# MANAGING THE HEALTH AND SAFETY OF THE LGBT MOBILE WORKFORCE

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**FISHER PHILLIPS**

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# LGBT Workers And Responsible Global Employment Practices

For employers with international operations, there is no one-size-fits-all answer when it comes to questions surrounding workplace law and LGBT employees. For workers in the United States, the scope of legal protections has evolved drastically over the past few years but still involves a patchwork of differing standards. Although the U.S. Supreme Court officially made same-sex marriage legal across the country in 2015, antidiscrimination and anti-harassment laws continue to vary from state to state, and even from city to city.

Matters become even more complicated for overseas employees, as more than 70 countries still classify homosexual behavior as a crime. The severity of punishment and levels of enforcement varies significantly across the world. For example, in Sudan, Iran, Yemen, Saudi Arabia, and other countries, the death penalty is used as punishment for same-sex relations. Some countries, such as India, may instead impose life imprisonment. Even in countries where same-sex relations are not criminalized, however, certain public pronouncements on this topic may be restricted. For example, in Russia, public affirmations of "non-traditional sexual relations" are prohibited.

The end result is a very complicated world map as far as what is, and is not, legal for today's global worker.

## 70 COUNTRIES

still classify homosexual behavior as a crime.

## State and Federal Statutes in the United States

In the U.S., there is currently no federal law that expressly prohibits discrimination on the basis of sexual orientation or gender identity. Legislation prohibiting sexual orientation discrimination has been introduced in Congress every year for decades, but thus far has not been successful. Accordingly, sexual orientation is not specifically designated as a protected category under the primary federal antidiscrimination statute (Title VII).

Despite this, LGBT employees have filed Title VII lawsuits, arguing that "sexual orientation" discrimination is actually "gender" or "sex" discrimination—something that Title VII explicitly prohibits. The Equal Employment Opportunity Commission (EEOC) has also taken this position and brought claims on behalf of LGBT employees by insisting that discrimination they faced is prohibited by Title VII. The success of such efforts have been mixed, however.

## IN THE U.S.,

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## THE LACK OF CLARITY

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In April 2017, for example, the Seventh Circuit Court of Appeals became the first federal court of appeals to agree that sexual orientation is covered by Title VII in the Hively v Ivy Tech Community College case. Just a month prior, however, the Eleventh Circuit Court of Appeals reached the opposite conclusion in Evans v Georgia Regional Hospital. Varied rulings such as these across the country will likely lead to a final showdown at the Supreme Court for clarification, though the nation's highest court has yet to accept a case on this topic despite ample opportunity. The lack of clarity makes things confusing and complicated for employers, especially those that have employees working in different locations across the country.

On the state level, many legislatures have amended their anti-bias legislation to explicitly prohibit sexual orientation or gender identity discrimination in employment. Further, even where there is no state law on this topic, such as for employers in Florida, many cities and counties have passed ordinances prohibiting discrimination based upon sexual orientation and gender identity.

## Best Practices in the U.S.

Even in locations where there are no explicit protections for sexual orientation and gender identity, many employers provide that protection in their own internal policies. This is a best practice for multiple reasons.

## EMPLOYERS THAT CHOOSE NOT TO OFFER SUCH PROTECTIONS

now may find themselves on the wrong side of the law overnight

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First, as discussed above, it is currently up for debate as to whether existing law already demands this protection, with courts across the country weighing in on the matter. Employers that choose not to offer such protections now may find themselves on the wrong side of the law overnight, not to mention the fact that an increasing number of cities, counties, and states are passing laws explicitly requiring these protections. Second, public sentiment overwhelmingly favors inclusive policies; companies that are viewed as carrying out discriminatory practices risk, at the very least, bad publicity and a reduced pool of skilled applicants due to lack of such internal policies.

## International Travel

Companies that frequently send staff abroad for international travel should be aware that there is a drastic difference in laws, customs, and public sentiment when it comes to LGBT rights. These different laws can complicate matters for employers. For example, a company may decide not to send an employee for a long-term position in Saudi Arabia if they know that employee is in a same-sex relationship and has a family that would be relocated with them. The decision not to send this employee may be made out of concern for the safety of their family, but it still could open the company up to a discrimination claim.

# COMPANIES SHOULD CONSIDER UNDERTAKING RISK ASSESSMENTS

before sending employees to foreign countries

Likewise, if an employee is arrested in a foreign country for violating its same-sex laws, that employee could sue their employer for not warning them about these laws.

Companies should consider undertaking risk assessments before sending employees to foreign countries and disclosing relevant information about the employee's safety. That could include information on terrorist activity, health risks (such as localized viruses or transmittable diseases), and laws at the employees' destination that prohibit conduct otherwise legal in the U.S. This is especially true when the potential punishments for violations include imprisonment and even the death penalty.

Transparency in decision-making can be vital for employers. Having an open discussion with employees before a business trip, especially a long-term relocation, is the best way to decide what will be a prudent business move. Notably, employers should not question employees about their sexuality, but instead should provide relevant information (such as the fact that the country imposes the death penalty as punishment for same-sex relations) to the employee. It can ultimately be left to the employee to decide if they feel comfortable with a trip to a country that poses such safety risks. The employee may feel comfortable making a week-long business trip to some locations, but not with relocating there with their family, for example.

## Case Study: Worst-Case Scenario

One dramatic example of what can go wrong in an international relocation is highlighted by the recent case of Huang v. MWH Global, Inc. The case involved an Asian-American couple who were relocated by the husband's employer to Qatar. They took along their three children whom were adopted from Africa. One of the children had an eating disorder, from which she ultimately died. However, the authorities in Qatar arrested the parents, claiming they had starved and murdered their child. The couple was ultimately imprisoned for nearly a year before being released.

The former employee then sued his company, claiming that it had been negligent in failing to engage in risk assessment and prevention activities. He accused the company of failing to inform him of the risks of moving to Qatar, particularly because there was an increased risk for racial discrimination given that they were an Asian couple with African children. While this case eventually settled, it provides a warning as to what can go wrong in international business travel, and highlights the importance of knowing and discussing risks ahead of time.

Employers and employees alike should be aware that the U.S. State Department has an section on its website which provides guidance on the laws, social issues and safety considerations in other countries related to LGBT travelers. Additionally, the State Department offers a free service called

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# THE STATE DEPARTMENT OFFERS A FREE SERVICE

called the Smart Traveler Enrollment Program

the Smart Traveler Enrollment Program, which allows travelers to receive relevant travel warnings and other country-specific information prior to any trips. Such information can help employees determine their comfort level with relation to certain destinations, and help employers make their own risk assessment prior to trips.

Ironically, other countries likewise issue similar travel warnings, and at least once in the recent past has the U.S. been classified as a trouble spot for LGBT travelers. In 2016, the British Foreign Office issued an advisory warning LGBT travelers about visiting Kentucky and North Carolina following legislation passed in those states regarding transgender bathroom usage.
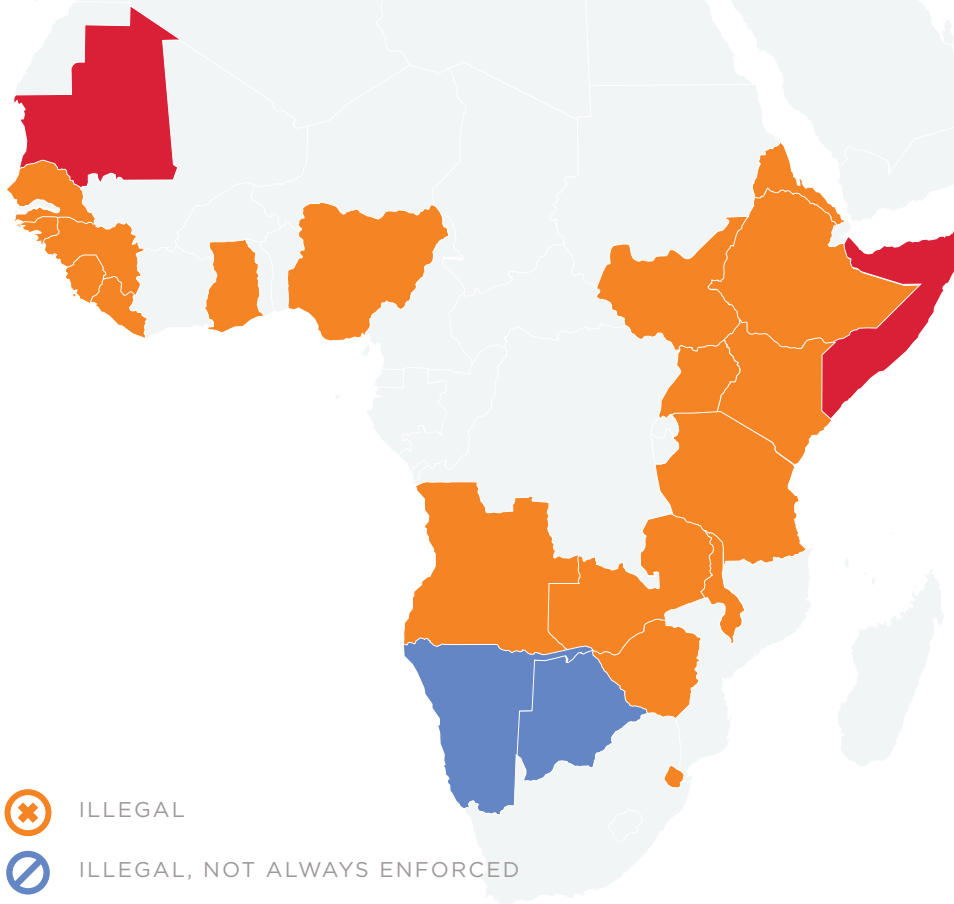
## Conclusion

Employers that send workers overseas should employ two basic strategies when it comes to maintaining the best working conditions for LGBT employees: gather relevant knowledge, and maintain open communication. They should stay up to speed on the relevant legal protections in each area where they send employees, and should familiarize themselves with local laws and conditions to ensure everyone's safety. They should then communicate this information freely with any affected workers to make sure there are no hidden surprises and to allow employees to assist with the decision-making process. Following these two strategies will help any organization operate as a responsible global employer.

# A GUIDE FOR LGBT TRAVELERS IN AFRICA

ILLEGAL

ILLEGAL, NOT ALWAYS ENFORCED

ILLEGAL, DEATH PENALTY

## DID YOU KNOW?

### Cameroon

Same-sex relationships are punishable by up to five years' imprisonment under article 347-1 of the penal code. Homosexuals are often ostracized and some – particularly activists - have been threatened, detained, assaulted and even killed.

### Gambia

Former president Yahya Jammeh vowed to wage a merciless fight against this 'satanic and profane force'.

'Aggravated homosexual acts' are punishable by life imprisonment. Same-sex acts are punishable by up to 14 years' imprisonment.

## CONGO (DRC)

An MP in December 2013 introduced a draft bill punishing homosexuality by up to five years' imprisonment; however, the legislation has not yet been adopted and comments by officials in 2015 suggested that the government may not proceed with it.

In May 2016, the Senate approved a draft bill that prohibited LGBT couples from adopting. Local activists say that social attitudes towards LGBT lifestyles have become less tolerant.

## LEGAL STATUS AND SOCIAL ATTITUDES

Across Africa, varying degrees of discrimination persist through the complex interface of social conservatism, patriarchy, religiosity and mistrust of 'Western' lifestyles.

**The legal status and social acceptance of same-sex relationships varies across Africa.**

Differences in legislation and levels of social conservatism can be difficult to navigate for lesbian, gay, bisexual and transgender (LGBT) travelers, which exposes them to risks they may not have anticipated during other business postings abroad.

The majority of African countries criminalize homosexuality, though Botswana, Cameroon, Gambia, Liberia, Malawi, Nigeria, Uganda and Zimbabwe have taken steps to impose further sexual offense legislation that explicitly targets homosexuals. In Mauritania, parts of Somalia and parts of Nigeria under Sharia (Islamic law), homosexuality can be punishable by death.

*BE AWARE:*
**Be prepared and understand the risks.**

As a general rule, travelers to rural or low-income communities should anticipate more conservative attitudes than in more cosmopolitan, upper-middle income urban areas. LGBT travelers in the region should keep a low profile at all times and exercise vigilance and caution.

Depending on the country, LGBT travelers may face harassment or legal difficulties if they draw attention to their sexuality. LGBT travelers should therefore avoid drawing attention to themselves through public displays of affection, their dress or the display of accessories that may indicate their sexual orientation.

*INTERNATIONAL SOS*

*Professor Robert L. Quigley, M.D., D.Phil and Erika Weisbrod*

# Managing and Mitigating LGBT Travel Safety Risks in a Millennial Generation

There is no doubt about it: the Millennial generation is the workforce of the future. Millennials, defined as being born between 1985 and 2005, are now mostly out of college and many are past entry level roles. We are also starting to see this increasingly influential generation move into more managerial and leadership roles. As they develop their careers, they will be taking on even more senior roles within organizations, taking on greater levels of responsibility - some of them starting their own companies - and making decisions that will affect business, and thus, business travel, in the future. Moreover, as Millennials become more prominent in the workforce, they are doing so at a time when organizations are continuing to expand their global footprint, requiring greater amounts of international travel and overseas assignments.

## STUDIES SHOW THAT MILLENNIALS WORK DIFFERENTLY;

they are not married to their desks and they don't work within strictly 9-5 jobs.

At the time when members of Generation X, (born between 1965 and 1985) began to enter the work force, only 5.85 percent of global organizations operated internationally. For Baby Boomers (born between 1945 and 1965), it was only 18.15 percent. Now, our modern workforce is considerably more mobile and international. In addition, studies show that Millennials work differently; they are not married to their desks and they don't work strictly 9-5 jobs. Millennials are always connected, and the line between working and non-working hours is increasingly blurred.

With this new norm, comes a generation of leadership that is upheaving what we traditionally see making up the workforce. Priorities have changed, along with types of communication. Some media is ubiquitous and also serves as a platform to promote ideas. Also, gone are the days of exclusion; organizations have replaced this with agendas promoting inclusion to support the current, diverse mobile workforce.

[1]  https://www.glaad.org/files/aa/2017_GLAAD_Accelerating_Acceptance.pdf

According to the findings published by GLAAD, the U.S. non-governmental LGBT media advocacy organization, in their 2017 Accelerating Acceptance report [1], Millennials are more likely to identify as LGBT and be accepting of the LGBT community than previous generations. The study, which was based on a 2016 online survey of 2,037 adults, found that 20 percent of Millennials identify as LGBT. The survey also found that acceptance and understanding of the LGBT community reached historic levels, with 63 percent of Millennials identifying as LGBT allies.

Most generations influenced and shaped by the social, economic, political and technological developments of their time. Millennials, like other generations, are shaped by the history that they are a part of: significant world events,

technological advances, popular culture and the workforce that they are a part of and support.

We have observed some obvious influences that have at least helped shape the Western-based Millennial generation regarding both the increased likelihood for self-identifying as LGBT, as well as the level of LGBT acceptance. – to include the U.S. Supreme Court's  legalization of same-sex marriage in 2015, increasing prominence of LGBT figures in popular culture, proliferation of technology to include social media and online dating applications, meet-up groups and forums, as well as evolving policies and the increasing number of advocacy groups that focus on diversity and inclusion.

Meanwhile, in comparison to the 20 percent of Millennials who identified as LGBT, the same GLAAD study [2] found that only 12 percent of Generation Xers, and 7 percent of Baby Boomers identified as LGBT, while 54 percent of Generation Xers and 51 percent of Baby Boomers of non-LGBT affiliated people considered themselves as allies.

To provide some historical context, Generation Xers and Baby Boomers can recall a world without Internet, smartphones, online dating applications and streaming television. Although homosexual acts were decriminalized in the Western world by the 1970s, it was not until the mid-1970s that the LGBT community became increasingly visible as a result of active protests to gain social recognition, which was vital for the minority to fight for their civil rights.

Popular culture is undoubtedly one of the strongest influencers in increased acceptance both of self and of others. Recent popular television programs such as Grey's Anatomy, Glee, Modern Family and Orange is the New Black, just to name a few, have featured LGBT roles and relationships in detail. According to GLAAD's 2016 'Where we are on TV Report,' [3] 4.8 percent of the 895 series regular characters expected to appear on broadcast scripted primetime programming in 2018 were identified as LGBT, while an additional 3.1 percent were recurring LGBT characters. Additionally, the prominence of publically 'out' LGBT actors, singers and media personalities has become more mainstream. Likewise, there has been an increase in the number of other prominent public figures who are 'out' – to include athletes, politicians and CEOs - who are serving as role models for closeted LGBT individuals and acting as beacons for promoting greater social acceptance.

Technology also plays a significant role in how Millennials socialize, with social media, online dating applications and meet-up groups. This influences how Millennials are able to selectively self-identify as LGBTQ within online communities, as well as in how they meet friends and partners.

In addition to online communities, college and university campuses, as well as workplaces, have become increasingly LGBT-friendly, supporting diversity

[2] https://www.glaad.org/files/aa/2017_GLAAD_Accelerating_Acceptance.pdf

[3] https://www.glaad.org/whereweareontv16

and inclusion. Employers are experiencing an uptick in employee resource groups, and advocate groups like Out and Equal have made tremendous progress in achieving LGBT workplace equality. [4]

## What does it all mean?

In the Western world, this large increase in general acceptance of diverse populations on an entire generation translates into a shift in the identity, perception and overall attitudes of the modern worker and business traveler. As this shift continues to take place, several risks arise to the traveler, their manager and especially the state of international business travel today.

Millennials in the workplace now face identity and anxiety challenges when their idea of 'normal' or 'accepted' is questioned. If forced to repress or 'closet' references to aspects of their life that they might be open and comfortable to discuss in their own country (i.e. their own sexual identity or a same-sex partner, or even for those who don't identify as LGBT, in referring to a gay sibling, friend or colleague), this modern worker can suffer emotionally and physically. Furthermore, an inclination to meet other LGBT people abroad could endanger them – whether it is on online dating websites or apps, meet up groups or LGBT restaurants, bars, night clubs or other gathering points.

Our new generation of business leaders should be made aware of the risks they face by openly identifying as a member of, or accepting of, any part of the diverse community. While acceptance is increasing in the Western world, according to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)'s 2017 State-Sponsored Homophobia report, over 70 countries still have laws that criminalize homosexuality. It is important for travelers to be aware; not just of the legal regulations, but also of the level of enforcement. In some countries, laws against homosexuality can result in imprisonment, deportation or even the death penalty.

In certain Middle Eastern countries where homosexuality is illegal, LGBT users of dating sites, social media and other GPS-enabled applications have been reportedly tracked, arrested and even deported by the authorities. This is a clear example of where these laws and regulations can make Millennials more vulnerable, based on the ways that they might otherwise be used to leveraging technology when 'at home.' In addition, as we see an increased blurring of business and leisure travel ('bleisure') amongst the Millennial mobile workforce, risks also arise out of business hours, with the potential in some countries for the authorities to raid LGBT-affiliated bars or nightclubs, or to forcefully break up pro-LGBT rallies. All of these examples emphasize the need for international travelers to maintain a low profile, avoid public displays of affection be aware of places under surveillance and avoid using technology that can be monitored by the authorities.

## THIS MODERN WORKER CAN SUFFER

emotionally and physically.

## ALL OF THESE EXAMPLES EMPHASIZE

the need for international travelers to maintain a low profile, avoid public displays of affection be aware of places under surveillance and avoid using technology that can be monitored by the authorities.

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# ALL TRAVELERS SHOULD BE EDUCATED

on the risks of revealing sexual orientation in certain locations.

These examples highlight the fact that, while many Millennials who have been raised in the US, Canada or many parts of Europe have been taught acceptance, other parts of the world have differing views and social attitudes. When Western-oriented Millennials are then required to travel internationally for work assignments, they incur risks about which they may not be aware. For some destinations where the laws and tolerance are not as accepting of LGBT affiliation, all travelers should be educated on the risks of revealing sexual orientation in certain locations. To mitigate this risk, it is essential that organizations not only educate and prepare all of their travelers in the legal and social attitudes of their international destination prior to travel, respecting confidentiality, while also including emotional support as part of their Duty of Care. It is not only important to understand the challenges that LGBT travelers face when working internationally, but also to know how to support the rising Millennials in the workforce in a manner that is reflective of their generational norms, and that promotes their safe and successful travel abroad.

Ultimately, it is the responsibility of managers to ensure proper mitigation of these outlined risks. Stonewall, a UK-based global LGBT rights organization, provides expertise to keep international organizations informed of changes and their implications. In their recent mobility guide, Safe Travels: Global Mobility for LGBT Staff, their experts outline 10 essential tips for supporting diverse staff as they travel internationally. These recommendations are a great starting point for any organization with international travelers, as supporting all staff, no matter their orientation, is a critical piece of Duty of Care. These recommendations, which apply to not only to the Millennial workforce, include:

1. **Understand Challenges LGBT People Face**

2. **Afford Equal Treatment**

3. **Include LGBT-Specific Considerations in Your Mobility Policies**

4. **Train Managers and Mobility Staff Globally**

5. **Inform All Employees**

6. **Plan Tailored, Realistic Inclusive Support**

7. **Offer Equal Career Development Opportunities**

8. **Provide a Trained Point of Contact**

9. **Be Prepared to Evacuate Staff**

10. **Seek Feedback**

With the proper education, all mobile travelers can navigate the ever-changing landscape of business travel.

# A GUIDE FOR LGBT TRAVELERS IN THE AMERICAS

**MAP:** *Legal status of homosexuality in the Americas*



❌ SAME SEX ACTIVITY IS ILLEGAL IN:

| | |
|---|---|
| Antigua & Barbuda | Jamaica |
| Barbados | St Kitts & Nevis |
| Belize | St Lucia |
| Dominica | St Vincent & the Grenadines |
| Grenada | Trinidad & Tobago |
| Guyana | |

## DID YOU KNOW?

### Northern Triangle

The Northern Triangle is a region within Central America encompassing the countries of El Salvador, Guatemala and Honduras.

An area plagued by gang violence and some of the highest homicide rates in the world, the Northern Triangle is a higher risk area in the Americas for targeting of and social discrimination against LGBT individuals. Same-sex acts are legal in these countries, though same-sex marriages are not performed or recognized. El Salvador is the only country of the three to have implemented some protections against discriminatory employment practices based on sexual orientation.

## LEGAL STATUS AND SOCIAL ATTITUDES

A number of countries in the Americas have taken significant political and legal steps to protect rights for LGBT individuals - nationwide or localized prohibitions of discriminatory practices based on sexual orientation have been implemented in at least 14 countries throughout the region.

### Argentina

In stark contrast to the Northern Triangle, Argentina is considered one of the most LGBT permissive countries in the region.

**Lesbian, gay, bisexual and transgender (LGBT) travelers face some challenges and restrictions in the Americas.**

Attitudes and laws toward LGBT acceptance and rights span a wide spectrum throughout the region. However, state-sponsored persecution is generally less prevalent and less acute when compared with countries throughout other regions such as Africa and the Middle East.

Anti-LGBT laws persist in parts of the Caribbean, where same-sex acts remain illegal in 11 countries. Country-dependent penalties consist of prison sentences from two years to potential life terms, though in practice such laws are rarely enforced. In contrast, a number of countries in the Americas have taken significant political and legal steps to protect rights for LGBT individuals.

At its worst, anti-LGBT sentiment in certain countries has contributed in part to some of the highest levels of violence against LGBT individuals in the world.

*BE AWARE:*

Travel risk managers should ensure that travelers are aware of any anti-LGBT legislation and hostile cultural attitudes in their destination countries before traveling and encourage travelers to conduct their own research.

LGBT travelers in parts of the Americas, particularly the Caribbean and Central America, should be aware that there is a credible risk of harassment or, in rare cases, legal implications if they draw attention to their sexuality. They should therefore avoid drawing attention to themselves or their profile through public displays of affection, by their dress or the display of accessories that indicate their sexual orientation, by their behavior, or by expressing opinions on LGBT rights issues in public.

**INTERNATIONAL SOS**

# Building LGBT Employee Resource Groups in Asia

In the recent years that Asia has exploded as a growth market for business, it has also expanded with support for the Lesbian Gay Bisexual and Transgender (LGBT+) community.  While this is still an evolving area, there have been some notable advances and achievements. This discussion reviews some common steps taken by businesses with the overarching goal of creating a process that can be applied across different regions for sustainable growth.

## ERGs:

Employee resource groups

Employee resource groups (ERGs) can most commonly begin in a country in two ways:  An employee can raise his or her hand back to the central team (reactive), or the central team can approach a country for inclusion (proactive). Typically, the central team of an ERG will be based in a multinational company (MNC) in a Western country, usually within the United States or Western Europe.

## Step 1:  Local Law and Cultural Assessment

Whether a reactive or proactive start, one of the first steps taken is a local law and cultural assessment.  For the local law assessment, online resources including the websites of Equaldex[1] and IGLA [2] are most helpful. For cultural assessments, local NGOs are critical partners to help understand communities. Finding local NGOs can be a challenge if the landscape is new to a company. Western-based NGOs, with whom MNCs may have existing partnerships, will often have a network available to leverage on. In the US and EU, groups such as Out and Equal[3], Outright Action International[4] and Stonewall[5] have proven to be valuable stepping stones to forming connections locally. In Asia, the Asia Society[6] and Community Business[7] websites are good resources.

It is important for ERG leaders to learn and understand their company policy. What are the fair employment practices/non-discrimination statements that apply to all employees globally? What are the security and employee safety concerns? A fair employment practice may apply globally to all employees; however, the ERG must review the impact on employee safety once that employee leaves the local site.  Are we putting that employee at risk?

Culturally, ERG leaders need to learn if creating a local team will be seen as Western influence.  Will this create backlash? Who are the employees and sponsors who will lead the local team?

[1]    http://www.equaldex.com

[2]    http://www.ilga.org

[3]    http://www.outandequal.org

[4]    http://www.outrightinternational.org

[5]    http://www.stonewall.org.uk

[6]    https://asiasociety.org

[7]    http://www.communitybusiness.org

# EXAMPLES:

### CHINA

There is no law for or against the creation of local teams in support of diversity.  The government can seem impartial, or there can be a fear of influence, such as cancellations of events. Speaking with local leaders, the goal of the government is stability. Culturally, businesses may be concerned with B2B activities and the impact on customers.  The decision to start an ERG internally while being quiet externally is one path forward.

### SINGAPORE

The 377 penal code left over from British rule in 1860 is still in the books. However, the government has claimed that it will not enforce it.  Requests to remove it have been met with resistance culturally. The Pink Dot pride event each year has grown to the point of the government speaking out against non-Singaporean business influence. This leaves the country in limbo with businesses having to decide how best to move forward.  Many have chosen to move forward with ERG support. The biggest challenge is engaging Singaporeans in addition to Western expatriate employees to lead local teams.

### INDIA

The 377 penal code is also a factor in India, much more so than in Singapore.  In December 2013, the Supreme Court (SC) set aside the Delhi High Court's 2009 verdict decriminalizing homosexuality.  This was a major setback for the community and ERG development. Had the ruling gone in favor of LGBT+, many companies were poised to launch local teams. In the time since then, some companies have stayed dormant, many have reviewed what is possible internally, and a few have launched. What has grown is a regular rhythm of companies meeting companies for discussions on paths forward.  In January 2018, the SC agreed to review its decision on the penal code.

### MALAYSIA AND INDONESIA

The local law in both countries state that male-male relationships are a crime with imprisonment as punishment. As such, many companies have held back from setting up local teams in these countries due to employee safety risk. Some organizations have discussed support from the nearest country with an active team; in this case the country would be Singapore. Given the security risk, each company must engage all resources needed to determine the safest path forward.

The output of these assessments will often determine the path forward, or in some cases, the decision to not move forward. While we may write 'LGBT+' the team should understand the impact of law and culture on the individual letters, as they will most likely differ. The ERG team is responsible for reviewing the information. Resources for this discussion are often HR leaders and labor and employment legal counsel (L&E counsel). While this discussion can start within the central team, it will be the local team's decision whether or not to move forward.

## Step 2:  Identifying Employees Locally

Companies have different ways of assessing whether they have employees to engage in a local ERG. Some may have an opt-in membership to their ERGs, even if formalized teams do not yet exist. Others may use Self-ID to count L, G, B, and T employees who decide to declare themselves. If the initial employee data shows the presence of a community, it helps argue in favor of creating a local team and speaks to a company's goal of including diverse employees.  If there is no process in place to measure employee engagement then this will help initiate a plan to put metrics in place. Typically this data is anonymous and only HR managers have access to details.

## Step 3:  Identifying Local Sponsors and Team Leaders

A local ERG team cannot launch and grow without local sponsorship and team leads. At least one HR manager and business executive are required to provide leadership, networking, and funding. One to two employees are required to lead the local team.  It is helpful to provide definitions around roles and responsibilities so that the 'ask' is clear and understood. Where other ERGs in the company already exist, most often centering women, the sponsors and team leads make themselves known and leverage on existing networks.

## Step 4:  Launching the Local ERG

Once a core team has been identified, the launch plan is developed. Additional resources such as communications are engaged.  An activity plan for the first 6-12 months is developed.  The central team provides the pillars (i.e. professional development, community outreach and education) on which the network operates in order to facilitate planning. Organizing events with a 'quality over quantity' mindset ensures longevity over burnout.  External partnerships with other companies and local NGOs round out the community with whom the team operates, creating a rhythm of engagement inside and

outside the company. One of GE's key partners has been the Asia Society; [8] GE participates in the Society's LGBT and Asian Allies Committee, as well as in the Asian Corporate Survey. In 2017, Asia Society recognized GE as one of the best employers for LGBT Asian employees.

Creating a local ERG in Asia is not without its challenges; however, a systematic approach can create lasting teams that attract, develop, and retain top talent.  The time from first assessment to launch can vary and should not be rushed. Whether it takes months or years, the outcome will be a sustainable team.

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For over 125 years, General Electric has been fostering a culture where all employees can contribute and succeed.  With 295,000 employees at work in approximately 180 countries, our culture is global, diverse, simple, and digital. We are dedicated to delivering better outcomes faster – for our customers, shareholders, and the world.

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Founded in 1956 by John D. Rockefeller 3rd, Asia Society is the leading educational organization dedicated to promoting mutual understanding and strengthening partnerships among peoples, leaders, and institutions of Asia and the United States in a global context.

# A GUIDE FOR LGBT TRAVELERS IN ASIA/PACIFIC

**MAP:** *Legal status and social attitudes toward homosexuality in the Asia Pacific region*
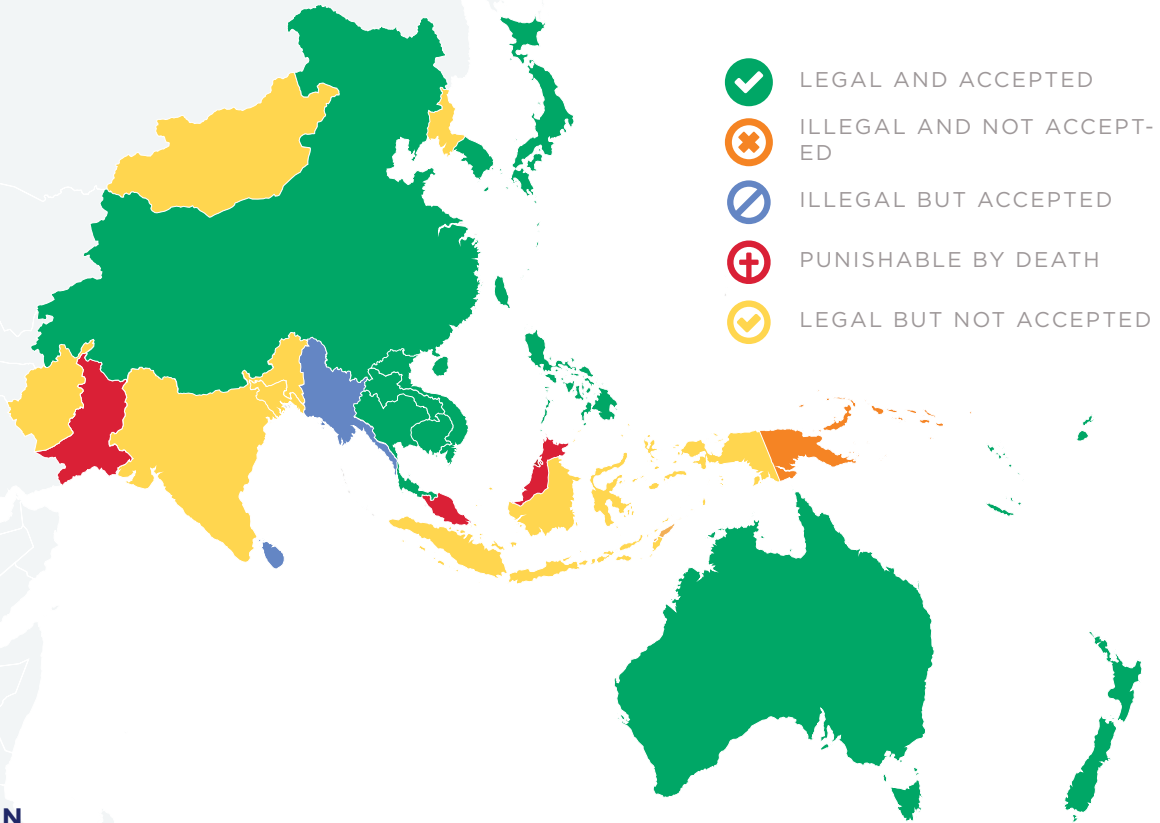
✓ LEGAL AND ACCEPTED

✗ ILLEGAL AND NOT ACCEPTED

⊘ ILLEGAL BUT ACCEPTED

✚ PUNISHABLE BY DEATH

✓ LEGAL BUT NOT ACCEPTED

## DID YOU KNOW?

**Illegal and not accepted**

Malaysia

**Illegal but accepted**

Singapore

**Legal and accepted**

Australia & New Zealand

**Legal but not accepted**

Indonesia

## PUBLIC EXPRESSION

Avoiding public expressions of sexual orientation and gender identity is vital to a LGBT traveler's safety in the Asia Pacific, irrespective of the legality of homosexuality and social attitudes and norms.

While most Asia Pacific countries criminalize same-sex sexual acts, it is highly improbable that an LGBT traveler would be prosecuted or face hostility as long as he or she does not commit such acts in public.

## FEMALE TRAVELERS

Of the 18 countries where homosexuality is illegal, only three countries and the provinces of South Sumatra and Aceh in Indonesia, explicitly criminalize homosexual acts between females in their penal codes.

Expressing sexual orientation and gender identity in public exposes women to the risk of hate crimes by men, such as 'corrective rape'.

**The travel security risks for lesbian, gay, bisexual and transgender (LGBT) travelers in the Asia Pacific vary by location.**

It is crucial to understand the laws and social attitudes towards the LGBT community in different destinations to mitigate the risks associated with being an LGBT traveler.

Homosexuality is illegal in 18 countries in the Asia Pacific, as well as in the provinces of Sumatra and Aceh in Indonesia, due to predominance of Sharia (Islamic law). It also carries the death penalty in Pakistan. Homosexuality is either decriminalized or legal in 26 countries, 11 of which have discrimination protection laws; two of these countries have same-sex relationship recognition laws.

## OTHER CONSIDERATIONS

**LGBT travelers should be no less vigilant in areas known to be more 'gay-friendly'.**

An LGBT traveler should not be complacent, even in a place such as Bali, an Indonesian island popular with LGBT travelers where homosexuality is legal.

Travelers need to remain discreet, adopt a low-profile and be vigilant in all areas of a country, even where homosexuality is legal. Highly religious and conservative governments such as Indonesia's may employ a wide range of laws, such as censorship and religious laws, to penalize same-sex activities and behavior.

*BE AWARE:*
**Be prepared, keep a low profile, remain vigilant.**
Risks to travelers may include assault, detention, expulsion or imprisonment.

# Religion Sex and Culture

Safety and security is fundamentally about people and risk. It can be fraught with emotion. Interpretations, past experiences, and differing perceptions behind each situation or policy make managing security and safety both an art and a science. An organization may see a best practice, where an individual sees the need for an exception. An employee may feel constrained, but a company may see a high risk to staff or operations. Diverse staff from different religious or cultural backgrounds, ethnicities, or sexual orientation will often have a view that is under-appreciated by a traditional approach to security management and duty of care. With this in mind, I've outlined some of the most important points that an organization and an employee want the other to know.

## What We'd Like our Employees to Get about Duty of Care

Security managers, legal counsel, and Human Resources all have overlapping and important roles to play in duty of care towards staff. Each department's approach isn't, or shouldn't be, to protect the organization. Instead, make the approach from the perspective of doing what's best for employees - which turns out is also best for the organization. However, there is also the underused and misunderstood concept of duty of loyalty - staff should follow safety and security guidelines set out by the organization to better protect themselves.

1. **Safety and security policies are not meant to punish, restrict, or disrespect any individual.** These are based on solid risk management principles and best practice. Part of a solid risk assessment is comparing risk factors that impact categories of people differently - male versus female; national versus expatriate; religion; ethnicity; sexual orientations; and other factors. So, it follows that certain categories can be at higher risk than others - this is a reality.

2. **The organization is always responsible for staff while in-country.** When a staff member travels for work overseas, or is based in a country, the organization's liability for safety and security does not end at 5pm on Friday. The organization understands that you're an adult. You may have visited the country 20 times previously. You may have friends who live there. However, a security policy exists to mitigate foreseen risks, and in good conscience and in tort law, the organization can't make exceptions for each individual without strong, compelling reasons and an assessment at the time.

## DOING WHAT'S BEST FOR EMPLOYEES

- which turns out is also best for the organization.

3. **The organization believes in you, supports you, and wants you to succeed.** Safety and security policies shouldn't be a burden or hindrance to achieving your objectives. Instead, the intent is to build a strong foundation so that work can continue in a safe manner. Security professionals should listen to constructive criticism around policies and how they can be streamlined, while still achieving the same objectives. The organization can benchmark against similar organizations, update risk assessments, and review additional information provided. Security is rarely static as even best practice adapts and changes over time.

## What We'd Like our Employers to Get about Our Needs

Increased diversity is a welcome change to the international workforce as it doubtless increases productivity and creativity. However, safety and security rules, procedures, and trainings may not have adapted with this workforce. Although no harm or bias is assumed by employees, there is often an assumed 'whiteness' or 'American-ness'. To a third-country national, or even an American of ethnic-origin, these rules feel non-applicable. Worse, they may be interpreted as ignoring the very same diversity employers proudly celebrate. Advice such as 'registering with your embassy', for example, only applies to a very small number of Western nationalities. In reality, many international staff won't have this option from their home countries or even an embassy in their country of employment.

1. **Being a member of an ethnic minority brings additional stress, even in more accepting cultures.** Everyone purposely chose an international career for a reason, whether it's the desire to help under-served communities, the adventure of discovering new parts of the world, or to be an industry leader in our field of work. However, even subtle looks, stares, innocent questions, and fulfilling expectations weighs heavily after a while. Imagine being a gay employee constantly being asked by well-meaning co-workers why you're not married. Think of trying to stay connected and celebrate your Jewish faith in a part of the country where there are no other Jewish people. Try being a young, single woman sitting alone at a bar or restaurant and be approached, stared at, or treated like there's something wrong with you for not having a male companion around.

2. **We aren't trying to break the rules to be difficult.** Cultural obligations may require us to act or dress a certain way, even if it is conspicuous. Having a gay relationship in a country where it's not accepted means that a staff member may want to live outside of shared housing, or stay with their partner in another organization's guesthouse outside of the normal security rules. Curfews and no-go areas may conflict with the need to attend a church, mosque, synagogue, or religious gathering at a particular time, date, or location.

"BECAUSE I AM OF INDIAN ORIGIN, WHEN I TRAVEL TO INDIA, I AM NOT TREATED OR SEEN BY OTHERS AS AN AMERICAN, EVEN THOUGH IT'S OBVIOUS I AM AN INDIAN-AMERICAN.

Instead I am seen as an NRI (Non-Resident Indian) and my 'Indian-ness' is constantly tested. I am sometimes expected to know about the nuanced rules of cultural norms, and other times I am treated like I couldn't possibly know anything at all about Indian culture… This is an exhausting juggling act, of trying to not seem like a sell-out in front of Indian colleagues while still negotiating relationships with American colleagues from HQ… Because I am not white, I am not as conspicuous in India. This has pros and cons. I am not as likely to be targeted for my 'American-ness' the way stereotypical ex-pats might, such as being seen as easy or a high ransom target. [And] yet, because my skin is brown, seeing me in a modest one-piece bathing suit is treated as more scandalous than a European women walking topless on the beach at Goa. It is easier for me to avoid being stared at or hassled if I adopt an Indian style of dress, but I am still more likely to be pinched while riding a city bus than a white woman would be. [And] so I must negotiate safety, security, comfort, and relationship-building differently than white co-workers."

# DIVERSITY GROUPS

internally, or externally, can be excellent places to start the conversation.

3. **We don't know how to bring up difficult subjects.** Look at our organization's culture of openness to discuss personal subjects or problems we're having. Would you be willing to talk to a random employee about your most personal matters or would you be labeled as someone 'difficult to work with' for asking for additional support or alternate work assignments? The truth is, unless there's a strongly identified champion for diversity and acceptance in the organization who holds power and influence to affect change, we probably won't talk about problems. Being a religious, cultural, or sexual orientation minority means two things. First, we've been hurt or let down by people at some point in our lives because of it. Second, good-intentioned people don't understand or feel 'what it's like' to deal with the pressures. So, if someone we approach at work for help minimizes our concerns or judges us poorly, then we will remain quiet.

Stress, burnout, and security incidents all impact an organization's bottom line - turnover leads to lost productivity and recruitment costs. Security incidents have reputational, monetary, and human capital costs. Therefore, an organization would do well to review its safety and security approach through a diversity lens. Diversity groups internally, or externally, can be excellent places to start the conversation. Hire outside facilitators to collect honest feedback from staff about how they feel supported or not by security policies, and what could change. Add LGBT issues, culture, and ethnicity to security assessments and briefings to show employees that they're being acknowledged. Staff themselves should actively seek out supportive members of management and speak up about deficiencies. Hold employers accountable, and encourage change from within. Staff who feel safe enough to work abroad, supported in who they are, and recognized as individuals will be among the strongest brand ambassadors and longest-serving productive employees within an organization's workforce.

# A GUIDE FOR LGBT TRAVELERS IN EUROPE

✓ LEGAL AND ACCEPTED

✓ LEGAL BUT NOT ACCEPTED

✗ ILLEGAL AND NOT ACCEPTED

## DID YOU KNOW?

### Western Europe

Both the legislation and attitudes toward homosexuality are liberal in western and northern European Union member states.

During the past few years, thirteen Western European countries have legalized same-sex marriage, with some also permitting weddings in Protestant churches; discrimination based on gender or sexual orientation is generally prohibited.

Those traveling to Malta, Belgium, the UK, Denmark, Spain, Portugal, Norway and Finland reportedly experience the fewest difficulties.

In Hungary, parliament adopted a constitutional ban on same-sex marriage in January 2012.

### Russia and Central Asia

Turkmenistan and Uzbekistan are the only countries where male same-sex relationships are illegal and punishable by imprisonment, though female same-sex relationships are allowed. While legal in the rest of Central Asia, society remains conservative and generally opposes homosexuality, which is labeled as 'non-normative' behavior.
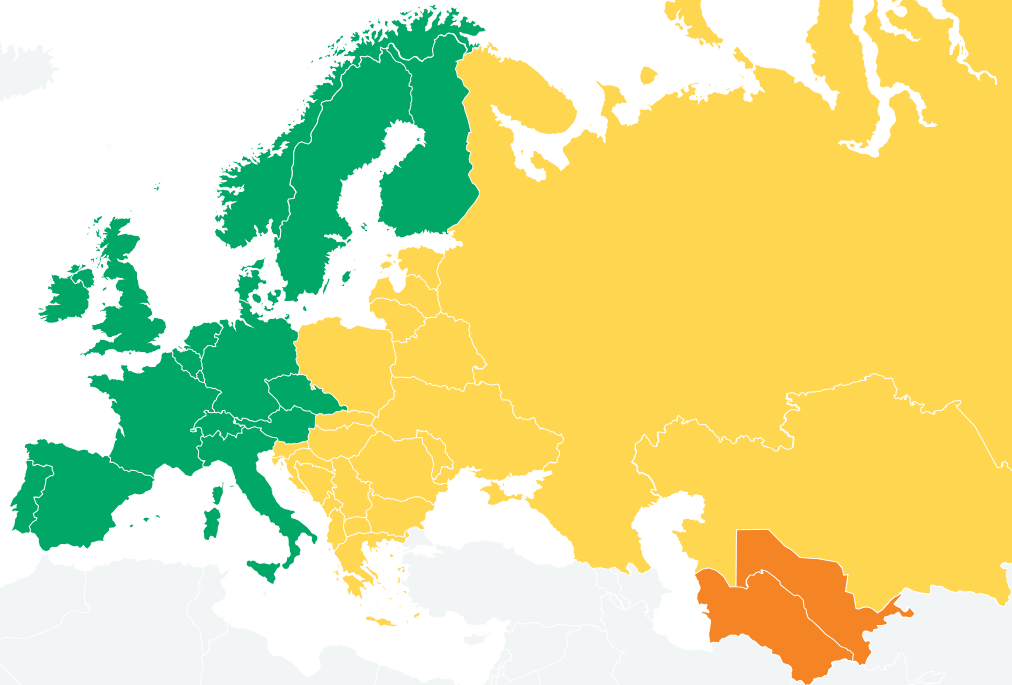
**Northern and Western Europe remain at the forefront of LGBT rights, and same-sex relationships are generally well-accepted.**

Public displays of affection or involvement in groups associated with the perceived promotion of LGBT lifestyles may elicit hostility among more conservative – and religiously observant – societies of Central and Eastern Europe and the Balkans.

## LEGAL STATUS AND SOCIAL ATTITUDES

Countries in Western, Northern and parts of Central Europe have a generally tolerant attitude toward homosexuality.

Many major urban centers host annual LGBT-related events and have distinct LGBT-friendly venues. Homosexuality is legal in all countries, while many have put into place a range of anti-discrimination laws that prohibit discrimination on the basis of sexual orientation and gender identity and expression.

There is also legal recognition of same-sex marriage.

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*BE AWARE:*

**Even in countries which are generally accepting of LGBT rights, LGBT individuals face a statistically higher level of risk of violent assault. This increased risk profile should be factored into profile-specific advice.**

The first step to mitigating risks is to be informed.

Expressing public displays of affection (holding hands, kissing in public, and insisting on double beds in a hotel), makes LGBT individuals more vulnerable to hostile attitudes. It is recommended that LGBT travelers remain discreet and keep a low profile, particularly in Eastern European and Central Asian countries.

In addition, rural areas tend to be more conservative than major urban centers; LGBT travelers should adapt their behavior accordingly.

As a general rule, LGBT travelers are advised to remain vigilant to their surroundings.

# The Two P's of Managing a Diverse Supplier Portal

## I HAVE DEVELOPED TWO KEY FACTORS

in successfully implementing, managing, growing and understanding diversity in our realm

Back in 2016, the Director of my department told me that we would be implementing a Diverse Supplier Portal and that I would be its administrator. As a business analyst for the AP Purchasing Team, it was something I'd never tackled before. I had never even thought about the difference between a supplier marked as 'diverse' against any other. In the procurement world, it's our job to source solutions that meet the needs of our clients. The need for a portal like this came directly from our customers, more of whom were asking if we worked with those who were either run by, or openly supported, the diverse population. For us this includes the LGBT community, women, various races, genders, and religions. Clients wanted to know if we worked with these suppliers and how much we worked with them. As a consequence, envisioned, developed, and implemented all in that same year, our diversity portal was born. Throughout this time, I have developed two key factors in successfully implementing, managing, growing and understanding diversity in our realm and I call them the two P's.

## Process

Along the way, we've been able to develop best practices and have molded our model to meet them. We've discovered that process is important and organizations should implement procedures for registering, managing and maintaining a portal, if that's what they're looking to develop. Ensure that your procurement and commodity managers have a specific process for how they manage current diverse suppliers, as well as how they're planning to manage them in the future. Those who are submitting themselves into a portal want to make sure they also manage and maintain their status within the portal as up-to-date information is key. Though some may consider our program to be behind the curve, the time we've taken to ensure our processes are successful and the way we've joined the community means that we're actually ahead of the curve in the way that we're doing it.

## Participation

Customers are looking for diverse suppliers when they go to RFP, and a portal like ours gives them peace of mind. If that's something they're specifically looking for, they know that we have the resources and understand the terminology as the language within the community isn't something that's universal. By being a part of this kind of tool, small and medium companies

who may not have otherwise had the opportunity, are able to submit themselves as an option because of their participation in our portal. Diverse suppliers are now able to connect with potential clients all over the country and meet their needs, something they couldn't do previously.

Supplier diversity has become a differentiator for us. Additionally, it's allowed us many firsts. For the first time, this year I'll be attending the Diverse Supplier Conference in Austin, TX. We'll be looking to grow the system we have now - which is administered by just me - to something much larger where we are able to match entire departments that other companies have dedicated to Diversity and Inclusion. As we grow from 24 suppliers to what I hope is many more, we want to continue to set ourselves apart. This year, as another first, we held a diverse supplier symposium at The Standard. We brought together Supplier Managers from all over, many who have known one another for several years but have never had the opportunity to come together.  As the group convened, one thing we could all agree on was to make sure diverse suppliers have a seat at the table. We're all champions for whoever is registered with them as there is a huge advocacy group for diversity within the procurement world.

Throughout this whole process (pun intended), the biggest thing I have noticed, and what has surprised me the most, is the community. Not only those of us who manage portals or similar solutions, but also the diverse suppliers themselves. The group welcomes new suppliers and managers and encourages the sharing of ideas and best practices. There is a tremendous camaraderie within the group and we're all there to support one another, which makes us better able to support our clients. The more I follow the two P's, ensuring our process is functional and followed and participating in the community, the more I see the trajectory for growth of our own portal as well as Diversity and Inclusion within organizations nationwide.

# SUPPLIER DIVERSITY

has become a differentiator for us.

# A GUIDE FOR LGBT TRAVELERS IN MENA

**MAP:** *Legal status toward homosexuality in the Middle East and North Africa region*



- ✓ LEGAL
- ✗ ILLEGAL
- ⊘ NO LEGAL STATUS/UN-CLEAR
- ⊕ PUNISHABLE BY DEATH
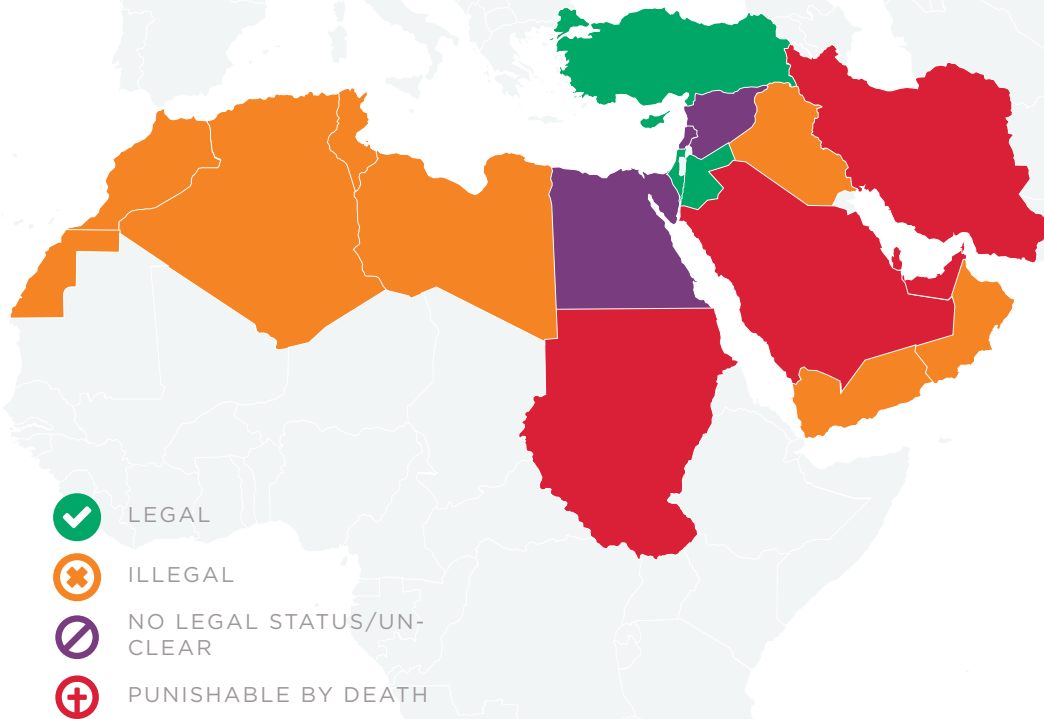
## DID YOU KNOW?

### Egypt
Although homosexuality is not explicitly a crime in Egypt, LGBT individuals have been jailed under a statute condemning 'debauchery and incitement to debauchery'.

### Gulf Cooperation Council (GCC) countries
Homosexuality is considered illegal across the GCC. Penalties are severe, and in some countries can include execution.

### Iran
Iran's theocratic government has clear, strict laws against homosexuality, and these are regularly enforced.

### Israel
LGBT travelers should exercise additional caution in more conservative Arab-majority areas of the country.

### Jordan
While homosexuality is not explicitly illegal in Jordan, judges have used other statutes to prosecute individuals for acts relating to homosexuality.

### Morocco
Homosexuality is illegal here; a court in February 2016 sentenced two people to 18 months in prison on charges of homosexuality.

**Lesbian, gay, bisexual and transgender (LGBT) travelers face significant challenges and restrictions in the Middle East and North Africa (MENA) region. Attitudes hostile to LGBT individuals vary between countries according to legal and political systems, and religious and cultural norms.**

Many countries in the Middle East rarely distinguish between lesbian, gay, bisexual and transgender individuals and instead use the derogatory term shath (deviant) to refer to any member of the LGBT community. As the purpose of this report is to address risks stemming from such perception, it will focus on individuals belonging to the general LGBT community without discussing specific sub-groups.

Anti-LGBT attitudes are deep-rooted, so the nature of the risks for LGBT travelers is likely to remain broadly static in the region.

In general, LGBT travelers in the region should keep a low profile at all times, and exercise caution.

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*BE AWARE:*

**In general, LGBT travelers in the region should keep a low-profile at all times, and exercise vigilance and caution.**

LGBT travelers in the Middle East must generally accept that there is a credible risk of harassment or legal implications if they draw attention to their sexuality. They should therefore avoid drawing attention to themselves or their profile through public displays of affection, by their dress code and display of accessories that denote their sexual orientation, by their behavior (cruising locations or frequenting LGBT chatrooms) or expressing opinions on gay-rights issues in public.

If LGBT travelers receive unusual attention or are victims of abusive remarks, they should ignore provocations and leave the area immediately. Particularly in countries where the risk of being targeted in homophobic attacks is higher.

## THANK YOU

to our contributing authors:

**INTERNATIONAL SOS**