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Where the Rainbow Ends: The Hidden Humanitarian Crisis for Members of the LGBTQIA+  
Community in International Business

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An Honors College Project Presented to  
the Faculty of the Undergraduate  
College of Business  
James Madison University

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by John R. Krendel

May 2022

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Accepted by the faculty of the Department of International Business, James Madison University, in partial fulfillment of the requirements for the Honors College.

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PUBLIC PRESENTATION

This work is accepted for presentation, in part or in full, at the Honors Symposium on April 22<sup>nd</sup>, 2022.

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## **I. ACKNOWLEDGMENTS**

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## **II. ABSTRACT**

Before pursuing an international career, members of the LGBTQIA+ community must be aware of the hardship that may be exacerbated by living and working abroad. This study addresses the trends in laws, including employment and anti-discrimination laws, that provide and restrict certain rights of members of the LGBTQIA+ community in eight countries. These nations, both progressive and discriminatory, include the United States, England, Switzerland, Germany, Taiwan, China, the Philippines and Kazakhstan. Eight LGBTQIA+ business professionals spoke on their experiences living and working in each of these countries and provided advice to members of the community wishing to pursue an international career. Some shared how welcome they felt while others shared how hindered they were in work and life. It was found that many LGBTQIA+ individuals can be successful and happy in an international career but have a greater duty to be aware of their rights and the hardships they may face than their cisgender heterosexual counterparts.

### III. INTRODUCTION

The LGBTQIA+ community has made immense progress in the fight for equal rights and acceptance around the world over the past few decades. Some countries have progressed so much that there is little to no discrepancy between the rights and acceptance of members of the LGBTQIA+ community and those not in the community. One country that has done so and is researched in this study is England, ranked 9 of 175 countries on the University of California at Los Angeles (UCLA) School of Law General Acceptance Index (GAI) of LGBTQIA+ people (Flores, 2021). On the other hand, there are countries such as Kazakhstan, also researched in this study, that have made little progress towards equal rights and acceptance for all. Kazakhstan is ranked 153 out of 175 countries on the same UCLA School of Law report (Flores, 2021).

This study addresses the trends in laws, including employment and anti-discrimination laws, that provide and restrict certain rights of members of the LGBTQIA+ community in eight nations. As stated above, for the purpose of this study, the Queer community will be referred to as the LGBTQIA+ community in order to be inclusive to all individuals on the non-conventional gender and identity spectrum. However, when referring to laws and previous studies that use acronyms such as LGBT, LGBTI, and LGBTQ, terminology will resemble how it is presented in such laws and studies. Both progressive and discriminatory atmospheres were found to be prominent in these countries. The original plan for this research was to study Iran and Saudi Arabia (the least LGBTQIA+ progressive countries), Sweden and Canada (the most LGBTQIA+ progressive countries), and the United States as a control. It was difficult to find members of the LGBTQIA+ community with experience in these specific countries; instead, LGBTQIA+ businesspeople with experience anywhere in the world were recruited on Facebook and LinkedIn. The recruitment process brought forward eight participants with experience working in

the United States, England, Switzerland, Germany, Taiwan, China, the Philippines and Kazakhstan. Fortunately, these countries are among the most progressive and least progressive in the world, and although they are part of a convenience sample, represent North America, Europe and Asia, giving good breadth to this study. Information regarding the LGBTQIA+ population's acceptance and experiences with discrimination, both in and out of the workplace, are also presented in this study to emphasize firsthand opinions on how truly equal and accepted, or not, they feel.

The portion of this study that adds to the field of LGBTQIA+ global rights research is a series of interviews with LGBTQIA+ professional businesspeople with living and working experience in these eight nations. Each interview consisted of 34 questions that addressed participants' perceptions of general life, their company's culture, and their company's policies in regard to LGBTQIA+ equality and acceptance. The countries were then ranked based predominantly on the progressiveness of the laws in place, although the opinions of the interviewees were considered as well. The countries were ranked from most progressive when it came to equality and acceptance of the LGBTQIA+ community to least progressive as follows: Taiwan, the United States, England, Switzerland, Germany, China, Kazakhstan, the Philippines.

#### **IV. LAW REVIEW**

The laws governing the rights of LGBTQIA+ individuals in these eight countries vary greatly. Many have progressed over the past few decades; however, some still lack protections and provide few rights for their LGBTQIA+ citizens. This study looks into the laws of each country that govern LGBTQIA+ individuals' rights to partake in homosexual acts, enter a same-sex marriage, be protected from discrimination, undergo gender-affirming surgery, and legally change their name and gender. A brief summary of these laws can be found in Table 1 below.

**Table 1**

*Brief Summary of LGBTQIA+ Individual’s Rights in the United States, England, Switzerland, Germany, Taiwan, China, the Philippines, and Kazakhstan.*

	<b>Homosexual Acts</b>	<b>Gay Marriage</b>	<b>Anti-discrimination Laws</b>	<b>Gender-Affirming Surgery</b>	<b>Legal Name and Gender Change</b>
<b>The United States</b>	Legal	Legal	Inclusive	Legal	Legal
<b>England</b>	Legal	Legal	Inclusive	Legal	Legal
<b>Switzerland</b>	Legal	Legal	Inclusive	Legal	Legal
<b>Germany</b>	Legal	Legal	Inclusive	Legal	Legal with court approval
<b>Taiwan</b>	Legal	Legal	Inclusive	Legal	Legal
<b>China</b>	Legal	Illegal	Not Inclusive	Legal	Legal but GAS* required
<b>The Philippines</b>	Legal only in private	Illegal	Not Inclusive	Illegal	Illegal
<b>Kazakhstan</b>	Legal	Illegal	Not Inclusive	Legal following extensive court process	Legal but GAS* required and extensive court process

\*Gender-Affirming Surgery

Each country’s laws are now broken down into how they have progressed in recent years and where they currently stand.

### **The United States**

The United States has come a long way in its progression of LGBTQIA+ rights. There are many laws in place today that grant members of the community human rights equal to the rights of those outside of the community, as well as anti-discrimination laws in most aspects of one’s life; however, many members of the community continue to face struggles and hardships in everyday life.

Prior to 2015, same-sex marriage laws for LGBTQIA+ people varied across the country; however, June 26<sup>th</sup>, 2015 was a revolutionary day for the community. In the Supreme Court’s 5-4 ruling on the landmark case, *Obergefell v. Hodges*, “the Court, in this decision, holds same-sex



couples may exercise the fundamental right to marry in all States. It follows that the Court also must hold—and it now does hold—that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character” (*Obergefell, et al. V. Hodges, Director, Ohio Department of Health, et al.*, 2015). The Court clarified that previous exclusions on the right to marry for same-sex couples burdened their liberty and denied equal protection under the laws of the Fourteenth Amendment. From this day on, same-sex marriage was legal in all fifty States, although there was much to be done regarding anti-discrimination laws that protect the LGBTQIA+ community.

Anti-discrimination employment laws in the United States originated in The Civil Rights Act of 1964. Title VII SEC. 703 of the Law states that “it shall be an unlawful employment practice for an employer... to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin...” (National Archives, n.d.). It goes on to include misconduct for failing or refusing to refer an employee for promotion and other unequal treatments based on the same discrimination standards. These laws specify the protection of individuals based on “sex”, but the interpretation of the word “sex” is unclear. Due to this ambiguity, it was legal in the majority of States to discriminate against and terminate employees based on their sexual orientation or gender identity until the 6-3 Supreme Court ruling in *Bostock v. Clayton County* on June 20<sup>th</sup>, 2020. The court ruled in favor of Bostock in that the word “sex” included characteristics such as sexual orientation and sexual identity. Republican President Donald Trump’s first Supreme Court appointee and Justice, Neil Gorsuch, publicly stated that “An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have

questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision; exactly what Title VII forbids. Those who adopted the Civil Rights Act might not have anticipated their work would lead to this particular result. But the limits of the drafters' imagination supply no reason to ignore the law's demands. Only the written word is the law, and all persons are entitled to its benefit" (Williams, 2020). This was yet another revolutionary step towards equality for members of the LGBTQIA+ community, as it clarified anti-discrimination laws. This was also a monumental moment for the community as this progressive remark came from a conservative Supreme Court Justice.

The Department of Justice Civil Rights Division takes charge of enforcing a number of anti-discrimination laws on the basis of education, employment, housing, and police practices. With regard to education, the Division enforces Title IV of the Civil Rights Act of 1964, which protects students from discrimination on the basis of sex, among other characteristics, in public institutions, colleges, and universities. It also enforces, in partnership with the Department of Education, Title IX of the Education Amendments of 1972 which protects against discrimination in federally funded educational programs and activities on the basis of sex. Discrimination includes any form of physical or verbal harassment based on sexual orientation, gender identity, transgender status, and nonconformity with gender stereotypes. In regard to employment, the Division enforces Title VII of the Civil Rights Act of 1964, discussed above, and the Equal Employment Opportunity Commission (EEOC) governs investigations on employment discrimination. The Division also enforces anti-discrimination laws in housing, including the Fair Housing Act and the Equal Credit Opportunity Act. Both Acts prohibit discrimination in the sale or rental of housing and other real estate transactions. The Division further enforces laws protecting LGBTQIA+ people from discrimination by the police, such as harassment, abuse,

investigation bias, and failure or refusal to investigate certain crimes or complaints by LGBTQIA+ victims. Lastly, the Division enforces the Americans with Disabilities Act (ADA) which guarantees equal opportunity in public accommodations, employment, transportation, and state and local government services for individuals with any disability, including those living with HIV/AIDS in order to provide a life free of stigma and discrimination (Department of Justice Civil Rights Division, 2015).

In addition to the laws already in place in the United States, there are many acts that await implementation into law. The Human Rights Campaign (HRC) is the largest LGBTQIA+ advocacy group and political lobbying organization in the United States, working hard with tens of thousands of advocates lobbying members of Congress on vital legislation affecting the LGBTQIA+ community. Their support of dozens of legislative acts shows that the United States has a long way to go towards complete equality and inclusion for all LGBTQIA+ citizens, but also that great measures are being taken to achieve full equality and inclusion.

One legislative act that the HRC continues to push for in the fight for LGBTQIA+ equality in the workplace is the Equality Act as well as organizing the Business Coalition for the Equality Act, a group comprised of top employers from across the United States that have joined together in support of the Equality Act. The Equality Act addresses the discrepancies from the Civil Rights Act of 1964 and creates clear protections against the discrimination of LGBTQIA+ individuals in hiring, firing, and promotion due to their sexual orientation or gender identity and emphasizes that all people should be considered for all employment and termination practices based solely on their performance at work (Human Rights Campaign, n.d.-a).

The HRC has even established the Corporate Equality Index, the national benchmarking tool on corporate policies, practices, and benefits relevant to lesbian, gay, bisexual, transgender,

and queer employees. This year (2022), 1,271 companies participated in the Corporate Equality Index Survey, which addresses workplace equality and inclusion of LGBTQIA+ individuals. The Index shows yearly growth, adaptation, and adoption of policies and practices relevant to employers commitment to equality. Of the 1,271 participants in the 2022 survey, 842 scored a top score of 100 (making them the best places to work for LGBTQIA+ equality), 138 were new to the Index this year, and 379 were among Fortune 500 employers. 99.8% of participants included sexual orientation in their discrimination policies and 99.7% included gender identity. 93% offer practices to support and educate employees on LGBTQIA+ diversity competency by implementing resource groups or diversity councils made up of LGBTQIA+ and allied employees. The index also includes transgender-specific data, with a record to date of 91% of survey participants offering at least one transgender-inclusive insurance and benefits plan. Lastly, 662 participants have established best practices for transgender inclusivity by adopting proper gender transition guidelines (Human Rights Campaign, n.d.-c).

Additionally, an Amsterdam-based dating and community site, Planet Romeo, in collaboration with Johannes Gutenberg University, conducted an online survey of 115,000 gay men from around the world. The survey combined participants' views of public opinion, public behavior, and their own life satisfaction. The United States ranked 26 of 127 participating nations (Swanson, 2015).

The United States continues to implement positive change as the nation strives towards complete equality and acceptance for all. Let it be known that the size of the United States causes discrepancies in people's opinions of the LGBTQIA+ community throughout different regions of the country. Although federal laws apply across the country, the opinion of people in different regions and of different classes vary greatly. For example, young people, those who live in blue

(democratic) states, and those residing in urban communities tend to be more welcoming to members of the community whereas older generations, those living in red (republican) states, and those residing in rural communities tend to have strong, harsh opinions toward members of the LGBTQIA+ community. The country has come a long way, but there is still much to be done in order to achieve the goal of complete equality and acceptance for all.

## **England**

In England, homosexuality was illegal up until the passing of the Sexual Offences Act of 1967. This Act, which passed in a 101-16 vote, “permitted homosexual acts between two consenting adults over the age of twenty one” (UK Parliament, 1967). It would be almost half a decade until progressive legalization on marriage equality would be drafted. The Marriage (same-sex couples) Bill of England and Wales became a set law on July 13<sup>th</sup>, 2013 following its Royal Assent (parliamentary approval into law). This was a revolutionary change for England and Wales. As of March 13<sup>th</sup>, 2014, same-sex couples are legally allowed to marry via civil ceremony or religious ceremony, only where a religious organization has opted to perform such ceremonies. The law does however protect religious organizations who do not wish to perform such ceremonies. It also enables current civil partners to convert to full marriage and allows married individuals to change their legal gender without having to end their marriage first (GOV.UK, 2013).

England and the entire United Kingdom resisted anti-discrimination laws at first, as the only European Community (now European Union) nation that did not endorse the Community Charter for the Fundamental Rights of Workers, which outlined anti-discrimination laws based on sex. Yet again England and the entirety of the United Kingdom opposed such laws as they opted not to adopt the Protocol and Agreement on Social Policy as part of the Maastricht Treaty

that established the European Union in 1992. It was not until October of 1997 that England adopted such anti-discrimination laws via the Treaty of Amsterdam. Article 13 of the Treaty was originally opposed by former Prime Minister John Major, a conservative; however, Tony Blair, who supported the Treaty, replaced Major as Prime Minister five months prior to the Treaty's signing. Article 13 states that "Without prejudice to other provisions of this Treaty...the Council...may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" (Krickler, 1999). The Equality Act of 2010 further elaborates on the specifics of anti-discrimination law. The Act protects against discrimination based on "age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race (including color, nationality, ethnic or national origin), religion or belief, sex, sexual orientation...at work, in education, as a consumer, when using public services, when buying or renting property, as a member or guest of a private club or association" (GOV.UK, n.d.). The Equality Act also protects citizens' rights to gender reassignment and to marry or file for a civil partnership (*Equality Act 2010*, n.d.).

Stonewall, an LGBTQIA+ rights charity and advocacy organization in the United Kingdom, released an "LGBT in Britain Work Report" in 2018. The report is based off a study of more than 5,500 LGBT people from England, Scotland and Wales. The report summarizes that in the previous year (referring to 2018), 18% of LGBT people were the target of negative comments or conduct by colleagues, 12% of transgender people had been physically attacked by customers or colleagues, and 10% of racial minority members of the community were physically attacked (compared to 3% of white people in the community). Additionally, 18% of the community was discriminated against during a job application and 35% of the community hid their identity at work, while 12% of lesbian, gay and bisexual and 21% of transgender people did

not feel comfortable reporting experiences of discrimination to their employer (Chaka L. Bachmann & Gooch, 2018).

In a similar summary report, the Government Equalities Office National LGBT Survey of 2017 assessed more than 108,000 LGBT citizens' experiences in the United Kingdom. The report summarized that the general life satisfaction of transgender, LGB (lesbian, gay and bisexual), and straight people averaged 5.4, 6.5, and 7.7, respectively on a scale of 1 to 10. Additionally, 2% of survey respondents had undergone some form of conversion or reparative therapy while 5% had it offered to them. Furthermore, the Government Equalities Office has recognized that there is much to be done and aims to "build a country that works for everyone, and that means tackling these burning injustices" (The Government Equalities Office, 2018).

The UCLA School of Law ranks 175 countries and locations on a scale of 1 to 10 on their General Acceptance Index (GAI) towards the LGBTQIA+ community. Great Britain is ranked 9 out of 175 countries, with a GAI score of 8.34. The study found that Great Britain is among one of two countries (the other being Canada) that have had a steep positive trend towards acceptance over the past 30 years (Flores, 2021).

## **Switzerland**

Switzerland is known today as being tolerant of the LGBTQIA+ community. The New Swiss Penal Code decriminalized same-sex consensual acts for those above the age of 20 back in 1942 (Pride Legal, n.d.). It was not until 2007 that same-sex couples gained the right to enter a civil partnership; however, the civil partnership laws did not grant same-sex couples equal rights to different-sex couples regarding joint adoption. This past September (2021) however, Swiss citizens voted to allow for legal marriage between two of-age people of the same sex via the Marriage for All measure of the Federal Council of Switzerland's Parliament. New laws brought

same-sex couples' rights up to par with different-sex couples', granting them equal rights to joint adoption, facilitation of spousal citizenship initiatives and equal access to sperm donations for women in same-sex relationships. In a report by NPR, Nicolas Dzierlatka, who voted for equal rights, commented that children do not need a mother and a father; what they need is love. He said "I think what's important for children is that they are loved and respected—and I think there are children who are not respected or loved in so-called 'hetero' couples" ("Swiss Voters Approve Same-Sex Marriage in a Nationwide Referendum," 2021).

Regarding transgender individuals' rights to a legal name and gender change, until very recently it was only possible to do so following surgical sterilization and gender reassignment surgery. The government announced in May 2018 that change would happen in the coming years stating "Although these requirements are no longer enforced, the absence of any clear ruling in law means that transgender individuals continue to face enormous hurdles. They must sue in court to have their change of gender legally recognized. ... that is why the Federal Council plans to amend the Swiss Civil Code" (The Federal Council, n.d.). It was not until October 27<sup>th</sup>, 2021 (three and a half years later) that the Swiss Federal Council decided that individuals who identified with a gender not aligned with their biological gender assigned at birth were eligible to change their legal name and gender on the civil registry, so long as they gave confirmation to the state registry that they were "firmly convinced" that the gender they identify with did not match their biological gender assigned at birth. Those under the age of 16 are required to obtain permission to do so from their legal guardian. Lastly, the Swiss Federal Council is in the process of addressing two parliamentary motions that push to introduce a third gender or fully eliminate gender entries on legal documents altogether.



Regarding discrimination towards LGBTQIA+ individuals in the workplace, the Constitution and Article 3 Section I of the Gender Equality Act loosely protect the community. The Article states that “employees must not be discriminated on the basis of sex...” (Recher, n.d.). Not specifically applying to members of the LGBTQIA+ community, the Federal Court clarifies that sexual orientation is included in the meaning of the term “sex” (Recher, n.d.).

Although there are some laws in place protecting the rights of members in the LGBTQIA+ community, Switzerland has generally been behind on progressive agendas. In fact, it was not until 1990 that women were granted the equal right to vote (“Swiss Voters Approve Same-Sex Marriage in a Nationwide Referendum,” 2021). Because of their lag and the country’s conservative history, many members of the community do continue to experience discrimination. The National LGBTIQ+ Survey of 2019 comprised of 1,664 participants who identified as homosexual (57%), bisexual (16.9%), pansexual (6.1%), heterosexual (14.9%), and asexual, demisexual, questioning, queer and other (5.1%) summarizes the community’s opinions on how comfortable they are in various aspects of life. Note that this survey was conducted prior to the laws implemented above, and that a similar survey has not been conducted since. The survey reports that sexual and gender minority individuals, on average, rate their comfortableness in the workplace at a 4.6 and 4.0 out of 7, respectively. Both groups’ level of comfort declined in education and even more so around their neighbors. Ironically, both groups reported feeling more comfortable and supported by their friends (6.3 and 5.9 out of 7) than did the rest of the LGBTQIA+ community (5.6 and 5.4 out of 7) (Eisner & Hässler, 2019).

## **Germany**

German law regarding homosexual behavior dates back to the Criminal Code of the German Empire. The Criminal Code of 1871 stated in Paragraph 175 that “unnatural sexual

offenses” between men would be punishable by up to six months in prison. There was no legislation dictating the legality of homosexual activities between women. This was the governing legislation in Germany, strictly enforced under Nazi rule. The specifics of the law varied over the years between West and East Germany: East Germany abolishing Paragraph 175 in 1950, and West Germany keeping it in practice due to the West’s Christian Democratic beliefs. When the two sides unified in 1990, the laws of each were reassessed and it was decided on June 11th, 1994 that Paragraph 175 would be abolished from the entirety of German law in all forms (Deutsche Welle, 2019; *LGBT Rights in Germany*, n.d.; Stonewall, 2018). From this point forward, homosexual acts were decriminalized, but it would not be for another 27 years until Germany saw legislation drafted that brought the rights of LGBTQIA+ Germans up to par with their heterosexual counterparts.

Legislation granting members of the LGBTQIA+ community basic rights developed further, as same-sex marriage was legalized on June 30<sup>th</sup>, 2017. German legislation added a new paragraph to Section 1352: Conjugal Community of the German Civil Code that states “a marriage is entered into by two people of a different or the same sex for life” (The Library of Congress, n.d.). Couples who were previously registered as civil partners were now able to convert to full marriage or remain in a civil partnership if they so choose; however, no new civil partnerships were to be administered. Elsewhere in German Civil Code Section 1742(2), same-sex couples are granted the same adoption rights as different-sex couples. Lastly, the rights to freedom of expression, association, and assembly are protected for all people under Articles 5, 8, and 9 of the Constitution of the Federal Republic of Germany. The Constitution states that these rights may be restricted in specific circumstances; however, none of these circumstances restrict

members of the LGBTQIA+ community in any way relevant to characteristics of their sexual orientation or gender identity (Stonewall, 2018).

Today, the laws regarding same-sex activity and marriage in Germany are very progressive; however, the archaic Transgender Law of 1980 governs the rights of transgender individuals to change their legal name and gender, requiring the court's approval. Section 1 of the Law grants transgender individuals the right to change their legal name and Section 8 grants them the right to change their legal gender. These statuses will be changed on all legal documents following confirmation by the court which outlines specific requirements that must be met before being able to do so. In order to propose a legal name and gender change, one must present themselves before the court and ensure that they have had an “obsessive sense of belonging to the opposite sex” for a minimum of three years and have had two separate independent expert opinions that can confirm the individual's identity will not change again in the future. These requirements are mandatory, although medical intervention is not required for a legal name and/or gender change in Germany (Stonewall, 2018).

There are many laws that grant German LGBTQIA+ individuals equal rights to those outside of the community. Those laws extend into employment law via the German General Act on Equal Treatment of 2006. Section 19(1) of the Act states “Any discrimination on the grounds of race or ethnic origin, sex, religion, disability, age or sexual orientation shall be illegal when founding, executing or terminating civil-law obligations” (Federal Ministry of Justice, n.d.). The German Federal Labor Court clarifies the meaning of sexual orientation here to include lesbian, gay, bisexual, and transgender, and Article 3(1) of the German Constitution clearly states that all people are “equal before the law” (Stonewall, 2018).

In a report on LGBTQIA+ people in the German labor market conducted by the Deutsches Institut für Wirtschaftsforschung [German Institute for Economic Research] in 2020, Lisa de Vries and her research team summarize the findings of their national survey. Of those who participated, 29.7% reported experiencing some form of discrimination over the course of the past two years (report is from 2020) in the workplace. 43% of transgender respondents reported similarly, 7% reporting that they faced workplace discrimination frequently. Survey participants also reported their experiences facing discrimination in other areas of life. 39.9% reported having been discriminated against in the past two years in their public and leisure time, 30% reported facing discrimination in their private life, 27.9% in the business and service sectors, 23.1% in education, 13.9% in healthcare, 12.6% in the housing market, 12.5% in official offices or authorities, and lastly 6.4% of respondents experienced discrimination by the police in the past two years (Vries et al., 2020).

When it comes to Germany's overall acceptance of LGBTQIA+ people, the country is ranked 20 out of 175 countries and locations included in the 39-year study on the LGBTI General Acceptance Index (GAI) by the UCLA School of Law. Germany scored a 7.73 out of 10 (Flores, 2021). Germany's relatively high ranking on the GAI may provide reason for the fact that Germany has a larger percentage of its population identifying as LGBTQIA+, tied with Sweden, an even higher ranked country (4 out of 175), than any other country in the world, having 4% of its population identify within the community (Flores, 2021).

## **Taiwan**

Same-sex relations have never been illegal in Taiwan, though the rights of the LGBTQIA+ community were traditionally unclear in the Constitution of the Republic of China, which governs Taiwanese law. Note that this is not the same as the Constitution of the People's

Republic of China, which governs Chinese law. Instead, Chapter 5 Part IV of the Taiwan Civil Codes governed such laws and previously did “not allow two persons of the same sex to create a permanent union of intimate and exclusive nature for the committed purpose of managing a life together” (Zhang, 2017). Following pressures from gay rights activist of 30 years, Chi Chia-Wei, and the Taipei City government, the Taiwan Constitutional Court announced on May 24<sup>th</sup>, 2017 the Judicial Yuan Interpretation No. 748. The Interpretation ruled that the prohibitions of same-sex marriage were in violation of the right of freedom to marry and freedom of equality under Article 22 and 7, respectively, of the Constitution. It also ruled that “different treatment based on other classifications such as disability and sexual orientation must also be governed by the right to equality under Article 7” (Zhang, 2017) and that there is no difference between heterosexual and homosexual people. The Interpretation gave a period of two years for the Taiwan Parliament to implement such laws, and by May 2019, just two weeks short of two years being up, lawmakers approved a bill that legalized same-sex marriage in Taiwan, the first Asian nation to do so (Hollingsworth, 2019).

Taiwan has become more and more progressive and open to the LGBTQIA+ community over the years. Regarding transgender individual’s right to a legal name and gender change, the Taipei Administrative Court ruled on September 23<sup>rd</sup>, 2021 that the strict requirements to undergo a gender reassignment surgery before changing ones legal gender was found to be unconstitutional. Sterilization and the removal of one’s reproductive organs is no longer necessary, as that requirement violated Taiwan’s principles of legal reservation, equality, and proportionality. This ruling is in alignment with previous recommendations made by the International Covenant on Civil Political Rights (ICCPR), the International Covenant on

Economic, Social and Cultural Rights (ICESCR) and the Convention of the Elimination of all forms of Discrimination Against Women (CEDAW) (Amnesty International UK, 2021).

There are also laws in place that protect members of the LGBTQIA+ community from discrimination in education, employment and other sectors. Article 14 of the Gender Equity Education Act states that “An educational institution is not permitted to treat any student differently on the basis of the person’s gender, gender traits, gender identity, or sexual orientation...” (Laws and Regulations Database of The Republic of China, 2018b). Regarding workplace discrimination, Article 5 of the Employment Service Acts states that “For the purpose of ensuring national’s equal opportunity in employment, employer is prohibited from discrimination against any job applicant or employee on the basis of... gender, gender orientation...” (Laws and Regulations Database of The Republic of China, 2018a) among many other characteristics unique to Taiwan such as horoscope and blood type.

## **China**

The People’s Republic of China (PRC) decriminalized same-sex activities in 1997 by means of the New Criminal Law which removed “hooliganism” from its scripture, a term used to criminalize same-sex behaviors; however, it was still classified as a mental disorder. Four years later, in 2001, The Chinese Classification and Diagnostic Criteria of Mental Disorders was rewritten to replace the expired version from 1989, no longer classifying homosexuality as a mental disorder. To this day the PRC does not do much to recognize those in same-sex relationships. Marriage and any form of civil partnerships are not legal; however, China’s first established civil code, which took effect on January 1<sup>st</sup>, 2021, “gives a property owner the power to grant another individual the right to live on the property for a term or for life” (Qian & Wu, 2020). The details on whether same-sex couples are protected by this code are vague.

Additionally, Chapter II Article 33, Fundamental Rights and Obligations of Citizens, of the Constitution of the People's Republic of China, states that "all citizens of the People's Republic of China are equal before the law. The state shall respect and protect human rights" (The State Council of the People's Republic of China, 2019). This Article does not do much to protect members of the LGBTQIA+ community, as the application to the community is vague and there are no laws designating clear protection.

Article 99 of the General Principles of the Civil Law of the People's Republic of China provides that "Citizens shall enjoy the right of personal name and shall be entitled to determine, use or change their personal names in accordance with relevant provisions. Interference with, usurpation of and false representation of personal names shall be prohibited" (The National People's Congress of the People's Republic of China, 1986). Although citizens hold the right to legally change their name, legal identifying documents such as passports, birth certificates and Chinese identity cards [身份证] must identify one as male or female. While Chinese citizens do hold the right to change their gender on such legal documentation, there is a gruesome process that must occur first (The National People's Congress of the People's Republic of China, 1986). The most up-to-date laws governing an individual's right to a legal gender change are governed by The Sex Reassignment Procedural Management Standards of 2017. It is a requirement to undergo sex reassignment surgery before doing so, but first, the individual must submit the following materials into their medical records:

1. Verification issued by the local Public Safety Bureau that the patient has no prior criminal record.
2. Verification issued by a psychologist or psychiatrist of a diagnosis of transsexualism.
3. Verified written request from the surgical patient requesting the surgery.
4. Verification that the surgical patient has already notified family of the intention to undergo sex reassignment surgery (United Nations Development Program & China Women's University, 2018)

The law goes on to say that before surgery, these additional requirements must be fulfilled

1. The desire to change sex has existed, and been persistent, for over five years with no history of hesitation in pursuing this desire.
2. Psychological/psychiatric therapy has been provided for over a year prior to surgery, with no effect.
3. [The patient is] in an unmarried state.
4. [The patient is] older than 20 years of age and has complete civil capacity.
5. [The patient has] no other contradictions to surgery (United Nations Development Program & China Women's University, 2018)

Even after gaining approval to undergo surgery, finding a surgeon qualified and willing to operate is a struggle, as many Chinese people do not believe in such procedures. Finding one that can be trusted is another feat. One incident, as outlined in the United Nations and China Women's University Legal Review of Gender Recognition in China is the story of Huan Wei, a 19 year old female who wanted to undergo sex reassignment surgery. By the time she was approved and ready for surgery, the “doctor used a surgical knife, and within five minutes had cut off Huang's testicle, and casually threw it into a trash can” (United Nations Development Program & China Women's University, 2018), leaving her castrated and without reconstructed female genitalia. Overall, the laws regarding the equality of LGBTQIA+ people in China are vague, with little effort to support equality. Additionally, transgender individuals' requirements to legally change their name and gender are extensive and controlling.

When it comes to members of the LGBTQIA+ community's rights in the workplace, there are, to no surprise, vague anti-discrimination policies in place. Article 3 of Employment Promotion Law of the PRC, as amended in 2015, states that “The laborers seeking employment shall not be subject to discrimination on the basis of ethnicity, race, gender, religious belief, etc.” (*Employment Promotion Law of the People's Republic of China*, 2007). Once again, the term “gender” is included in anti-discrimination law, but the meaning remains unclear.



Regarding the levels of inclusion and acceptance members of the LGBTQIA+ community feel in life, a survey of 29,125 members of the community residing in 31 provinces across China shared their opinions in a national survey from 2020 conducted by Wang et al. The finding showed that 11.1% of the community were completely rejected by their family and 2.1-4.1% by their friends. The study showed that lesbian women felt more comfortable out of the closet than gay men did. 70.1% of lesbian women disclosed their sexual orientation to their family, 67.3% did so in their education and 36.0% did so at work. Gay men were out in the same categories less often; 48.4% disclosed their sexual orientation to their family, 44.7% did so in their education and 21.3% did so at work. Transgender individuals were out even less often (except being out slightly more often at work); 47.5% disclosed their gender identity to their family, 41.2% did so in their education and 25.5% did so at work (Wang et al., 2020).

Furthermore, the International Labour Organization and the United Nations Development Program conducted a systematic study examining the extent and forms of discrimination in China based off sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) that surveyed 1,571 participants in China, the Philippines and Thailand. The survey reported that 10% of respondents in China believed they were denied a job based off of their SOGIESC status. A large 21% reported being harassed, bullied or discriminated against in another fashion at work. A mere 7% claimed their employment included anti-discrimination policies addressing sexual orientation and 6% included similar policies addressing gender identity. An even smaller portion of the respondents, 5%, shared that their company has a proper complaint procedure for reporting any kind of discrimination following an event (United Nations Development Program & China Women's University, 2018).

## **The Philippines**

Like many countries, the Philippines recognizes its duties to protect the equality and civil rights of its citizens; however, laws pertaining to the LGBTQIA+ community are vague, lacking specifics necessary to consider members of the community equal with those who do not identify within the community. Same-sex activities are neither illegal nor recognized as criminal activity in the Philippines, but that does not mean that they are widely accepted. LGBTQIA+ individuals' rights to partake in same-sex activities are limited to occurring in private. Any sexual activities performed in a public setting, including displays of affection, are frowned upon and Article 200 of the Revised (1930) Civil Code of the Philippines constitutes public censure as punishment for such acts (*The Revised Penal Code of the Philippines*, 1930). Additionally, in the landmark case *City of Manila v. Laguio*, the Supreme Court “upheld adults’ right to privacy and included the right to have sexual relations in the confines of their private lives” (United Nations Development Program & Republic of the Philippines Commission on Human Rights, 2018). Limiting LGBTQIA+ individuals to confine their sexual orientation and/or gender is not progressive.

The laws regarding Filipino’s rights to same-sex marriage or civil partnership are messy and bills are constantly proposed to include same-sex marriage rights to members of the community, though no real progression has been made. The Family Code of the Philippines strictly states in Article 1 that “Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by the law” (Chan Robles Virtual Law Library, 1987). The specifics of marriage being “between a man and a woman” are discriminatory against those who desire a legal partnership with a member of the same sex. Bills have been proposed to

address such unfair laws; however, none have been implemented into law. Article 46 of the same Family Code specifies what grounds constitute divorce between a man and woman. It reads, “Any of the following circumstances shall constitute fraud referred to in Number 3 of the proceeding Article (which states what marriage may be annulled for)... concealment of drug addiction, habitual alcoholism or homosexuality or lesbianism existing at the time of marriage” (Chan Robles Virtual Law Library, 1987). It is interesting to note that this law categorizes homosexuality and lesbianism with drug addiction and alcoholism, both of which are actual diseases. Article 55 part 6 also reads that “A petition for legal separation may be filed on any of the following grounds...lesbianism or homosexuality of the respondent” (Chan Robles Virtual Law Library, 1987).

The rights of LGBTQIA+ individuals in the Philippines continue to disappoint, as they do not include the right to joint adoption for same-sex couples. Since same-sex unions of any kind are not legally recognized in the Philippines, a same-sex couple cannot file for joint adoption. With that being said, one member of the relationship can file for single parent adoption, as there is nothing against such actions. It is, however, required by the government that the adoptive parent(s) must have good moral character, and oftentimes members of the LGBTQIA+ community are seen as being immoral.

The equality of the LGBTQIA+ community in the Philippines is subpar, including in employment law. Article 13 Section 3 of the Constitution of the Republic of the Philippines states that “The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all” (*The 1987 Constitution of the Republic of the Philippines – Article XIII*, 1987). Yet again, the Filipino laws claim protection for all, but the lack of specificity when it comes to sexual

orientation and gender identity serve the community no good. Article 2 Section 14 and Article 3 Section 1 address equality, claiming its application to all citizens; however, the law also lacks clarity. The constitutions of many other countries, some included in this study, had similarly vague scripture, though many ensured to clarify, making their protections of the LGBTQIA+ community clear. Lastly, the 2018 Stonewall Global Workplace Briefing for the Philippines questions whether or not hate crimes based on sexual orientation and gender identity are to be categorized as an “aggravating circumstance” that constitute criminal liability under Article 14 Section 3 of the Revised Penal Code (Ramos, 2018). According to the Supreme Court, however, the term “sex” in law “does not contemplate inclusion of persons who have undergone “sex reassignment” (United Nations Development Program & Republic of the Philippines Commission on Human Rights, 2018).

The rights of transgender individuals in Philippines do not get any better. Regarding transgender individual’s rights to a legal name and gender change, they have no rights. The Supreme Court of the Republic of the Philippines claims that “if a man, now anatomically a female, were to be allowed to legally change his sex it would have ‘serious and wide-ranging legal and public policy consequences’” (Out Leadership, 2018). Additionally, having sex reassignment surgery or hormone therapy are not covered medical treatments for the transgender community, except if proven necessary for “non-transition related reasons” (United Nations Development Program & Republic of the Philippines Commission on Human Rights, 2018).

## **Kazakhstan**

Prior to 1997, same-sex relations were considered a criminal offense in Kazakhstan. It was not until the drafting of the New Kazak Criminal Code in July 1997 that “same-sex relations between consenting adults is no longer a criminal offense” (Immigration and Refugee Board of

Canada, 1998). Article 121 on Violent Sexual Acts of the Kazak Criminal Code clarifies that pederasty, sexual activity involving a man and a boy, is still illegal and “punishable by deprivation of liberty for a term of three to five years (Ministry of Justice of the Republic of Kazakhstan, 1997).

Jurisdiction over the rights of transgender individuals is, however, ever changing. Article 88 Section 3 of Kazakhstan's Health Code states that “Persons with sexual identity disorders, except for the persons with mental disorders (diseases), shall have the right to change their gender. The rules for medical examination and sex change for the persons with sexual identity disorders shall be established by the authorized body” (Ministry of Justice of the Republic of Kazakhstan, 2019). Such “rules” have changed over the course of Kazakhstan’s independent history many times, progressing forward and backward. Most recently, the Kazakhstan Minister of Healthcare, Aleksey Tosy, approved new gender reassignment procedures that headlined the news claiming “Sex change will be allowed in Kazakhstan starting in 2021”(Dairova, 2021); however, it was already legal and there was no significant change to the procedures established in Decree No. 187: Medical Certification and Sex Reassignment Procedure for Persons with Sexual Identification Disorders by Kazakhstan’s Minister of Health and Social Development from 2014 (ALMA-TQ et al., 2016). Up-to-date requirements, as presented by ALMA-TQ et al. and Dairova et al. are summarized as follows:

1. File a written application with a local psychiatric institution.
2. Obtain a medical examination of the individual’s mental, neurological, and somatic state conducted in person at a psychiatric institution over a 30-day hold period. Tests must include various blood tests, an HIV test, genetic testing, a skull x-ray (to look for supposed mental disorders), hormone testing, and the opinion of various medical specialists.
3. Present oneself in front of the Commission for Medical Certification of Persons with Sexual Identification Disorders (hereinafter, “Commission”), comprising of a minimum of three psychiatrists and other medical professionals as well who are established within the Kazakhstan Ministry of Health and Social Development, who decided whether the

individual will be allowed to continue the process of gender reassignment through hormone therapy.

4. While undergoing hormone therapy, the individual must continue to participate in follow-up care at the psychiatric institution which must include “medical and social support” as well as an “assessment of mental state”.
5. Following the altering effects of hormone therapy, the individual must present themselves, yet again, before the Commission where a decision is made regarding the individual's eligibility for gender reassignment surgery.
6. Gender reassignment surgery must now occur, and the individual must be sterilized and have their genitalia reconstructed to match the gender identity of the transgender individual.
7. Again, the individual must present themselves before the Commission, where the decision on whether or not the individual may change their legal gender will be made.
8. At this point, the individual must participate in a year-long social and psychological rehabilitation course conducted by psychiatric institution specialists.

These demanding requirements are no easy feat, especially since the costs of such surgeries and medical treatments are hefty. Additionally, at the time of the original report, there was only one medical facility capable of performing gender reassignment surgery in Kazakhstan (ALMA-TQ et al., 2016; Dairova, 2021).

The legislation regarding the rights of LGBTQIA+ individuals in Kazakhstan are neither progressive nor regressive; however, members of the community continue to face social and economic inequalities. Kazakh laws do not outrightly discriminate against the LGBTQIA+ community, but they do not do too much to protect members of the community either. Article 11 of the Kazakhstan Administrative Code, which addresses equality before the law, states “Persons who have committed administrative offenses are equal before the law and are subject to administrative liability, regardless of origin, social, property status, race, nationality, creed, sex, language, religion, occupation, place of residence, membership of public associations as well as any other circumstances” (Ministry of Justice of The Republic of Kazakhstan, 2001). The Constitution of the Republic of Kazakhstan also states in Article 14(2) that “No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race,

nationality, language, attitude towards religion, convictions, place of residence or any other circumstances” (Akorda, n.d.). Both of these laws include the term “sex” as a characteristic illegal to discriminate against; however, the specifics of what the term “sex” included have not been clarified by any government official, as they have been by other countries authorities in regard to their own legislation. To that extent, one must assume that these protections do not extend to the characteristics of sexual orientation and gender identity.

Laws discriminating against the community have been proposed in recent times. A bill drafted in February 2015, based off similar Russian law, titled On Protecting Children from Information Harmful to their Health and Development, became known as the propaganda bill. The bill was said to “include a broad ban on the publication or sharing of information relating to same-sex relations in settings where children might receive or encounter that information” (Knight, 2015). The Bill was passed by the Kazak Senate; however, Kazakhstan’s Constitutional Council shut it down, announcing on May 26<sup>th</sup>, 2015 that the pending legislation was found to be unconstitutional. Shutting down such a bill appears to be progression as the rejection may be seen as the Kazakhstan Constitutional Council setting a precedent against the adoption of discriminatory legislation. However, the Council clarified that its rejection of the propaganda law was on technical grounds, claiming that the Kazakhstan government reserves the right to “enact laws that restrict citizens’ rights to access and distribute information as part of its responsibility to ‘defend marriage and family, motherhood, fatherhood and childhood’” (“Kazakhstan: Anti-Gay Laws Found Unconstitutional,” 2015). Lastly, transgender individuals in Kazakhstan are prohibited “from working in law enforcement, serving in the military, and adopting children” (Dairova, 2021).

Through use of advanced statistical methods and computer modeling, the UCLA School of Law analyzes survey data from 175 countries and locations over the course of the past 39 years in its production of the Global Acceptance Index (GAI) in efforts to generalize the acceptance of LGBTQIA+ people around the world. In the most recent survey, Kazakhstan ranked 153 of 175 countries reported, scoring a low 2.69 out of 10 on the GAI (Flores, 2021). Additionally, in collaboration with Johannes Gutenberg University, Amsterdam-based gay dating and community site, Romeo, designed the Gay Happiness Index (GHI) of 115,000 gay men from around the world. In a combination of survey participants' views of public opinion, public behavior, and their own life satisfaction, Kazakhstan ranked far down on the list at 118 out of 127 countries (Lemke et al., 2015).

## **V. FIRSTHAND INTERVIEWS**

This study was conducted by first researching eight countries and their laws and regulations regarding the LGBTQIA+ community. Following this, interviews were conducted with eight business professionals identifying within the LGBTQIA+ community. They shared their experiences living and working in the United States, England, Switzerland, Germany, Taiwan, China, the Philippines and Kazakhstan. Interviews consisted of 34 questions (see Appendix for interview questions) that asked each interviewee about their perceptions of general life, their company's culture, and their company's policies all in relation to being a member of the LGBTQIA+ community. Interviews were conducted over Zoom and recorded for the purpose of this study. In order to keep a sense of confidentiality, each interviewee will be identified using their first name (or a pseudonym for those who preferred to remain completely confidential), country and/or region they have experience living and working in and a general description of



the kind of company they each work for. The overall findings from the interviews are discussed individually below and then compared and analyzed in the results section later on.

### **The United States**

Five LGBTQIA+ business professionals with living and working experience in the United States were interviewed. One from Long Island, NY, one from Westchester, NY, one from San Francisco, CA, and two from Boston, MA.

#### ***Jane from Long Island, NY***

Jane identifies as a cisgender lesbian woman and works for an LGBTQ organization focused on workplace equity for LGBTQIA+ people around the world. She has experience working with companies from around the world, but no experience working abroad herself. Some things to note that Jane mentioned in her interview are that there are certain scenarios where she would avoid public displays of affection (PDA) with her wife. She mentioned that sometimes, most often late at night, she would get a look that made her feel “a little bit unsafe or unhinged” (Jane, personal communication, January 18, 2022). She continued to say that there is a “heightened level of discomfort” (Jane, personal communication, January 18, 2022) that goes along with such stares because of the infrequency, making it more pronounced. She did say that she would normally feel comfortable holding her wife’s hand when visiting New York City, a short 40 minute train ride from her home on Long Island.

She commented that her sense of safety where she lives and works has profoundly affected her productivity. She noted that in previous employment at a higher education Catholic institution where she felt less accepted, her identity was distracting to her, as she had to navigate in what moments she might have to cover her identity and when it was okay to be her authentic self. In a situation in which Jane reported an offensive joke heard at a previous employer to HR,

she claimed they did what they had to do legally to address the issue, but not much more in order to make sure she was safe and secure in her position.

Her current employer is in the works to implement adoption, surrogacy and IVF benefits for employees in need of such, showing her company's commitment to equality.

Regarding her employer's continued education of employees on its anti-discrimination policies, an employee handbook is updated and distributed quarterly with updated policies to re-educate employees on all policies and practice. Her company also has briefings on 27 countries and their policies regarding the LGBTQIA+ community in order to educate the public as well as their employees when visiting countries abroad. When asked to describe in one word her experiences working for her current company in the United States she said, "affirming", although she noted that in her previous employment at the higher education Catholic institution she would have said "conflicted".

***Lisa from Westchester, NY***

Lisa identifies as a cisgender lesbian woman and works as a partner at the New York office of an international law firm based out of Chicago, Illinois. Lisa first commented on her experiences outside of work, saying that for the most part she feels comfortable, but she is not oblivious to other opinions. She has, however, felt uncomfortable in parts of New York before. She mentioned that she does not believe that it is unprofessional to discuss sexual orientation and/or gender identity in the workplace as long as it is from a place of authentic interest.

Regarding her current employer, she mentioned that she was welcomed as a gay woman to the firm and that it was a "non-issue". She mentioned doing a fair amount of recruiting for the firm and actively attending conferences such as Lavender Law, an LGBTQIA+ recruiting fair and conference sponsored by the National LGBTQ+ Bar Association. She said at her company's

booth, the line to get to the interviewers historically loops around the room because prospective associates know how her company has been “front and center on LGBT issues” (Lisa, personal communication, January 28, 2022). On the Human Rights Campaign Corporate Equality Index, her firm is one of twelve firms to score a perfect 100%, meaning the firm has satisfied all of the criteria for that year and is one of the “Best Places to Work for LGBTQ+ Equality” (*Corporate Equality Index FAQ*, 2022).

Lisa emphasized that her firm has extensive anti-discrimination policies that apply to all locations around the world. She also mentioned the firm’s unique benefits package tailored to include transgender individuals. These benefits not only include gender-affirming surgery for those who might be seeking such procedures, but also hormone replacement and any psychological counseling that may be needed by an employee before, during, or after their transition.

### ***Nicolas from San Francisco***

Nicolas identifies as a cisgender gay man and has experience working as an associate and partner at a large management consulting firm as well as Chief Strategy Officer at a large American-based software company. Nicolas will not go so far as to say that he feels unsafe in the United States but notes that there are some areas of the country where he may and would likely change his behavior and actions in an effort to protect himself.

Nicolas has experienced discrimination, in a way, during promotion. When he was being promoted from associate to partner at the management consulting firm, his evaluator shared with him that there was a homophobic bias from some co-workers who shared concerns about him being too flamboyant. He commented that “it’s unfortunate that even among people who overall

support you getting the promotion they have these really deep unconscious biases” (Nicolas, personal communication, February 4, 2022).

When asked about the professionalism of discussing an individual’s sexuality at work, he thought it was appropriate to the same degree it would be to talk about one being straight, but if it was in a malicious manner, then it was unprofessional. He said that talking about it and being open allows individuals to be themselves which promotes better work ethic and outcomes. He said “therefore, it’s not just professional, it’s necessary for the company to function properly” (Nicolas, personal communication, February 4, 2022). He goes on to share how his company puts effort into initiatives to talk about sexual orientation and gender identity to provide people the utmost comfort when talking about who they are to coworkers.

His employer in the United States holds all forms of discrimination and bias as fire-able offenses as per the employee code of conduct. The benefits of his current and past employer in the United States are substantial, including surrogate healthcare and not only gender-affirming surgery, but also anything else associated with an individual’s transition, including mental health care. Lastly, he elaborated that his current employer has annual compulsory anti-bias and anti-discrimination training.

### ***Neil from Boston, MA***

Neil identifies as a cisgender gay man and works as a digital producer for a K-12 education publication and assessment services company. Neil’s interview began with him mentioning having a vague discomfort from time to time in certain settings while living and working in Boston. He has experienced being called a slur and told a story about a time he was harassed at a bookstore. After picking up a copy of *Bay Windows*, the Boston gay newspaper, just after exiting the store, a man who had left just prior yelled at him and said “why don’t you

read your queer newspaper” (Neil, personal communication, December 21, 2021). When asked if he had ever felt hindered by any kind of hate at any of the jobs he has held, he told a disturbing story from when he was an elementary school teacher in 1990. In a parent teacher conference with a student’s mother, the school principal (who also identified as gay but was not out of the closet), and himself, the student thought Neil was a little overbearing. The mother said to Neil that if her husband had any reasons to believe that he was gay, her husband would come in, “both guns blazing” (Neil, personal communication, December 21, 2021). He said he wanted to believe it to be metaphoric but knowing the father he would not be surprised if it were the truth and told the principal that if the father ever came in, he would not hesitate to call the police.

Regarding his current employment, Neil said that he felt significantly safe as his employer has strong anti-discrimination and anti-harassment policies, including clear provisions on how to handle discriminatory situations, should they arise. He feels that these policies are sufficient enough to make him feel safe and welcomed at work but did not want to speak for anyone on whether these policies make *all* members of the LGBTQIA+ community feels safe. He also commented that a part of his safety was due to the fact that the publishing industry employs a lot of gay individuals. Lastly, when asked if he thought it was unprofessional to discuss sexual orientation and/or gender identity in the workplace, he said that “not only is it considered professional to discuss such topics... but it’s acceptable and encouraged in fact in his company” (Neil, personal communication, December 21, 2021).

### ***Bob from Boston, MA***

Bob identifies as a cisgender gay man and works as the chief operations officer (COO) of a global online employment and software solutions company. The interview with Bob began with him telling a story of his experience with harassment. At the March on Washington for

Lesbian, Gay and Bi Equal Rights and Liberation in 1993, Bob was threatened by anti-protestors. He said that he and his friends were heckled and chased down the street by these people protesting the March as they taunted him and his friends into a fight.

When asked how his sense of safety and the degree to which he felt welcomed affected his productivity at work he said “it absolutely affected productivity” (Bob, personal communication, January 28, 2022) and that he often experienced anxiety due to feeling hindered by being cautious with his sexuality. He mentioned that he has worked for a manager who was very aggressively anti-gay and openly hostile towards him. When he resigned from a previous job, his manager went through his personal documents in his office and found a personal poem from his boyfriend of the time and paraded through the office questioning his previous coworkers if they knew he was gay, even saying “I cannot believe he was a f\*\*\*\*\* f\*\*\*\*\*”. He noted that this was a turning point for him and decided that he would never again work for a company where he felt he had to hide who was. From then on, he has been quick to let any employer or coworker know that he happens to be gay so that if they have any problems with it, they would be able address them early on in the relationship. He said that he has never experienced discrimination when applying for jobs, but he did say that early in his career (when he was not out of the closet) while working for a regional magazine in Boston, his boss was openly homophobic, though not in a hateful or aggressive way. If he was out to this employer, he “would not have gotten the job and/or been promoted” (Bob, personal communication, January 28, 2022).

Regarding his current position, he feels very welcomed and comfortable being an out gay man. His company has strong diversity, equity and inclusion (DEI) and global anti-discrimination policies that are often made clear to all employees. Employees must also go

through required DEI training. He established an employer resource group (ERG) for LGBTQIA+ employees and is the executive sponsor of Pride for this group. When asked about his company's benefits, he said that they vary globally, but that if insurance policies do not cover certain aspects of an LGBTQIA+ persons physical and/or mental health in a country, that his employer would aim to compensate for uncovered costs. His employer is a "company that has a heart... you can tell that the leadership cares about the employees...we try to do the right thing" (Bob, personal communication, January 28, 2022).

### **England**

Thomas identifies as a cisgender gay man and has experience working in cabin crew management and operations management for a large United Kingdom based airline. Generally speaking, Thomas said he felt quite safe in his day to day life; however, he did mention that there are areas of London that might feel a bit unsafe. Never has Thomas' productivity at work been negatively affected by his homosexuality. Thomas has always felt protected by the law.

Thomas told a story of one time when he brought a man back to his hotel room from a gay bar and had a knife pulled on him. At the time, he was unsure if he was attacked for being gay, but he assumes now that since he was picked up at a gay bar, he was targeted due to his sexual orientation. Lastly, benefits offered to same-sex couples by his employer were identical to those of different sex couples (Thomas, personal communication, January 26, 2022).

### **Switzerland**

Thomas also spoke on his experience as a cisgender gay man working as a schoolteacher in Switzerland. Generally speaking, Thomas said that he felt quite safe in his day to day life and that his homosexuality never affected his productivity at work. Never did he feel threatened when living and working in Switzerland and never did he experience any verbal or physical

violence that he attributed to being a member of the LGBTQIA+ community. He commented that he was not out of the closet during the time he lived and worked in Switzerland. Perhaps this is why he never had a bad experience. He claimed that if he were to be living in Switzerland now, as an out gay man, he believes he would not face too many challenges. Although he cannot recall the protectionist laws from when he worked in Switzerland, he had always felt protected (Thomas, personal communication, January 26, 2022).

### **Germany**

Thomas also spoke on his living and working experience as a cisgender gay man in Germany where he worked as an operations agent for a large United Kingdom based airline. The first thing Thomas mentioned about his time in Germany was that there was the only place he had ever been physically attacked. Coming out of the gay tent at Oktoberfest he was approached by a group of young men who called him slurs and punched him. Generally speaking, Thomas said he felt quite safe in his day to day life and that his homosexuality never affected his productivity at work. Although he cannot recall the protectionist laws from when he worked in Germany, he had always felt protected. Lastly, benefits offered to same-sex couples by the airline were identical to those of different sex couples (Thomas, personal communication, January 26, 2022).

### **Taiwan**

Nicolas (the same from the United States section) identifies as a cisgender gay man and has experience working as an associate at a large management consulting firm. During his time living and working in Taiwan, Nicolas never felt uncomfortable or unsafe due to the fact that Taiwan was an “incredibly safe and accepting place” (Nicolas, personal communication, February 4, 2022). Never did he feel unsafe or in discomfort. Nicolas’ company as well as



Taiwan were so accepting of him and the rest of the LGBTQIA+ community's identities that his company got involved in the Taiwan Pride Parade, the only one in the world that is endorsed by the government. Nicolas noted that at the time, he was out to his coworkers but never to clients as he was unsure how they might react. He would be out to everyone if he were to work there now.

## **China**

Two LGBTQIA+ professional businesspeople with living and working experience in China were interviewed. Both Nicolas and Sean spoke on their experiences in Beijing.

### ***Nicolas from Beijing, China***

Nicolas (the same from the United States and Taiwan sections) identifies as a cisgender gay man and has experience working as an associate at a large management consulting. He has noted that he felt very comfortable living as a gay man in Beijing because people minded their own business. Perhaps he was not completely comfortable expressing his true self, but he never felt any sort of discomfort or danger in doing so. Nicolas told a story about a time he got into a taxi after leaving a gay bar and the taxi driver asked him if that was a place when men danced with men, as if he did not even know the word, gay. When Nicolas confirmed that it was indeed a club where men danced with men, the driver shrugged, and elaborated how China is a modern country these days and that anything is possible. It is interesting to note this reaction, as the taxi driver learned of Nicolas' sexuality and did not think anything negative about it.

Nicolas commented on the criminalization of homosexuality when he lived in Beijing, although homosexuality has been decriminalized since. He said that such criminalization laws were seldom enforced by the police for an interesting reason. He said that gay brothels were run by the military, who had more power and artillery than the police, therefore, the police knew

their place and knew not to get involved in the military's business ventures (Nicolas, personal communication, February 4, 2022).

### *Sean from Beijing, China*

Sean identifies as a cisgender gay man and has experience working as a U.S. government employee in China. Sean was very comfortable with his sexuality during his time in China. He commented that he never felt uncomfortable or unsafe there, and that he never experienced any physical violence, harassment, or verbal slurs directed towards him regarding his sexual orientation. When asked how his sense of safety and the degree to which he felt welcome affected his productivity at work, he responded, "very positively". He noted that in his research on China prior to moving there he found that most of the younger generations and people living in bigger cities were accepting of the LGBTQIA+ community so he decided to be fully out upon arrival in China. In deciding to bring his "whole self" to the job, he felt comfortable and was able to build strong and trusting professional relationship with his colleagues and clients. He also said that on a scale of 1 to 10, he felt a perfect 10 towards his acceptance in day to day life.

Regarding his employment with the U.S. Government, there are federal anti-discrimination policies in place that protect federal employees regardless of where they work in the world. In his position he was also required to undergo monthly anti-bias, anti-discrimination and anti-harassment training. He did not receive much formal training from his employer before moving but did so informally through his language instructor. He stated that the Foreign Service Institute did, however, offer formal courses related to specific countries and regional studies, though he did not take such courses prior to his move.

It is interesting to note that both interviewees felt extremely comfortable in China, a country where the rights are somewhat discriminatory; however, the laws of a country do not

dictate the opinions of its citizens. A client of Sean's in Beijing told him that "I want to show you that even though the politics say one thing, we as the people want to be known as a country that is welcoming to all foreigners" (Sean, personal communication, March 29, 2022).

### **The Philippines**

Keith identifies as a cisgender gay man and has experience working as a high school teacher in the Philippines. Keith has been referred to by the wrong pronouns before, and typically chose to ignore such situation for ease, as many Filipinos do not even know what pronouns are or how to properly use them. When asked how he reported bullying in high school to administrators, he said that "even teachers don't care, they will make jokes about it.... It's even a lesson in one of the classes... social problems, abortion, homosexuality, divorce" (Keith, personal communication, January 25, 2022).

Keith commented that his sexual orientation never compromised his sense of safety while living and working in the Philippines. He also said that he never felt hindered at work due to hate; however, this is all in large part because he was not out and was "playing it straight" (Keith, personal communication, January 25, 2022). He notes that if he was out while he was there this would likely be the opposite. When he would hear an LGBTQIA+ related joke, which was often, he would ignore it. He said it is best not to talk about your sexual orientation.

Regarding his employment at the time as a teacher, his employer had absolutely no policies to protect the rights of employees who identified as LGBTQIA+ or were closeted from any form of discrimination. When asked about LGBTQIA+ inclusive benefits there, he said there were none, but that his current employer in the United States offers benefits that go as far as coverage of transition for transgender employees. He feels as though the policies in place in the Philippines are not sufficient enough to make him or any member of the LGBTQIA+ community

feel safe and that although it is not illegal to identify within the LGBTQIA+ community there, it is frowned upon and it would be miserable to be out there.

**Kazakhstan**

Thomas (the same from the England, Switzerland and Germany sections) is a cisgender gay man and has experience working as a district manager at a large United Kingdom based airline in Kazakhstan. He mentions feeling a little unsafe in his day to day life but not too much. He also mentions that Kazakhstan is a “rogue country” that is “relatively safe” (Thomas, personal communication, January 26, 2022). He noted that although he worked for a UK based company, the local law takes precedence and the airline’s policies regarding discrimination may only apply when in alignment with local law. However, benefits offered to same-sex couples by the company were identical to those of different sex couples. Never did he feel as though his productivity at work was affected by his homosexuality or by any circumstances relating to his identity, though the socialization and alcoholic drinking norms did hinder his productivity.

**Table 2**

*Advice of Business Professionals from the United States, England, Switzerland, Germany, Taiwan, China, the Philippines, and Kazakhstan.*

Country	Advice
<b>The United States</b>	<ul style="list-style-type: none"> <li>- If a company does not verbalize its LGBTQIA+ inclusive policies and practices, either on its website, in a job interview, or any other verbal statement, that means that such policies do not exist. Most US-based companies are pressured by their employees to verbalize their inclusivity or lack thereof and make their opinions towards the community open to the public eye.</li> <li>- When moving to a new city, research the demographics of the region. Find out if there is a presence of the LGBTQIA+ community represented and if there are any advocacy organizations in the area. Also, research the religious communities in the area as many are not accepting of the LGBTQIA+ community and may cause you to feel unsafe.</li> <li>- The United State has a diverse multinational origin, so the culture varies greatly across the country. One should research where they want to move and find out if it is an accepting place for them before initiating a move.</li> <li>- Avoid overly religious communities that are not accepting of the LGBTQIA+ community.</li> </ul>

	<ul style="list-style-type: none"> <li>- Avoid inland regions of the country that lack near access to large cities as these rural regions tend to be more conservative in their beliefs.</li> <li>- When thinking about moving anywhere for work, even within the United States, researching both employer history and employment law in the region relating to the LGBTQIA+ community is important.</li> <li>- Transgender people in the United States might be more uncomfortable than gay or lesbian individuals and might have a harder time finding acceptance.</li> <li>- Avoid heavy blue collar, working class, conservative regions of the country.</li> <li>- The United States is ever more accepting of people of all identities.</li> <li>- One should be mindful of where they are and what state they are exploring as opinions toward the LGBTQIA+ community vary greatly across the United States.</li> <li>- One should not have too many issues with their professional experiences as a member of the LGBTQIA+ community but may face issues in their cultural experiences.</li> <li>- One should be careful when traveling to southern states such as Alabama due to the region's deep-seated conservatism.</li> </ul>
<b>England, Switzerland, and Germany</b>	<ul style="list-style-type: none"> <li>- LGBTQIA+ individuals should be okay to be their true selves.</li> <li>- Understand that people stare everywhere and that public displays of affection are typically followed by a stare, especially with a same-sex couple.</li> <li>- There is no particular advice applicable to Western Europe that does not translate directly from the United States. In fact, the United States is generally less accepting of the LGBTQIA+ community.</li> </ul>
<b>Taiwan</b>	<ul style="list-style-type: none"> <li>- LGBTQIA+ individuals can fully be themselves in Taiwan.</li> <li>- Taiwan is the most progressive and LGBTQIA+ friendly country in Asia.</li> </ul>
<b>China</b>	<ul style="list-style-type: none"> <li>- LGBTQIA+ individuals can fully be themselves in Beijing and many other cities.</li> <li>- One needs to decide whether or not they need/want to be out to clients depending on whether or not they are a client/customer-facing person.</li> <li>- Be brave enough to show up as your authentic self, while respecting and understanding the local context.</li> <li>- LGBTQIA+ individuals should try and find a way to represent themselves and share what makes an LGBTQIA+ person inherently interesting.</li> <li>- It is worth it to experience the history, the culture, and the warmth of China's people, but highly recommended to be conservative when it comes to anything that can be considered as a protest or inflammatory because it will not yield a favorable outcome.</li> <li>- It is important to not seem like you are in China to organize protests, revolutions, or an overthrow of the communist party.</li> <li>- Do not, under any circumstances, bring up anything relating to the LGBTQIA+ community with government clients.</li> </ul>
<b>The Philippines</b>	<ul style="list-style-type: none"> <li>- LGBTQIA+ individuals should not move to the Philippines for work or any other reason.</li> <li>- It is not possible to be oneself there.</li> </ul>
<b>Kazakhstan</b>	<ul style="list-style-type: none"> <li>- Be a bit wary when moving to Kazakhstan, especially since the vast majority of the population is Muslim which influences societal norms and beliefs.</li> <li>- It is possible for an LGBTQIA+ individual to be themselves in Kazakhstan to a certain extent; however, when in a relationship, one should be cautious about making their relationship visible in public.</li> <li>- Avoid traditional partner activities such as going out to dinner.</li> </ul>

## VI. RESULTS

This study consisted of interviews that assessed participants' experiences in general life, their company's culture, and their company's policies all relative to the LGBTQIA+ community by means of 34 questions. These interviews revealed interviewees' experiences such as being referred to by the wrong pronouns, being a victim to verbal and physical violence, and being discriminated against when applying for jobs. The interviews also allowed for interviewees to share an overall summary of their levels of acceptance.

Of the eight interviewees, only one had reported being referred to by the wrong pronouns: Keith in the Philippines. Five interviewees have experienced being called a slur in public: Neil and Bob in the United States, Thomas in Germany, Nicolas in China, and Keith in the Philippines. Three have experienced acts of physical violence: Neil in the United States, Thomas in Germany and Keith in the Philippines. Two have experienced discrimination when applying for jobs: Nicolas in the United States (talked down upon by coworkers for being "too flamboyant" while seeking a promotion) and Neil in Ecuador (job description explicitly stated not to apply if you were gay). When asked for one word or a short phrase to describe their general acceptance the responses were as follows:

### **The United States**

Jane: "affirming" (LGBTQ organization) and "conflicted" (Catholic higher education)

Lisa: "all positive: welcoming, supportive, fun, exciting"

Nicolas: "feel very well accepted at work; outside of work some things and places make me worry, including for my safety"

Neil: "not an issue"

Bob: "excellent"

## **England, Germany, and Switzerland**

Thomas: “no worries”

## **Taiwan**

Nicolas: “never felt worried for my safety, felt completely accepted at work and among everyone outside of work; I still didn’t feel comfortable being out among clients”

## **China**

Nicolas: “never felt worried for my safety, but I did not feel comfortable being out either at work or among straight friends”

Sean: “fantastic and fortunate”

## **The Philippines**

Keith: “something that I never want to go back to”

Thomas in Kazakhstan: “worried a little bit”

Lastly, they were asked to rank how accepted they felt in their day to day life on a scale of 1 to 10. The average score for the United States was 9, for England it was 9, for Germany it was 9, for Switzerland it was 9, for Taiwan it was 10, for China it was 9, for the Philippines it was 3 and for Kazakhstan it was a 6. Note that the average score of 9 for the United States is from people who spoke on liberal areas of the country. Due to the size of the United States and the liberal/conservative division of the country, other regions would likely be ranked lower and bring down the entire country average. Similar can be said for China as both interviewees spoke on their experiences in Beijing. People from more rural areas of the country may have different opinions on the LGBTQIA+ community that may have brought the country average down if they were included in this study.

## VII. DISCUSSION

The results of this research display different LGBTQIA+ individuals' sense of equality and acceptance in life and their employment and shows that one's sense of equality and acceptance are dependent on what country they live in and the laws that protect and/or discriminate against them. In comparing those who experienced being called a slur in public to those who have experienced acts of physical violence for being a member of the LGBTQIA+ community, we see that more people fell victim to verbal discrimination (slur calling) than did physical violence.

The eight countries in this study have been ranked below in order from most progressive to least with regard to the laws in place that protect and/or discriminate against the LGBTQIA+ community. For the most part, the ranking is based on these laws; however, the opinions of the interviewees were taken into account because the laws of a country do not necessarily dictate one's feelings of safety and acceptance regarding their sexual orientation and/or gender identity within the country.

The most progressive country with regard to equality and acceptance of the LGBTQIA+ community that was included in this research and has been ranked 1 out of 8, is Taiwan. Taiwan has extremely inclusive laws that protect the rights of the *entire* LGBTQIA+ community including transgender individuals. No surgical intervention or coerced sterilization is required in Taiwan to change one's legal gender or name. For these reasons, as well as receiving the highest ranking during interviews, Taiwan is on top and is a global leader that demonstrates what equality and acceptance of the LGBTQIA+ community can really look like.

Next in line, as the second most LGBTQIA+ progressive country included in this study is the United States. Constantly updating laws and implementing new acts that support all members



of the LGBTQIA+ community earns the United States a spot high on this ranking. The United States has also made great efforts to clarify laws written during the nation's founding to include protections of members in the LGBTQIA+ community. Lastly, an average of 9.25 out of 10 for general acceptance as well as Jane's claim that her experience living and working in the United States is affirming, cement the United States ranking of 2 out of 8.

The third most progressive country in this study when it comes to LGBTQIA+ equality and acceptance is England. Progressive laws put the LGBTQIA+ community on even playing ground with cisgender heterosexual people. England also took a sharp turn towards progression following the replacement of a conservative Prime Minister in the 1990s. For these reasons, England has earned the spot of 3 out of 8.

The similarities between England and Switzerland with regard to LGBTQIA+ rights and acceptance levels made it difficult to differentiate the two countries regarding their rank. Switzerland does have very inclusive laws; however, due to transgender individuals only very recently (in the past year) gaining the right to change their legal name and gender, Switzerland falls behind England and gets ranked 4 out of 8.

Next in line comes Germany, ranking 5 out of the 8 countries. Germany's laws regarding same-sex activities have progressed immensely in recent years; however, we yet again see an archaic set of laws governing the rights of transgender people in the country. Because of these reasons and that Germany was one of only three countries in this research where an interviewee experienced verbal and physical acts of violence, Germany is ranked as 5 out of the 8 countries.

The country that ranks next at 6 out of 8 is China. Although China has made steps in the right direction for equal rights and acceptance of the LGBTQIA+ community, due to the tedious

and extensive process of changing ones gender as well as Nicolas' claim that he experienced verbal discrimination while living in Beijing. China is ranked at 6 out of 8.

The next country to be ranked in this study regarding its degree of welcomeness of LGBTQIA+ individuals is Kazakhstan, ranked 7 out of 8. Although no experiences of discrimination in Kazakhstan were uncovered during the interviews, Thomas' level of acceptance at 6 out of 10, his advice to be "worried a little bit" (Thomas, personal communication, January 26, 2022), and the countries overly dramatic and demanding requirements for transgender individuals to change their legal name and gender, constitute a low ranking of 7 out of 8.

In the Philippines, Keith experienced both name calling (slur) and physical violence that he attributes to being a part of the LGBTQIA+ community. This comes with no surprise as the country's laws lack inclusion of all members of the LGBTQIA+ community and in fact, make an effort to exclude some members of the community from the few progressive laws in place. Keith's level of acceptance at a 3 out of 10 and his claim that the Philippines is "something that [he] never wants to go back to" (Keith, personal communication, January 25, 2022) provide further reasoning as to why the Philippines is ranked as the least progressive country when it comes to equality and acceptance of the LGBTQIA+ community, ranked 8 out of 8.

## **VIII. CONCLUSION**

Members of the LGBTQIA+ community have faced many struggles in their fight for equal rights and acceptance in the world. Over the past few decades, however, LGBTQIA+ advocacy groups and activists around the world have pressured many governmental organizations to implement laws that grant LGBTQIA+ individuals not only equal human rights, but protection from discrimination and unfair treatments as well.

This study addresses eight countries (the United States, England, Switzerland, Germany, Taiwan, China, the Philippines and Kazakhstan) and the progression of their laws over the past few decades as well as firsthand accounts of LGBTQIA+ individuals' perceptions of general life and opinions on their employers' equality and acceptance initiatives. Although this study was successful in comparing the laws of these countries, there were a few limitations in the research methods that need to be addressed and improved upon when pursuing future research.

The first limitation of this study is the random country selection. During the initial planning phase, the goal of this study was to do a similar country comparison as that which was done but limit the countries researched to the most LGBTQIA+ progressive countries (Canada and Sweden) and least LGBTQIA+ progressive countries (Saudi Arabia and Iran) in the world. The United States was also to be included as a control as it is somewhere between progressive and discriminatory. An analysis and comparison of these countries would be more beneficial as it would show the extreme differences across the world; however, finding interviewees in Iran and Saudi Arabia proved difficult. Instead of recruiting interviewees from these specific countries, anyone in the LGBTQIA+ community with professional work experience anywhere in the world was invited to participate in and be interviewed for this study. Luckily enough, interviewees from both progressive and not progressive countries were found so the basics of the study could proceed, although slightly modified from the original plan.

The next limitation of this study has to do with the sample of interviewees. As discussed above, it proved more difficult to find people willing to be interviewed than originally planned, so for the majority of countries researched, with the exception of the United States and China, only one interview was conducted. Additionally, many of the interviewees provided information for multiple countries, such as Thomas, who shared his experiences living and working in

England, Switzerland, Germany and Kazakhstan. Due to the length of each interview, some participants had less time to elaborate on their experiences in each country. Increasing the number of interviewees to perhaps 10 per country would provide a more accurate and reliable understanding of the business environment and general life of the LGBTQIA+ community around the world. Also, adding transgender and non-binary individuals to the sample would better represent the LGBTQIA+ community.

The third limitation of this study has to do with the regional differences in many of these countries. For example, the United States and China have a much higher population than the other countries and this population is more dispersed. As discussed in the Law Review of the United States, although federal laws apply throughout the country, there are great differences in the opinions of people living in different regions. In both the United States and China, those living in urban regions tend to be more welcoming of the LGBTQIA+ community as opposed to those living in rural regions who tend to be more discriminatory. These differences are less prevalent in smaller countries, such as Switzerland, allowing for their acceptance to be more generalized. Future research should include interviewees from various regions of all countries studied, especially those spanning a large region of the world.

The final limitation has to do with the level of development of the countries addressed in this research. Most are well developed nations, so it came with no surprise that many had progressive laws relating to the LGBTQIA+ community. Some, however, such as the Philippines and Kazakhstan, are less developed, which seems to translate to having less-progressive laws. Since even many developed countries have a long way to go towards complete acceptance and equality for members of the LGBTQIA+ community, it would be interesting, and perhaps a venture for continued research in graduate school, to expand this study to include countries that

differ in their levels of economic and social development. In addition, it would be beneficial to include representation of all regions of the world, expanding the research to focus on South America, Africa and Australia as well. Diversifying the level of economic and social development, as well as regionality of the countries studied would allow for a fully globalized analysis of laws and lead to a true understanding of the varying perceptions of the LGBTQIA+ community around the world. The limitations of this study make way for potential future research that may investigate deeper into this topic; however, this study does an adequate job of presenting the laws of eight countries around the world and some firsthand experience of LGBTQIA+ individuals.

So, what is the hidden humanitarian crisis for members of the LGBTQIA+ community in international business? As displayed through this research, the laws that govern the LGBTQIA+ community's rights across the eight nations investigated vary greatly. Those laws continue to vary across the rest of the world. While many countries seem to welcome the community by granting equal rights and protectionary laws, some still seem to be openly discriminatory towards the community. However, the laws of a country do not dictate the opinions of its citizens; it is important to keep this in mind when pursuing an international business career as a member of the LGBTQIA+ community.

Therefore, the hidden humanitarian crisis for members of the LGBTQIA+ community in international business is that regardless of where one may be living and working in the world, every member of the community has a greater duty to be aware of the ever-changing atmosphere in which they find themselves than their cisgender, heterosexual counterparts. Remember, the laws of a country do not protect LGBTQIA+ individuals from the opinions of the local people, nor do they forecast how one can expect to be treated when working in a foreign country. If

companies want to be able to recruit and retain the brightest talent, they need to do more to protect members of the community by increasing their advocacy effort around the world. In addition, in order to achieve complete acceptance and equality for LGBTQIA+ people around the world, people must work on themselves internally. The progressive laws in place are not enough protection; the peoples' opinions are what need to progress, and the peoples' opinions have the power to eradicate discriminatory laws worldwide.

## **IX. APPENDIX: INTERVIEW QUESTIONS**

### **General Life**

1. If you are comfortable sharing, what is your gender identity and sexual orientation?
2. What position and company have you worked for that has given you experience most relevant to the research at hand?
3. What countries do you have experience doing business in?
4. Is it legal in the country you work in to openly identify the same way you would while working in the U.S.?
5. Have you ever been referred to by the wrong pronouns?
  - a. If so, was it because the person wasn't aware or did they refuse to address you by your desired pronouns?
  - b. After telling them your pronouns, did they refer to you correctly?
6. In the country you work in, have you ever felt uncomfortable or unsafe outside of your place of work? Walking on the street? Running daily errands?
7. Have you ever been called a slur in public?
8. Have you experienced physical violence that you attribute to being a part of the LGBTQIA+ community?
9. If you experienced any of the events outlined in questions 5 through 8, was there a mechanism to report them to your company?
  - a. If so, did you report them?
  - b. What was your company's response?
10. On a scale of 1-10, how accepted do you feel in your day to day life in the country you work in?

11. How would you say that your sense of safety and the degree to which you feel welcome have affected your productivity?
12. Have any of the issues or traumas discussed previously affected your productivity in the workplace?
13. Do you feel as though in the job positions you've held you have ever been hindered at all by any kind of hate?

### **Company Culture**

14. Have you experienced any discrimination based on your sexual orientation or gender identity when applying for jobs? If so, what have you experienced and how did you deal with the situation?
15. Do you know if you are paid an equivalent salary to those who hold the same position as you who identify as straight and/or cisgender?
16. Have you ever heard a coworker share an LGBTQIA+ related joke in the workplace? If so, were you offended and how did you react?
17. Do you think it is unprofessional to discuss sexual orientation and/or gender identity in the workplace? Why?

### **Company Policies**

18. What policies does your company have in place to protect the rights of its LGBTQIA+ employees both in the U.S. and abroad (if applicable)?
19. Do you feel that these policies are sufficient and make you feel safe and welcomed in your workplace?
20. Do you feel that these policies are sufficient and make *all* LGBTQIA+ employees feel safe and welcomed in your workplace?



21. Does your company have non-discrimination policies that included sexual orientation?
  - a. Are these policies applicable worldwide or are they different based on employment location?
22. Does your company have non-discrimination policies that included gender identity?
  - a. Are these policies applicable worldwide or are they different based on employment location?
23. Does your company offer domestic partner benefits?
24. Does your company offer transgender-inclusive benefits?
25. Does your company offer adoption benefits including paid parental leave?
26. Does your company offer parental leave for all employees including those in an alternative family?
27. Are the benefits outlined in questions 23 through 26 the same for all domestic and international offices of your company?
28. How does your company make employees aware of its anti-LGBTQIA+ discrimination policies?
29. What training is available to new employees?
  - a. Is it compulsory or voluntary?
30. What training is available on an ongoing basis to existing employees?
  - a. Is it compulsory or voluntary?
31. What country-specific training is available with your company prior to an international placement for an expatriate?
32. In one word or a short sentence, how would you describe your experiences you're your company and country of work related to LGBTQIA+ acceptance?

### **Advice for LGBTQIA+ Individuals**

33. What advice would you give to someone who was a member of the LGBTQIA+ community and wanted to work in the country you are working in?
  - a. Would you tell them that it is possible to be themselves in this region of the world?
  
34. What situations or circumstances would you suggest members of the LGBTQIA+ community avoid?

## X. GLOSSARY

The following have been identified as key terms that are pertinent to this research and should be reviewed and understood by the reader prior to reading this thesis. These key terms have been defined by the Human Rights Campaign (HRC), the Center for Disease Control and Prevention (CDC) and the Office of Equity, Diversity, and Inclusion at the National Institutes of Health.

- Asexual: “Often called “ace” for short, asexual refers to a complete or partial lack of sexual attraction or lack of interest in sexual activity with others. Asexuality exists on a spectrum, and asexual people may experience no, little or conditional sexual attraction” (Human Rights Campaign, n.d.-b).
- Bisexual: “A person emotionally, romantically or sexually attracted to more than one sex, gender or gender identity though not necessarily simultaneously, in the same way or to the same degree. Sometimes used interchangeably with pansexual” (Human Rights Campaign, n.d.-b).
- Cisgender: “A term used to describe a person whose gender identity aligns with those typically associated with the sex assigned to them at birth” (Human Rights Campaign, n.d.-b).
- Coming out: “The process in which a person first acknowledges, accepts and appreciates their sexual orientation or gender identity and begins to share that with others” (Human Rights Campaign, n.d.-b). Someone who has already come out may be referred to as being out, out of the closet, or simply, out.

- Demisexual: “Used to describe an individual who experiences sexual attraction only after forming an emotional connection” (National Institutes of Health-Office of Equity, Diversity, and Inclusion, n.d.).
- Gay: “A person who is emotionally, romantically or sexually attracted to members of the same gender. Men, women and non-binary people may use this term to describe themselves” (Human Rights Campaign, n.d.-b).
- Gender-Affirming Surgery (GAS): “Surgical procedures that can help people adjust their bodies to match their innate gender identity more closely. Used interchangeably with gender affirmation, gender confirmation, and gender-confirming surgery. Not every transgender person will desire or have resources for gender-affirming surgery. Use this term in place of the older term sex change. Also sometimes referred to as gender reassignment surgery, genital reconstruction surgery, or medical transition” (National Institutes of Health-Office of Equity, Diversity, and Inclusion, n.d.).
- Gender identity: “One’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One’s gender identity can be the same or different from their sex assigned at birth” (Human Rights Campaign, n.d.-b).
- Gender minority: “Individuals whose gender identity (man, women, other) or expression (masculine, feminine, other) is different from their sex (male, female) assigned at birth” (Center for Disease Control and Prevention, 2019).
- Heterosexual: “Refers to a person who is emotionally, romantically, and/or physically attracted to a person of a different gender. Also referred to as straight” (National Institutes of Health-Office of Equity, Diversity, and Inclusion, n.d.).

- Homosexual: “A term to describe gay, lesbian, or queer people which may be offensive depending on the speaker. Originally used as a scientific or clinical term to describe LGBTQ+ people, the word has been reclaimed by the LGBTQ+ community and may be colloquially used by an LGBTQ+ person to reference themselves or another member of the community. Non-LGBTQ+ people should avoid using the term” (National Institutes of Health-Office of Equity, Diversity, and Inclusion, n.d.).
- Lesbian: “A woman who is emotionally, romantically or sexually attracted to other women. Women and non-binary people may use this term to describe themselves” (Human Rights Campaign, n.d.-b).
- LGBTQIA+: “An inclusive term that includes people of all genders and sexualities, such as lesbian, gay, bisexual, transgender, questioning, queer, intersex, asexual, pansexual, and allies. While each letter in LGBTQIA+ stands for a specific group of people, the term encompasses the entire spectrum of gender fluidity and sexual identities” (Betts, n.d.).
- Pansexual: “Describes someone who has the potential for emotional, romantic or sexual attraction to people of any gender though not necessarily simultaneously, in the same way or to the same degree. Sometimes used interchangeably with bisexual” (Human Rights Campaign, n.d.-b).
- Queer: “A term people often use to express a spectrum of identities and orientations that are counter to the mainstream. Queer is often used as a catch-all to include many people, including those who do not identify as exclusively straight and/or folks who have non-binary or gender-expansive identities. This term was previously used as a slur but has been reclaimed by many parts of the LGBTQ+ movement” (Human Rights Campaign, n.d.-b).

- Questioning: “A term used to describe people who are in the process of exploring their sexual orientation or gender identity” (Human Rights Campaign, n.d.-b).
- Sexual minority: “Individuals who identify as gay, lesbian, or bisexual, or who are attracted to or have sexual contact with people of the same gender” (Center for Disease Control and Prevention, 2019).
- Sexual orientation: “An inherent or immutable enduring emotional, romantic or sexual attraction to other people. Note: an individual’s sexual orientation is independent of their gender identity” (Human Rights Campaign, n.d.-b).
- Transgender: “An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.” (Human Rights Campaign, n.d.-b). The previously used term, transsexual, is outdated and is now considered a slur.

Different countries’ governments and academic sources refer to the Queer community using various terms such as LGBT, LGBTI, LGBTQ, etc. In this study, the community will be referred to as the LGBTQIA+ community, or simply, the community, in an effort to include all individuals on the non-conventional gender and identity spectrum; however, when referencing a specific study or law, other terms will be used that align with the language in those studies or laws.

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