often take anti-HIV tests in their public health network or during health campaigns promoted by NGOs and Health Secretariats.

## FOR PERSONAL AND INSTITUTIONAL THOUGHT

These questions help seek for actions to face inequalities related to the condition of people living with HIV/Aids.

If you are a person living with HIV/Aids, answer from your point of view and life experience in your workplace. Overall, find opportunities to contribute to your organization toward the promotion of rights for people living with HIV/Aids.

- 1 How does your company deal with the issue of HIV/Aids?
- 2 Are there actions of HIV/Aids prevention in your company?
- 3 Does your company know the legislation involving people living with HIV/Aids?
- 4 Does your company support people living with HIV/Aids through benefits, support groups, psychological and social counseling, or others?
- 5 In your labour union's collective bargainings, are matters related to HIV/Aids addressed?

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<sup>22</sup> Available at [www.aids.gov.br/pagina/no-trabalho](http://www.aids.gov.br/pagina/no-trabalho) (Accessed on December 6th, 2014). In Portuguese.



# MAKING IT HAPPEN

## So now it's become a subject?

Yes, there used to be a silence related to the subject of LGBT rights, but the historical fights of the LGBT movements all around the world have been changing this situation. The subject increases its presence in the UN's work agenda, with speeches by the Secretary-General and the Human Rights High Commissioner, for example, which directly address LGBT human rights.

For generations, lesbian, gay, bisexual and transgender people in all regions have been subjected to terrible violence on account of their sexual orientation and gender identity. They have been treated with contempt, derision and discrimination. They have been made to feel anything but free and equal.

For far too long, their suffering was met with silence in the halls of power.

(UN Secretary-General Ban Ki-moon's message, delivered by Navanethem Pillay, High Commissioner for Human Rights, during an event in the Netherlands on May 16th 2013, to mark the International Day Against Homophobia and Transphobia, celebrated on May 17th)

The tendency is that Agencies from the UN System, such as ILO, UNESCO, UNICEF, UNDP, UNAIDS and others, shall have documents that address the issue in a more direct form in their work plans and international treaties.

The same happens to the governments of countries and organizations of the most varied natures, including the labour union world and the business world, which have already been undergoing evident cultural changes and incorporating rules that contemplate the LGBT subject.

The Corporate Social Responsibility movement still has an agenda of shy approach to the issue, even though many companies already have practices of respect and promotion of LGBT rights.

People of the LGBT population, or those solidary to the cause, are more aware to the subject and it isn't uncommon that corporate measures toward the promotion of equality generate sympathy in society. Even the most conservative movements end up giving visibility or expressing concern toward the theme because of the advances that have been happening all over the world.

Therefore, this material aims to help the corporate environment and other organizations around it to better deal with this issue, expanding their vision and sensibility toward LGBT rights in all opportunities.

## How should the subject of LGBT be addressed in the corporate environment?

Does your company have values and principles? One of the suggestions presented in all of the stories is that, when facing possible conflicts involving coworkers or any other public (suppliers, clients, consumers, the community in general or others), the company's leaders and every professional who is responsible for dealing with these situations, should base their attitudes on the organizational identity – mission, vision and values, as well as on the code of conduct and on policies related to the identity and ethical principles of management.

In general, when we read that owners or stockholders have established an identity for a company, we find a vision, mission, values, code of ethical conduct and also

policies related to human rights, which sustain practices of respect and welcoming toward LGBT people and people living with HIV/Aids.

When faced with employees who complain about the company's posture toward the LGBT issue, arguing that it contradicts their personal or religious beliefs, it is important to remind them about the values that rule the company. Isn't that what happens with all of the other subjects? Reading the organizational identity under the perspective of respect and sexual diversity valuing expands the possibilities of reply to conflicts. Even more, it reinforces the adherence to organizational values and to business principles. An employee's culture or tradition, or any other type of motivation, cannot define a company's conduct, especially when it suggests hate, humiliation, oppression or discrimination of other people.

Even family-owned companies have a legal personality and have the duty to abide by the law, and duties with employees, customers, suppliers and society in general. To express a personal opinion that disrespects LGBT human rights, or to practice discrimination against this population, puts the company at risk in many ways (public opinion, fines, lawsuits etc.). What happens to LGBT employees when the company, through their leaders, positions itself clearly against their rights?

On the other hand, companies that act for diversity valuing and are in line with the promotion of human rights and universal values, find opportunities to get closer to great parts of the population who tend to applaud good practices. These are companies that might even lose a few clients who have more conservative and radical values, but that reach success in recruiting and choosing professionals, in planning products and services, in caring for customers and for the community in a way that is more connected to reality; in their relationship with suppliers, community, press, government and other publics who also value respect to all.

## An opportunity for the leadership to express itself

"Democracy is more than majority rule. It requires defending vulnerable minorities from hostile majorities. It thrives on diversity. Governments have a duty to

fight prejudice, not fuel it.” Ban Ki-moon, Secretary-General’s remarks to special event on “Leadership in the Fight against Homophobia” in New York, on December 11<sup>th</sup>, 2012.

People who occupy high leadership roles, especially the presidency of a company or of a labour union, find in possible conflicts, doubts or dilemmas involving the subject of LGBT human rights, opportunities to stand for, to make explicit and to strengthen the organizational identity, its culture of respect, inclusion and welcoming of all people, without any type of discrimination. Following as example what Ban Ki-moon has proposed to governments, high leaders of companies also have the opportunity of claiming their commitment to no discrimination before situations that violate LGBT human rights. It is important not to give in to arguments directed toward this violation, no matter where they come from, even when coming from clients or parts of society that might seem important to the business, but that are actually putting it at risk.

“As Secretary-General, I am committed to raising my voice. Along with many committed partners, we are working to elevate this struggle and draw greater attention to the specific challenges facing the LGBT members of our human family. I appreciate all those who support this effort and call on others to engage.”

(UN Secretary-General Ban Ki-moon’s message, delivered by Navanethem Pillay, High Commissioner for Human Rights, during an event in the Netherlands on May 16th 2013, to mark the International Day Against Homophobia and Transphobia, celebrated on May 17<sup>th</sup>)

Raising our voices is an important way to be a part of history as people who didn’t omit, who weren’t indifferent, conniving or protagonists of discriminatory practices. With many controversial themes that involve extreme positioning, companies have been increasingly learning to seek for their essence in order to make a stand on their commitment to human rights. This might drive them away from some, but it brings them closer to others, with value, sustainability and improvement to their reputation.

## But aren't we supposed to respect everyone, including religious freedom?

Many leaders say they wish they could do more. But, they point to public opinion as a barrier to progress. I understand it can be difficult to stand up to public opinion. But, just because a majority might disapprove of certain individuals does not entitle the State to withhold their basic rights.

(Ban Ki-moon, Secretary-General's remarks to special event on "Leadership in the Fight against Homophobia" in New York, on December 11th, 2012.)

Cultural, religious or traditional aspects cannot justify homo-lesbo-transphobic violence, discrimination and denial of human rights that everyone is entitled to, including people living with HIV/Aids. No one, even companies, labour unions and their leaders, may be held hostage to arguments that force them to choose one thing or another.

Religious freedom is a theme of diversity valuing and should find in companies the respect and space to manifest itself, but it cannot be used to justify discrimination. There are people who even refuse to work with a coworker based on their sexual orientation, gender identity, or because they live with HIV/Aids, which is not a reasonable behavior and should be clearly discouraged.

It's not about just looking for scientific explanations or other religious opinions to justify respecting people. It's about unconditionally respecting everyone and their dignity, just as is written in the Universal Declaration of Human Rights. Even when there is no explanation found for a person's characteristic or behavior, it is fundamental to respect the dignity of all, their liberty and autonomy in the spirit of fraternity and of universal values that support living in society.

Cultural, religious and traditional aspects are also used to justify enslavement, child marriage, feminine genital mutilation, child labour, among other questionable practices. There are those who defend relativism and demand complete respect to local cultures, and there are those who defend constructive dialogue around universal human rights, corporate values and general business principles.

Accepting local cultures against human rights with no criticism or dialogue is the same as contradicting your own principles, your survival and your market.

## The responsibility of labour unions to promote human rights in workplace relations

The unionist environment – labour unions, union centrals, organizations linked to unions and their leaders – is increasingly aware to LGBT human rights, be it for gaining consciousness of its importance, be it for the demands coming from the workers. The theme of respect to the human rights of people living with HIV/Aids has also been spreading, supported by ILO's Recommendation 200. This conscience should be expressed in the broadening of internal discussions, with a larger understanding of the cause and in social dialogue involving different social actors that should participate in determining themes that should be discussed. Social dialogue, in its turn, should lead to the insertion of the subject in arrangements and claims in the corporate world, creating conditions so that LGBT people or people living with HIV/Aids can have their rights turn into clauses or convention items and collective bargainings.

Even though the country and some other countries in Latin America currently have legal support for same sex marriage, it hasn't always been this way. It is worth note that some union organizations had a major role in this subject. There are examples that include the equality of treatment for employees with same sex partners (even before same sex marriage was legal), including decisions of the Brazilian's Superior Labour Court<sup>23</sup>. We have two references on the subject:

**Fentac/CUT (National Federation of Workers of Civil Aviation/Central Workers Union) – Collective bargaining convention – 2012/2013 – aeronauts – regular aviation: 74 – same sex partners:** By the signature of this collective bargaining convention, same sex partners are considered as partners in all rights, now having all of the benefits offered by the company

<sup>23</sup> Available at [www.tst.jus.br/noticias/-/asset\\_publisher/89Dk/content/tst-defere-clausula-coletiva-que-estende-beneficios-a-unioes-homoafetivas?redirect=http%3A%2F%2Fwww.tst.jus.br%2Fnoticias%3Fp\\_id%3D101\\_INSTANCE\\_89Dk%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-2%26p\\_p\\_col\\_count%3D2](http://www.tst.jus.br/noticias/-/asset_publisher/89Dk/content/tst-defere-clausula-coletiva-que-estende-beneficios-a-unioes-homoafetivas?redirect=http%3A%2F%2Fwww.tst.jus.br%2Fnoticias%3Fp_id%3D101_INSTANCE_89Dk%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_count%3D2) (Accessed on December 6th, 2014). In Portuguese.

to their employees, as long as with stable union registered at a registration office<sup>24</sup>.

**Contec (National Confederation of Workers for Credit Companies) – Claim presented for collective bargaining – Banco de Brasília S.A. (Bank of Brasilia) – 09.01.2013/08.31.2014:** Includes clauses that address absenteeism related to situations involving same sex partners<sup>25</sup>.

One reference to social name of transvestites and transsexuals:

**Summary of adhesion collective bargaining, with exceptions to the summary of claims from the banking sector for collective bargainings – CCT Fenaban/Contraf (National Banks Federation/National Confederation of Bank Workers) – 2013/2014 and of specific clauses celebrated between Banco do Brasil S.A., National Confederation of Workers of the Financial Sector, Federations and Labour Unions in Signatory Bank Establishments – clause 44: social name:** The bank will include in their internal regulations the right to use the social name to all people who use a name different from the one registered in their documents, which will be included in the policy of respect to diversity, to end discrimination against LGBT coworkers<sup>26</sup>.

About the rights of people living with HIV/Aids, there are examples that address the commitment to prevention, to rights involving different situations of health vulnerability and attention to specific needs:

**Global AIDS policy:** Companies shall adopt, along with labour unions and Internal Commissions for Accident Preventions, a global policy of AIDS prevention and the follow-up of employees with positive HIV serology<sup>27</sup>.

**Collective bargaining convention 2013 – Seprosp (Labour Union of Companies of Data Processing of the State of São Paulo). Educational health campaigns – clause 47 – Global AIDS policy:** Seprosp, along with SINDPD (Labour Union of Workers in Data Processing and I.T.), commits to contribute with resources toward the promotion of educational health campaigns aiming to prevent AIDS<sup>28</sup>.

<sup>24</sup> Available at <http://www.aeronautas.org.br/convencao-coletiva-de-trabalho-aviac-reg-20132014/> (Accessed on December 6th, 2014). In Portuguese.

<sup>25</sup> Available at <http://www.bancariosabc.org.br/upload/publicacoes/554.pdf> (Accessed on December 6th, 2014). In Portuguese.

<sup>26</sup> Available at <http://www.bancariosabc.org.br/upload/publicacoes/554.pdf> (Accessed on December 6th, 2014). In Portuguese.

<sup>27</sup> Available at [www.fentac.org.br/web/categorias/aeronautas/convencao-coletiva.html](http://www.fentac.org.br/web/categorias/aeronautas/convencao-coletiva.html) (Accessed on September 26th, 2013). In Portuguese

<sup>28</sup> Available at [http://seprosp.org.br/documentos/convencoesColetivas/2013\\_SEPROSP\\_SINDIESP\\_Convencao\\_Coletiva/Convencao\\_Coletiva\\_2013\\_SEPROSP\\_SINDIESP.pdf](http://seprosp.org.br/documentos/convencoesColetivas/2013_SEPROSP_SINDIESP_Convencao_Coletiva/Convencao_Coletiva_2013_SEPROSP_SINDIESP.pdf) (Accessed on December 6th, 2014). In Portuguese.

Contec (previously mentioned) and other labour unions have clauses that address work stability (people living with HIV/AIDS, cancer and repetitive motion injuries); job maintenance; medical confidentiality; health care; psychological care; financial aid; prohibition of hiring or dismissal health exam that includes cancer or HIV/AIDS; integral follow-up of people with positive serology by Union Entities and Internal Commissions for Accident Preventions; benefits of financial support extended to employees' legal dependents.

## The employer's responsibility to respect and not discriminate

The company's commitment not to discriminate must be explicit in documents that express its identity or in its policies. This commitment, however, is already established by Brazilian legislation and by human rights international norms, which rule the conduct of organizations.

An essential document for fighting discrimination in the workplace is the Convention Concerning Discrimination in Respect of Employment and Occupation (111)<sup>29</sup>. Furthermore, ILO produces and promotes international norms on work and employment, many of them referring to or being useful in the eradication of homo-lesbo-transphobia. Convention 111, of 1958, inspires actions that promote rights, diversity and equality in the workplace. See some of this Convention's articles below:

### Article 1

1. For the purpose of this Convention the term discrimination includes:

- (a) any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies.

<sup>29</sup> Available at [http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:12100:0:NO::P12100\\_ILO\\_CODE:C111](http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:12100:0:NO::P12100_ILO_CODE:C111) (Access on December 6th, 2014).



2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.

3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

## Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

## Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

## Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

The conformity to the principles of human rights, above all else, increases the conditions of a company to compete in many levels, also increasing its chances of success in a world that is growing more aware and against discriminatory practices. Environments free from discrimination relating to work and occupation are being discussed at unions because of their modern mentality that favors practices of respect to all people in their diversity, which capacitates companies to deal with the diversity present in the reality of where they operate.

Therefore, employees should guarantee practices of prevention, of attention and of service to victims of discrimination, always aiming toward its eradication in workplace relations.

## Looking into Recommendation 200 concerning HIV and Aids in the workplace

The 99<sup>th</sup> International Work Conference approved, in June 17<sup>th</sup> 2010, the first international norm of human rights directed to HIV/Aids and the workplace: Recommendation 200. The document establishes important principles: those of no discrimination, of equality between men and women in the workplace, and of social dialogue. Recommendation 200 emphasizes that HIV testing is not required as a condition for a person to be hired for a job, as well as it not being reason for dismissal. It also reinforces the human rights of those living with HIV/Aids and highlights the serology confidentiality and the promotion of access to prevention, treatment and attention programmes for employees.

The prevention and battle against discrimination and stigma should lead actions to be taken, especially because fearfulness of discrimination and stigma is, in many cases, one of the reasons for lack of prevention. Prevention programmes and measures on no discrimination, applicable in national context and in the context of companies, reinforce the contribution and the role of the workplace to promote universal access to prevention, treatment and support in the fight against HIV/Aids.

Recommendation 200 prohibits the discrimination of workers who carry the virus or who are affected by Aids, “assuring that no discrimination based on status, real or alleged, happens”. Recommendation 200 guides the member states of the UN to encourage job maintenance and the hiring of workers under these conditions.

Along with Convention 111, which addresses the practice of discrimination in the workplace and profession, Recommendation 200 assures the rights of people living with HIV/Aids in the context of work.

According to Recommendation 200, HIV and Aids have a serious impact on society and economies, on the workplace, be it in a formal or informal sector, on workers, their families and dependents, on employer organizations and worker organizations and on public and private companies. Besides, they hinder the attainment of decent work and sustainable development.

The workplace has a fundamental role as to information related to prevention, treatment, awareness and fight against HIV and Aids, as well as to supporting access to these services.

This Recommendation 200 is also the first international norm of ILO to refer to gender equality, and is one of the broadest ones as it includes all worker categories, including formal and informal economy.

Recommendation 200 concerning HIV and Aids in the workplace is supported by the Joint United Nations Programme on HIV/Aids (UNAIDS) and by the World Health Organization (WHO).

## Valuing diversity is the way

Programmes or practices of diversity valuing, more than just saying **no** to discrimination, say **yes** to plurality, to inclusion and to environments that promote respectful and potentially creative and innovative interactions. Besides not discriminating, there are companies that are structuring diversity programs to favor a culture of respect and of better understanding of the many characteristics or identity markers. This diversity valuing culture may define their success in identifying, selecting, hiring and engaging talent, in the planning of products and services with more creativity and higher reach to different segments of the population, other than improving processes of all kinds, including the quality of customer service.

## The path is made of dialogue

Creating affinity groups to listen to, empower and stimulate the collaboration between all employees and to contribute to the company's learning process about subjects such as people living with HIV/Aids, sexual orientation and gender identity, has been a current practice in many companies. In general, these affinity or dialogue groups around different subjects are part of a governance system of diversity valuing programs, with a committee constituted by people representing different areas of the company. The hierarchy level of the participants depends on

the importance that the subject has in the organization. The consistency of the group and its effectiveness depend on the connection that the committee has with the presidency.

These companies have understood that a transformational process toward a culture that values diversity and inclusion must happen *with* people, and not only *for* people who are in conditions of exclusion, vulnerability or risk because of others' ignorance about their situation. Expanding their rights and the possibilities of contributing to them must be taken into consideration.

## Promoting diversity in all relationships

Companies that act effectively in fighting discrimination within people management, sensitizing their employees and discouraging behaviors that go against their values, are also educated to deal with the issues of sexual orientation, gender identity and HIV/Aids in their relationships with other publics, also called stakeholders. The genuine commitment to promoting human rights makes the company seek for partnerships with its stakeholders, sharing values, principles and learning experiences that can fight discrimination and promote sustainable development.

Actions relating to suppliers may encourage the constitution of businesses led by transvestites or transsexuals, for example. It is a way of having affirmative actions that favor alternatives for creating employment and generating income to this population. Stimulated and supported entrepreneurship for transvestites and transsexuals depends on partnerships between companies and governmental and non-governmental organizations with this purpose.

## Without management there is no solution!

Valuing diversity in institutional speeches or using ethics in times of conflict isn't enough. It is necessary to improve managerial practices and to educate managers to conduct situations that involve the subjects of LGBT and people living with

HIV/Aids, finding respectful and inclusive solutions for everyone in all of the company's relationships with its different stakeholders.

Corporate education or programs for leadership development or for the development of professionals in general, should include education to deal with the issues addressed in this manual, enriching their repertoire and their options of possible solutions in the daily routine of management and in the relationship with different stakeholders.

## The role of those who work in HR

Leaders and other professionals that work in human resources should pay special attention to the themes of sexual orientation and gender identity, especially because they are growing more present in companies, bringing new demands and possibilities of value addition that can't be ignored. The lack of practices for prevention and the risk of stigmatization and discrimination toward people living with HIV/Aids may drive the company away from valuable talent, put its reputation at risk, not to mention the suffering it causes to people.

The professionals that work in human resources must educate themselves to understand and know how to act, contributing to the company in a more proactive way and finding solutions that effectively bring more value to everyone. Silence, omission and fear of facing company leaders turn professionals of human resources conniving to discrimination practices. However, what is expected from this area is the firm commitment to the company's values and to the development of the employees and leaders in a sustainable organization.

## The role of those who work in diversity valuing

The professionals that work directly and sometimes exclusively with programmes for diversity valuing may also be unaware of the subjects of LGBT and people living with HIV/Aids. These are still being developed in the workplace, and have only recently started to gain more visibility.

It is expected from these professionals that they educate themselves on these subjects to be able to effectively and courageously contribute to the company's learning process, to their leaders and their professional teams, avoiding risks and promoting value addition to all people, to the business and to society.

Some companies have already noticed that working on LGBT in an adequate way gives them a differential to compete in the market so, through their agendas of sustainability and social responsibility, among other actions, they:

- » insert data monitoring related to employees' complaints in their socially responsible indicators;
- » suggest treatment equality when it comes to rights given to heterosexual professionals;
- » create campaigns for HIV prevention, participate in the corporate movement that addresses this issue (Cenaid) and offer effective support to organizations that act on it;
- » establish action plans aiming to sensitize publics from different relationships and to promote affirmative actions that defy barriers when it comes to job accessibility, professional development and career advances;
- » establish action plans aiming to insert the subject in their business chains through clauses of no discrimination or affirmative actions along with companies led by LGBT people.

The social responsibility area or team, partnered with other areas, has more conditions to lead this process because of their closeness to international human rights norms, to the demands of governmental organizations and of organized civil society and their practices.

## The commitment to influence society

A company isn't just a mirror of what happens of good and bad in society. Its economic power increases its responsibility toward society's legitimate interests, toward raising the cultural bar, toward the respect and promotion of human rights

and, therefore, toward the construction of a society that is more in line with the social development agenda.

More than just reacting to demands, the company may also contribute to qualify these demands through its conduct, its products, relationships with different stakeholders, as well as through its internal and external communication, among other opportunities.

Keeping up with changes in actions directed toward the growth of respect to LGBT human rights and to the human rights of people living with HIV/Aids is already something of great importance, but to participate in and even lead those actions generates competitive advantage, sympathy, improves its reputation and prepares it for a new time, which promises to be more and more inclusive and plural. Stimulating the participation of its employees, among other publics, in social actions or in volunteer actions in favor of the LGBT population and of people living with HIV/Aids, gives it more credibility to its role in society.

In Brazil, corporate volunteering hasn't yet identified its possibilities of action in these themes as happens in other countries. There is an opportunity for many companies to find a spotlight for being innovative and pioneering these sorts of activities.

## Participating and strengthening the corporate movement toward LGBT rights and rights of people living with HIV/Aids

The Companies and LGBT Rights Forum, Instituto Ethos (corporate social responsibility institute in Brazil), Cenaid, and other spaces of corporate articulation, offer opportunities for companies to express their values, their commitments, wishes and possibilities of effectively contributing to a better, more sustainable society.

Participation, support and leadership can also mean new business opportunities for companies, besides offering institutional strengthening and a better relationship with governmental and non-governmental organizations that express tendencies and advances in society.

Dialogue with organizations from civil society that represent the legitimate interests of the LGBT population and of people living with HIV/Aids can enrich the repertoire of companies and labour unions to better deal with these subjects through their ways of existing, of operating activities and of relating with different publics. Supporting campaigns or movements in favor of LGBT human rights, campaigns for HIV prevention or aimed at people living with HIV/Aids are still not present in a significant way in the agenda of companies in Brazil and countries in Latin America.

There are companies which leaders are afraid to expose their names when unveiling good practices related to the subjects here mentioned, making changes slower and depriving society from getting to know positive references in dealing with the LGBT matter, for example. This phase shall be surpassed in the next years with company leaders becoming more aware to the many possibilities that fighting discrimination and valuing diversity offer to the success of their businesses.

As of now, even researches on this theme face a number of barriers such as fear of exposure in corporate environments. The same happens in labor unions, still shy in their actions toward promoting the rights of LGBT workers. The vicious circle may be broken by companies that are more daring and courageous, that accept to continue leading or to start leading the corporate movement for LGBT rights, which means nothing more than inserting them into a sustainable development agenda.





## 10 COMMITMENTS

Txai Consultoria e Educação (Consultancy and Education Company) has created the Companies and LGBT Rights Forum revolving around ten commitments and indication of actions that should be implemented or strengthened in companies in the perspective of sexual diversity valuing. They are the 10 Business Commitments to Promoting LGBT Rights. They are a result of actions from social movements and their demands for the workplace, overall of those expressed in the country's governmental plans (Brazil without Homophobia Program: Combat to Violence and Discrimination against LGBTs and Promotion of Homosexual Citizenship<sup>30</sup> of 2004; and the National Conferences of Public Policies and LGBT Human Rights of 2008 and 2011 of the Federal Government) and in the Report on Homophobic Violence in Brazil: years of 2011<sup>31</sup>

<sup>30</sup> Available at [http://bvsmis.saude.gov.br/bvs/publicacoes/brasil\\_sem\\_homofobia.pdf](http://bvsmis.saude.gov.br/bvs/publicacoes/brasil_sem_homofobia.pdf) (Access on December 6th, 2014). In Portuguese.

<sup>31</sup> Available at <http://www.sdh.gov.br/assuntos/lgbt/dados-estatisticos/relatorio-sobre-violencia-homofobica-no-brasil-ano-de-2011> (Access on December 6th, 2014). In Portuguese.

and 2012<sup>32</sup>. They are based on ILO's Convention 111 and on Recommendation 200.

The 10 Business Commitments to Promoting LGBT Rights, therefore, inspire the actions of civil society, of organs of the State, of UN organizations, of the corporate social responsibility movement and of labor unions to follow and improve corporate practices related to sexual diversity and to the promotion of LGBT human rights.

Through the Indication of Actions, brought from the Companies and LGBT Rights Forum to this second edition, it is possible to develop a plan in the company, making a diagnosis of the current situation, establishing priorities, necessary resources, a calendar and responsibilities. It is also interesting to work on the relationship with companies in the case of labour unions or union centrals. The same may apply to any other organization because they are centered on managerial practices.

The Depth Indicators, also added to this edition, allow to build a diagnosis of the current situation and may serve as a tool to keep up with the organization's progress on respect and promotion of LGBT rights.



<sup>32</sup> Available at <http://www.sdh.gov.br/assuntos/lgbt/pdf/relatorio-violencia-homofobica-ano-2012> (Access on December 6th, 2014). In Portuguese.

# 10 BUSINESS COMMITMENTS TO PROMOTING LGBT RIGHTS<sup>33</sup>

1

*Commit – CEO and executives – to respecting and promoting LGBT rights*

2

*Promote equal opportunities and fair treatment to LGBT people*

3

*Promote a respectful, safe and healthy environment for LGBT people*

4

*Sensitize to and educate on LGBT rights*

<sup>33</sup> The 10 Commitments of a Company to the Promotion of LGBT Rights are part of a manual with a title that translates to “The commitments of companies to LGBT human rights” from Instituto Ethos, launched on December 10th, 2013, available at <http://www3.ethos.org.br/cedoc/o-compromisso-das-empresas-com-os-direitos-humanos-lgbt/#.VlOWqDHF-Sp> in Portuguese.

- 5 *Encourage and support the creation of LGBT affinity groups*
- 6 *Promote respect for LGBT rights in communication and marketing*
- 7 *Promote respect for LGBT rights in planning products, services and customer service*
- 8 *Promote professional development actions for people of the LGBT segment*
- 9 *Promote economic and social development of LGBT people in the value chain*
- 10 *Promote and support actions aimed at LGBT rights in the community*

### **1 Commit – CEO and executives – to respecting and promoting LGBT rights**

#### **1.1 Address the theme in the company's oral statements, documents and policies**

- » The CEO and other executives should commit themselves to promoting LGBT rights, addressing the theme in the company's oral statements, documents and policies showing the importance of respecting each and every person.

#### **1.2 Not connive with discrimination**

- » The company's top management should not connive with discriminatory practices and attitudes toward LGBT people and, whenever possible, should openly reject discrimination and reaffirm its commitment to human rights.

#### **1.3 Guide decisions based on organizational identity**

- » The CEO and other executives should guide their decisions and practices based on the company's values and principles, strengthening the organizational identity in view of potential conflicts involving the violation of LGBT human rights.

#### **1.4 Rejecting homo-lesbo-transphobia in business and activities with stakeholders**

- » As an employer and in their relationship with all stakeholders, the CEO and other executives should promote LGBT rights, rejecting homo-lesbo-transphobia in business and other activities of the company.

#### **1.5 Publicize commitments and practices**

- » The company's top management should publicize its commitments to and its practices of respect to LGBT rights, taking a clear stand and:

- contributing to raising the level of respect to the segment in society;
- reducing risk of discrimination on the basis of sexual orientation and gender identity;
- contributing to facing violence and the high level of murder of LGBT people;
- contributing to lowering vulnerability and obstacles to HIV/Aids prevention and treatment services.

## **1.6 Building alliances with other organizations**

- » The company's top management should build alliances with stakeholders, other companies, governments, civil society organizations and leaders in the dialogue about LGBT rights, their promotion, advocacy and enhancement in society through effective programmes and actions.

# **2 Promote equal opportunities and fair treatment to LGBT people**

## **2.1 Policy on and practices of no discrimination of LGBT people in recruiting and selection**

- » Establish policies on and practices of no discrimination of LGBT people in recruiting and selection processes, especially regarding transvestites and transgender persons.

## **2.2 Targets for the inclusion of transvestites and transgender persons**

- » Set specific targets for the inclusion of transvestites and transgender persons in recruiting and selection processes, carrying out affirmative actions to increase the segment's share in the market.

## **2.3 Revise recruiting and selection tools and procedures**

- » Revise recruiting and selection tools and procedures that might create barriers and discriminate LGBT people.

## **2.4 Build capacity of recruitment and selection professionals**

- » Build capacity of persons who do recruiting and selection so they achieve better understanding of the theme and can act upon the application of the company's commitment to non-discrimination.

## **2.5 Revise tools and procedures used in the assessment and identification of potentials**

- » Revise tools and procedures used in the assessment and identification of potentials aimed at career development, aligning them with the company's non-discrimination attitude and identifying potential discriminatory attitudes.

## **2.6 Include the theme of sexual orientation and gender identity in censuses and surveys**

- » Include the theme of sexual orientation and gender identity in internal censuses and surveys (climate, engagement, health, well-being etc.), being careful not to increase discrimination, making sure the LGBT segment is considered and the data may inspire the development of policies and practices, whether or not specific.

## **2.7 Carry out affirmative actions for career development of transvestite and transgender professionals**

- » Carry out affirmative actions that favor growth in the career, particularly aimed at transvestite and transgender persons.

## **2.8 Include commitment in manager's performance appraisal**

- » Include commitment to equal opportunities and fair treatment to LGBT people in the dialogue, capacity-building, follow-up and performance appraisal of managers.

## **2.9 Revise or implement policies for benefits to promote equality**

- » Revise or implement policies, norms and procedures – considering sexual diversity – to promote equality and fair treatment in terms of benefits and other career development practices for employees.

## **2.10 Establish benefits and favorable conditions to the LGBT segment**

- » Voluntarily establish benefits and favorable conditions to a full development of LGBT people, especially transvestites and transgender persons, increasing the company's attraction and engagement capacity, creating competitive edges and positive impacts on reputation.

## **3 Promote a respectful, safe and healthy environment for LGBT people**

### **3.1 Build capacity of managers and teams**

- » Build capacity of managers and teams in the sexual diversity theme and its implications in carefully managing the quality of relationships in the company's internal environment.

### **3.2 Implement or improve complaint channels**

- » Implement or improve employees' complaint channels considering sexual diversity, the vulnerability of the LGBT segment to discriminatory practices, and specific needs for building capacity of channel operators to deal with the situations.

### **3.3 Define non-discrimination policy and anti-discrimination measures**

- » Define policy that shows commitment to eradicating discriminatory practices against LGBT people and the measures to be taken by the company regarding managers, workmates and other stakeholders.

### **3.4 Define non-discriminatory policy for people living with HIV/Aids**

- » Establish policy to deal with the theme of people living with HIV/Aids, regardless of sexual orientation and gender identity, whether specific or not, that shows commitment to non-discrimination.

### **3.5 Identify and encourage good management and relationship practices**

- » Identify and encourage good management and relationship practices that promote human rights and respect people of the



LGBT segment, giving visibility to the theme, to the company's commitments and to managers and employees in general that practice inclusion and respect.

## **4 Sensitize to and educate on LGBT rights**

### **4.1 Define a calendar for internal communication**

- » Define or include in the company's calendar dates related to the LGBT community and its struggle for rights, working on the themes in internal communications.

### **4.2 Hold events**

- » Hold internal events or support community events with the participation of the LGBT segment giving visibility to the sexual diversity theme, to the company's commitment to human rights and their relevance to the work environment and to stakeholder relationship.

### **4.3 Addressing the theme in the company's education agenda**

- » Include the theme of sexual orientation and gender identity in the company's education agenda aimed at instructing employees and managers to better deal with it, to know the company's commitment and to promote inclusive, respectful and discrimination-free environments.

### **4.4 Include the theme in a positive manner in internal communications**

- » Use in internal communications messages of respect to LGBT people, images and facts that favor understanding of their reality and promotion of their rights.

## **5 Encourage and support the creation of LGBT affinity groups**

### **5.1 Enhance diagnosis, insights and solutions through the affinity group**

- » Enhance diagnosis of the situation, insights about the theme and suggestion of solutions of common interest in the company's relationship with its various stakeholders through the sexual diversity affinity group.

## **5.2 Formalize participation of the group in the management system**

- » Formalize creation or existence of the group in the governance system of pro-diversity actions or other business management systems, making sure that diagnoses, propositions and action plans are institutionally considered.

## **5.3 Create means of communicating with employees that are not in the head office**

- » Through the group, establish a mechanism of dialogue and reporting of claims, complaints and propositions of employees that are not working in the head office, preventing, resolving or forwarding potential problems related to the LGBT theme in the company and in the relationship with different stakeholders.

# **6 Promote respect for LGBT rights in communication and marketing**

## **6.1 Formally monitor campaigns to avoid risk of discrimination**

- » Check the company's communication and marketing through formal monitoring of internal departments and advertising agencies so that campaigns with discriminatory content against LGBT people are not produced or launched.

## **6.2 Insert positive messages in the company's communication and marketing**

- » Insert positive messages about LGBT rights and respect to the segment in the company's communication and marketing, using images, oral statements and situations that value LGBT people.

### **6.3 Devise and/or support campaigns that promote the rights of LGBT people and of people living with HIV/Aids**

- » Devise, encourage and/or support communication and marketing campaigns that value sexual diversity, promote LGBT rights, address the eradication of violence against LGBT people, instruct in prevention of HIV contamination and promote the rights of people living with HIV/Aids.

## **7 Promote respect for LGBT rights in planning products, services and customer service**

### **7.1 Plan products and services considering the LGBT segment**

- » Consider LGBT-specific perspectives, expectations and demands when planning products and services whenever applicable and respectful to their rights.

### **7.2 Ensure access to products and services, with equal rules, norms and treatments**

- » Ensure access of the LGBT segment to products and services through inclusive and respectful planning and language, considering their realities with equal rules, norms and treatment.

### **7.3 Monitor quality of customer service**

- » Monitor quality of customer service to persons of the LGBT segment, fostering respectful and inclusive relationships that consider their specificities in tools, protocols, processes and procedures. Special attention should be paid to same-sex couples, transvestites and transgender persons.

### **7.4 Develop policy or procedures against opportunistic practices**

- » Develop internal policy or norm regarding commitment to LGBT rights when planning products, services and customer service so as to ensure inclusive practices and reject discriminatory or opportunistic practices that may put the company at risk.

## **8 Promote professional development actions for people of the LGBT segment**

### **8.1 Develop and/or support capacity building for members of the LGBT segment**

- » Develop and/or support capacity building for members of the LGBT segment in the company or with partners in professional development and capacity-building. Special attention should be paid to transvestites and transgender persons.

### **8.2 Invest in dialogue with and support to educational institutions**

- » Invest in dialogue with and support to educational institutions (regular schools, vocational and technical schools, colleges and universities, among others) to partner with them to promote LGBT rights and value sexual diversity, favoring inclusion and also the eradication of discriminatory practices.

### **8.3 Create internal mechanisms aimed at career development of LGBT employees**

- » Create internal mechanisms, such as coaching or mentoring, among others, to break down barriers that prevent or hinder the development of LGBT employees in their career.

## **9 Promote economic and social development of LGBT people in the value chain**

### **9.1 Support actions that favor entrepreneurship in the LGBT segment**

- » Encourage and support programs that favor LGBT entrepreneurs, with emphasis on support to transvestites and transgender persons.

### **9.2 Develop companies led by LGBT people**

- » Encourage and support programs and actions aimed at the development of companies led by LGBT people, especially transvestites and transgender persons.

### **9.3 Encourage the creation and/or strengthening of LGBT Chambers of Commerce**

- » Encourage the creation and/or strengthening of LGBT Chambers of Commerce to foster business in, with or aimed at the LGBT community.

### **9.4 Carry out affirmative actions for the LGBT segment in the purchasing area**

- » Encourage and support policies and programs in the company's purchasing area that carry out affirmative actions for LGBT people, especially transvestites and transgender people.

### **9.5 Support and fund entrepreneurs of the LGBT segment**

- » Establish partnerships, sponsorships, incentives and/or events with organizations that support and fund entrepreneurs so that they consider the LGBT segment in their plans and activities.

## **10 Promote and support actions aimed at LGBT rights in the community**

### **10.1 Include the theme of LGBT rights in the contents of the company's social actions**

- » Consider the theme of LGBT rights in the contents worked on in private social investment or social and community actions carried out or supported by the company.

### **10.2 Favor the participation of LGBT people in the company's social and community action**

- » Consider the LGBT segment, prioritizing transvestites and transgender persons, as target of private social investment or social and community actions carried out or supported by the company.

### **10.3 Be attentive to the rights of people living with HIV/Aids and prevention practices**

- » The theme of being attentive to the rights of people living with HIV/Aids and prevention practices should be present in private social investment or social and community actions carried out by the company.

#### **10.4 Encourage and support corporate volunteering aimed at the LGBT cause**

- » Encourage and support corporate volunteering aimed at the LGBT cause, the organizations that fight for its rights and/or directly care for LGBT people.

#### **10.5 Build capacity of corporate volunteering to deal with the LGBT theme**

- » Build capacity of corporate volunteering to deal with the LGBT theme in their volunteer work or as opinion-maker and supporter of organizations so that they take LGBT rights into account in their practices.

#### **10.6 Partner with governmental and non-governmental organizations**

- » Establish partnerships with governmental and non-governmental organizations for the promotion of LGBT rights in society.

#### **10.7 Support civil society organizations (NGOs)**

- » Encourage, support or sponsor civil society organizations that act to promote, guarantee, raise awareness of and enhance LGBT rights.

#### **10.8 Hold or support events that promote LGBT rights in society**

- » Encourage, support or sponsor events that promote LGBT rights in society.

## Depth Indicators

COMMITMENT		STAGES			
1	Commit – CEO and executives – to respecting and promoting LGBT rights.	CEO and executives discuss LGBT rights with managers and employees. ( )	CEO and executives include the theme in internal documents addressing stakeholder relations. ( )	CEO and executives talk to various stakeholders about the LGBT rights they promote. ( )	CEO and executives promote or participate in events in the community about LGBT rights. ( )
2	Promote equal opportunities and fair treatment to LGBT people	The company has policy rejecting discrimination of LGBT people and sets targets for transvestites and transgender people in recruiting and selection. ( )	The company revised or implemented policies on benefits that promote equal treatment to homosexuals, transvestites and transgender people. ( )	The company revised tools and procedures to identify and assess potential candidates to promotion, prioritizing transvestites and transgender people. ( )	The company monitors data related to the LGBT segment and carry out affirmative actions, especially those aimed at the career of transvestite and transgender employees. ( )
3	Promote a respectful, safe and healthy environment for LGBT people.	The company has documents, such as code of conduct, and other policies to counter homophobia and transphobia. ( )	The company identifies and communicates good internal practices of promotion of LGBT rights. ( )	The company has complaint channels with qualified professionals in the LGBT rights theme and anti-discrimination measures. ( )	The company publicizes its commitments to LGBT rights through internal communication channels and other channels aimed at job applicants. ( )
4	Sensitize to and educate on LGBT rights.	The company has a calendar of events with important dates for the LGBT community. ( )	The company holds events with the presence of LGBT movement's leaders (government or civil society) in important dates for LGBT rights. ( )	The company included the theme in daily internal communications. ( )	The company included the theme in a specific or cross-cutting manner in educational processes involving its executives, managers and employees. ( )
5	Encourage and support the creation of LGBT affinity groups.	The company encourages and supports group discussion about LGBT rights. ( )	The company has a formal group for discussion of the theme as part of stakeholder relations. ( )	The company creates internal mechanisms so that the group's production is formally presented to the top management. ( )	The company supports the group's actions, the performance of diagnoses and action plans for the promotion of LGBT rights. ▫ ( )

## COMMITMENT

## STAGES

6

Promote respect for LGBT rights in communication and marketing.

The company has a code of conduct and policies that reject discrimination of LGBT people in internal and external communication.

( )

The company discusses with communication suppliers about non-discrimination of LGBT people and takes measures in case of non-compliance.

( )

The company encourages respectful communication and marketing related to the LGBT segment.

( )

The company provides LGBT people with visibility and considers them – as far as respect for their rights are concerned – in its communication and marketing.

( )

7

Promote respect for LGBT rights in planning products, services and customer service.

The company considers the segment's perspectives, expectations and claims when planning products, services and customer service.

( )

The company ensures access to products and services through an inclusive, respectful language that complies with LGBT rights.

( )

The company has formal rules and procedures that include the LGBT segment and consider its reality in the access to products, services and customer service.

( )

The company has norm for or policy on commitment to LGBT rights in the definition of strategies related to this segment.

( )

8

Promote professional development actions for people of the LGBT segment.

The company adopts non-discrimination policies regarding LGBT people in learning programs and alike.

( )

The company holds discussions with opinion-makers among its internal stakeholders aimed at non-discrimination and employability of LGBT people, prioritizing transvestites and transgender persons.

( )

The company provides coaching, mentoring and other career development actions focused on persons of the segment identified for promotion, prioritizing transvestites and transgender persons.

( )

The company communicates internally and externally its affirmative actions aimed at the LGBT segment.

( )

9

Promote economic and social development of LGBT people in the value chain.

The company has a code of conduct or policies that reject discrimination of suppliers based on sexual orientation and gender identity.

( )

The company encourages and supports dialogues between its suppliers and the market about promotion of LGBT rights.

( )

The company supports the development of companies led by LGBT people, prioritizing transvestites and transgender people.

( )

The company carries out affirmative actions in the supply chain, purchasing from companies led by LGBT people, prioritizing transvestites and transgender persons.

( )

10

Promote and support actions aimed at LGBT rights in the community.

The company includes the theme of LGBT rights in contents dealt within community relations, in its social action and corporate volunteering programme.

( )

The company supports social organizations that work on LGBT rights and organizations that work on the prevention, attention and/or promotion of rights of people living with HIV/Aids.

( )

The company carries out social and/or community actions, either in partnership with NGOs or directly, aimed at LGBT people, prioritizing transvestites and transgender persons.

( )

The company sponsors, supports or holds events that promote LGBT rights in society, communicating its actions to all its stakeholders.

( )



# EPILOGUE

Right after its launch, supported by ILO – International Labour Organization, the authors executed workshops using the Manual in eight large companies that participate in the Companies and LGBT Rights Forum (BASF, Bloomberg, Grupo Fleury, IBM, HSBC, P&G, PwC and Whirlpool). The workshops brought together nearly 100 participants, professionals from different areas of these companies interacting with the stories here presented to expand their knowledge about LGBT human rights and the subject of HIV/Aids.

In some companies there were LGBT affinity groups and it was observed that these groups, allied with the health department and areas related to life quality, have a greater repertoire, development and conditions, therefore, to help the company better work the theme of HIV/Aids. The fear of being stigmatized, as if HIV/Aids were a subject purely related to the matters of sexual orientation and gender identity, was substituted by a solidary posture of facing discrimination, a common theme for all people in affinity groups.

During the workshops, it was also possible to evaluate the importance and quality of the strategy deliberated by all those who took part in the Focus Group to develop the Manual. The strategy of dialoguing, expanding knowledge about the themes and elaborating action plans through the stories of Alana, Ronaldo, Meire and Carlos, showed to be valuable in the corporate environment. It was very helpful that the Manual and its stories focus on people, in the context of the workplace and the invitation to think as a group about solutions. We understand that the same applies to environments such as labour unions and workers organizations, always focusing on the workplace and its specificities, contradictions, limitations and possibilities.

Through the workshops, the need to revise the texts was observed, overall because reading it out loud presented demands to adjust punctuation or even some terms that were used.

In this epilogue, we are also including two important initiatives led by the UN, strongly related to this Manual. Those are the Zero Discrimination initiative of the Joint United Nations Programme on HIV/Aids (UNAIDS) and the Free and Equal Campaign of the Office of the High Commissioner for Human Rights (OHCHR). Both the initiatives of UNAIDS as well as the one of OHCHR seek the participation of people, have symbols, predict social mobilization and usage of social networks, and therefore enrich the usage of the Manual and the internal process of organizations to mobilize their employees, partners or stakeholders in general. Hereinafter, the reader will find available the texts of the Agencies about their initiatives.

Thereby, have a good read and an excellent work on applying the practices suggested by the Manual.

The authors

August 2015

\*First edition launched in September 30<sup>th</sup>, 2014.



# ZERO DISCRIMINATION

Launched globally in 2013 by the Joint United Nations Programme on HIV/Aids (UNAIDS), the Zero Discrimination initiative has the goal of fighting any unequal and unfair treatment that hinders the right to a full, dignifying and productive life. The butterfly that symbolizes the campaign – a symbol in constant transformation – represents the commitment to a behavior opened to diversity and tolerance.

Led by UNAIDS' spokesperson for Zero Discrimination and winner of the Nobel Peace Prize, Daw Aung San Suu Kyi, the initiative enshrined March 1<sup>st</sup> as Zero Discrimination Day, celebrating everyone's right to a full, productive and dignifying life – regardless of their background, sexual orientation, gender identity, HIV serology, color or ethnicity. The initiative seeks to mobilize communities, organizations and defendants of human rights to promote inclusion and respect to these undeniable rights, and show that everyone can promote tolerance, compassion and peace.

Stigma and discrimination are among the main barriers to prevention, treatment and care related to HIV and Aids. Researches have shown that stigma and discrimination damage the efforts toward the fight against the HIV epidemic by making people afraid of looking for information, services and methods that reduce risk of infection and of adopting safer behaviors, fearful that these will make them suspicious about their serology – in or out of the workplace. For example, a person might not use protection (or not ask their partner to use a condom) or not undergo testing at a health center, being afraid that people will suspect he or she has HIV.

Researches also show that fear of stigma and discrimination may also be linked to fear of violence, discouraging people who live with HIV to reveal their serology even to their sexual partners, beside damaging their capacity and will of accessing or adhering to treatment.

Therefore, stigma and discrimination weaken the possibility of individuals and communities to protect against HIV and keep themselves healthy, in case they are already living with the virus.

For more information on the Zero Discrimination initiative, please go to:

[www.unaids.org.br/acoef/Zerodiscriminacao.asp](http://www.unaids.org.br/acoef/Zerodiscriminacao.asp) (in Portuguese)

[http://www.unaids.org/en/resources/campaigns/20150204\\_zerodiscrimination](http://www.unaids.org/en/resources/campaigns/20150204_zerodiscrimination) (in English)

The stigma related to HIV and to Aids refers to beliefs, attitudes and negative feelings toward people living with the virus (as well as their families and people close to them) and other populations that are under bigger risk of HIV infection, such as gay men and other men who have sex with men, sex workers, transvestites and transsexuals.

Discrimination related to HIV and Aids refers to unequal and unfair treatment (by action or omission) of an individual based on their serology for HIV, real or presumed. The discrimination, under the context of HIV, also includes unequal treatment of those more affected by the epidemic. Discrimination related to HIV and Aids are normally based on attitudes and beliefs that bring stigma to behaviors, groups of the population, practices, sex, diseases and even death. Discrimination may be institutionalized through existing laws, policies and practices that focus negatively on people who live with HIV and on sidelined groups.



# FREE & EQUAL

“All human beings are born free and equal in dignity and rights” —Article 1, Universal Declaration of Human Rights

Every day, lesbian, gay, bisexual, transgender (LGBT) and intersex people experience stigma, violence and discrimination. LGBT youth are bullied in schools, thrown out of home, rejected by their own families. Millions of people live in fear of physical attack or arrest. Discrimination is widespread in workplaces, health-care systems and in many other areas of everyday life. In 76 countries, consensual, adult same-sex relationships are criminalized – in seven the death penalty may be applied. The United Nations is committed to fighting all forms of discrimination. Over the past two decades, UN human rights bodies have repeatedly called on Governments to decriminalize homosexuality, protect LGBT people from violence and discrimination, and fight homophobia. The issue has come into ever sharper focus, with concerted advocacy by the UN Secretary-General, the High

Commissioner for Human Rights and heads of UN agencies. Since its launch in July 2013, UN Free & Equal has become one of the UN's most popular global campaigns, reaching well over a billion people worldwide.

Free & Equal is aimed at raising awareness of homophobic and transphobic violence and discrimination, and promoting greater respect for the rights of LGBT and intersex people everywhere. The campaign seeks to challenge negative stereotypes and inspire people to press for action in their own communities. A number of popular celebrity Equality Champions are helping to spread key campaign messages and materials, including on social media. Free & Equal is an initiative of the UN Human Rights Office.

Learn more: [facebook.com/free.equal](https://facebook.com/free.equal) / [@free\\_equal](https://twitter.com/free_equal) / [www.unfe.org](http://www.unfe.org)

Action Points Governments are responsible for protecting everyone's rights. They should:

- » Repeal laws used to punish individuals on the basis of their sexual orientation and gender identity or expression, including laws criminalizing consensual, adult same-sex relationships.
- » Investigate, prosecute and punish all those responsible for hate-motivated violence against LGBT and intersex people, and establish systems for recording and reporting such violence.
- » Adopt comprehensive anti-discrimination laws that prohibit discrimination based on sexual orientation and gender identity or expression, wherever it occurs.
- » Make sure that LGBT and intersex people are able to exercise their rights to free speech and peaceful assembly without interference and free from threats of violence and intimidation.
- » Counter prejudice through effective public education, and teach inclusion and tolerance in schools.
- » You, your friends and other individuals can make a difference too:
- » Make your voice count: speak out when you see any form of discrimination against LGBT and intersex people.

- » Talk to your family, friends and acquaintances about the human rights challenges facing LGBT and intersex people and the need to respect the rights of others.
- » If you, a friend or a family member are arrested and detained on charges relating to sexual orientation and gender identity or expression, alert UN human rights special procedures by sending an email to [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org).







