



# Advancing LGBTI Rights in Workplaces in Thailand: Good Corporate Brand Images for Contemporary Organizations

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## ■ Abstract

The article aims to demonstrate the advancements and LGBTI initiatives of the private sector organizations in Thailand that support LGBTI people in the workplaces for empowering Gender Equality during January 2021- June 2021. Although the Thai government officially kicked off this issue in March 2020, it seems like only some transnational business organizations in Thailand are actively concerned about promoting LGBTI rights. They have acknowledged this concern as a core issue by genuinely declaring their commitment to LGBTI equality in their company codes of conduct. Organizations that promote LGBTI rights in the workplace mirror an initiative of best practice, a corporate brand image of goodwill, and business trustworthiness. However, empowering LGBTI people at the workplace is in an early initiative stage, as seen in only big business companies. For example, Mercedes-Benz IBM, Facebook, Axxa Insurance Thailand, and Shell Thailand. These initiatives would be sustainably inspired other small and medium enterprises fostering and implementing this policy. The implication of this article argues that more Thai national companies should be more encouraged about the significance of LGBTI inclusion in Thai national business organizations building up a friendly ecosystem conform with the global social movements of gender equality.

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## ■ Introduction

Why LGBTI<sup>1</sup> Inclusion in the Workplace Matters for Corporate Brand Organizations – Prerequisites for Effective LGBTI Inclusion Policies and Practices? Presently, society has seen the significance of gender equality since it is a critical worldwide force for progressive social transformation and have proven effective in creating changes that policy, law, and development interventions alone have not accomplished. The United Nations regards “Gender Equality” as the goal 5 of the UN Sustainable Development Goals (SDGs). More specifically, LGBTI rights have progressed considerably over the past 20 years. Significantly, in Thailand, LGBTI rights have been progressively recognized since 2014, as momentarily stated in the National Human Rights Plan Article 3 and currently Article 4. This advancement has been shaping global public opinion, and therefore boosting the idea of LGBTI inclusion in the workplace.

The ideas of diversity and inclusion—LGBTI inclusion in the workplace is about the fair treating practice to all staffs impartially and enabling equal access to career

opportunities, regardless of gender identity, sexual orientation, and gender expression (U.S. Chamber of Commerce Foundation, 2019). Various worker representation positively affects business results because it allows a company to leverage all talent efficiently. Therefore, LGBTI inclusion within the workplace recognizes, understands, and tackles the unique challenges that LGBTI women, men, and other gender identities and expressions face during recruitment, in daily workplace interactions, and in advancing to leadership positions. It also recognizes cultural differences in an organization, both by function and office, and challenges workplace norms in each of these cultures. LGBTI-inclusion initiatives undeniably involve LGBTI and non-LGBTI employees. These are friends, family, administrators, customers, and co-workers who need to understand the challenges LGBTI workers suffer at work. LGBTI and non-LGBTI workers alike should feel satisfied and empowered to openly demonstrate their support for LGBTI inclusion, building up an inclusive working ecosystem.

Investigations on LGBTI friendly in the workplace have found that companies that bring in LGBTI-inclusive practices favour increasing their financial reputation and do better than other organizations (Roberts & Landa, 2015). Besides, regardless of their

<sup>1</sup> LGBTI stands for Lesbian, Gay, Bisexual, Transgender, and Intersex people.

sexual orientation or gender identity (SOGI), workers show greater job gratification in LGBTI-inclusive organizations (Badgett et al., 2013). Thus, Diversity and Inclusion – LGBTI inclusion is a business essential that creates sustainable shared advantages for organizations (Fullerton, 2013).

In terms of business branding and marketing, companies that foster LGBTI inclusion in the workplace are advantageous for companies' Corporate Social Responsibility (CSR) for building up their brand images- reflecting how they care for society and their staffs' quality of life (Jonsen et al., 2019). To be noticed, CSR is a philanthropy concept that nowadays the business sectors employ for creating social admirations on their companies' empathies, integrities, and generosities (Kotler, 2016; Kotler & Lee, 2009). It is commonly believed that business companies can benefit society while boosting their brands. As important as CSR is for society, it is equally helpful for a company (Poddar & Narula, 2019). CSR implementations can help advance a more excellent bond between employees and corporations, boost spirit and help both workers and companies feel more relevant with the world around them (Carroll, 2015). For this reason, business companies that foster LGBTI inclusion in the workplace could economically and beneficially bring companies trustworthiness from consumers

and all stakeholders - good corporate brand images.

Progressing an LGBTI initiative is significantly required many attempts (Megathlin, 2007a, 2007b). Organizational frontrunners might meet with disapproval based on uncertainty over why LGBTI inclusion is relevant at work, lack of adequate information on the difficulties that LGBTI workers suffer, and inadequate comprehension of the physical and verbal prejudice and violence they may encounter. Various misunderstandings about LGBTI-inclusion initiatives are such as people may think they deal with sexual behavior at work to understand an individual's LGBTI identity as a sensitive and private matter that falls outside of an employer's concern and responsibilities and should be left at the residence.

Diversity professionals need to communicate clearly that the term LGBTI refers to a person's sexual orientation and gender identity, and mode of gender expression – not an individual's sexual behavior, practice, or activity. It is also critical to underscore that sexual orientation, gender identity, and gender expression define characteristics applicable to all LGBTI and non-LGBTI individuals. We all bring these essential components of our identity to work (Megathlin, 2007a, 2007b). Many companies are standing behind their pledge

to LGBTI inclusion. Nevertheless, LGBTI inclusion in the workplace has often been described as the litmus test for how serious organizations generate a workplace culture inclusive and accepting of all genders and diversities (Pride in Diversity, 2013). Thus, generating an inclusive culture for LGBTI, companies necessitate creating a substantial infrastructure by producing an unbiased attitude on LGBTI staff, performing LGBTI-inclusive policies, and developing a consecutive LGBTI initiative organization. When it has been undertaken, companies should be strongly interacting with their staff beyond the organization (Megathlin, 2007a, 2007b).

This academic article purposes to elucidate the advancements and initiatives of the business corporations in Thailand that promote LGBTI people in the workplaces for empowering Gender Equality. In order to demonstrate the progressions and initiatives of the business companies, the following article draws upon a review of LGBTI inclusion in the leading companies in Thailand and LGBTI Discrimination and Antidiscrimination Law in Thailand from January 2021-June 2021. By employing a documentary research method as the principle to look for the companies best practices, the discussion was analyzed from the companies codes of conduct that illustrate the concerns of LGBT diversities

and inclusions at the workplaces during January 2021-June 2021 (Denzin & Lincoln, 2011; Silverman, 2004). It focuses on five topics in turn: (i) the social/cultural contexts, reflecting the cultural norms, constraints, attitudes, and behaviors towards Thai LGBTI people; (ii) the laws and policies on LGBTI anti-discrimination in the workplace in Thailand; (iii) incidences of LGBTI discrimination in the workplace in Thailand; (iv) good practices in Thailand; and (v) a summary and recommendations on LGBTI inclusion in the workplace in Thailand.

### **Conventional Gender Norms, Challenges, and LGBTI Prejudices, Unfair treatments, and Discriminations in the Workplace in Thailand**

Cultural Gender perceptions and norms in Thai society are traditionally rooted in the patriarchy, strict conventional gender roles, and masculinity (Jackson & Cook, 1999; Siripai, 2018, 2020; Siripai & Haywood, 2017). For example, men and boys socially can do most typical works while ladies and girls clean; men often work in politics while secretarial and administrative jobs are for females. There are significantly more male than female CEOs, more straight people than LGBTI people (The Global Entrepreneurship Monitor, 2019). In the social hierarchy,

females are socially regarded as lower than men. Nevertheless, gender is a social construction. Numerous people around the world question the beliefs of what gender signifies and how it is expressed. Thailand is well known for people who challenge conventional understandings of gender identity and expression.

The social construction of Thai gender identities is profoundly contextualized within “times and places” [kalathesa], along with Buddhist traditions, with Thai males and females routinely passing between differently structured gendered circumstances (Dredge Byung’chu Käng; Van Esterik, 2000). Thai values “contextual sensitivity” or knowing what is proper in each time and place. They socialize themselves, their children, and their visitors to develop contextual sensitivity. Kalathesa moves with ease between contexts structured by different normative expectations. As individuals and shapers of institutions, Thais shift between contexts quickly and skillfully, influenced perhaps by Buddhist orientations to impermanence (Liamputtong, 2014).

Significantly, Kalathesa is often legitimated by gentlemen via Thai Buddhist cultural values (Jackson, 2004; Persaud, 2005; Van Esterik, 2000). For example, males are traditionally allowed to be at the front of the line with the monks (males).

Females are domestically expected to be in the kitchen. Also, at the temple, females are traditionally accustomed to sitting at the same level as the monks and being close to the monks are appropriate, while men can. This is because Buddhist doctrine forbids monks to hand or skin touch females. So that, females and monks must keep their distance not be closed to each other. Furthermore, LGBTI people are often respected the outsider, set apart from straight people (Dredge Byung’chu Käng). Although Thailand is usually known as the heaven of LGBTI, there is a significant lack of legislation and gender equality in society. Kathoey- transwomen or feminine gays are often seen as subordinate roles. These kinds of perspectives are often represented in Thai soap operas as moron comedians, psychos or servants (Liamputtong, 2014; Martin et al., 2010). From this point, LGBTI people must frequently tolerate discrimination, bullying, and stigmatization in the workplace. These cultural norms have reproduced the gender-discriminated representations in Thailand (Jackson, 2000; Jackson & Cook, 1999). For this reason, it is indisputable that the Media Representations of Biased Gender identities significantly shape the ideas of Gender stereotypes and norms. And, of course, this perspective of gender biases has brought to the unfriendly workplace ecosystem. (Liamputtong, 2014; Martin et al., 2010).

As the implication explained, Thai cultural values in everyday life are culturally rooted in patriarchal power (Siripai, 2020; Siripai & Haywood, 2017). These patriarchal values formed the intense masculine power of domination, generating stigmatization over LGBTI people (UNDP & APTN, 2017). So that whoever differs from cultural gender norms frequently suffer social outcomes such as homophobic and transphobic exclusion, and in some cases, utterly physical violence (Ojanen, 2009). Several LGBTI subgroups rise to have a different status (WHO, 2005). So that if whoever seems to be evident in showing non-normative SOGI, they might be encountered discrimination, prejudice, bully, or violence, for example, trans people and others who do not embody prevailing gender norms. (Ministry of Public Health, 2009).

LGBTI people in Thailand is one of the most marginalized people tolerant of verbal and non-verbal discriminations and violence in the society (UNDP and USAID, 2014). Nevertheless, if considering the overall social acceptance, they seem to have growing societal approval of LGBTI people (Mahidol University, Plan International Thailand, & UNESCO, 2014). What can be seen on the streets in Thailand coexists alongside the taboos of sexual activity and gender expression framed in public-sphere discussions. Regarding Thai cultural norms, the feeling of pressure as the outsider

does not fit in with the cultural myths of being male or female are high. Those who do not comply with the gender norms may be suppressed to homophobia in numerous forms: mockery, threatening, prejudice, discrimination, and regrettably, a physical violation. Many LGBTI people have tried to fit in the gender norms by covering their gender characters, pretending to be straight, or dismissing themselves from the world. Undeniably, the prejudices, biases, and discrimination against LGBTI people are still a controversial issue (Suriyasarn, 2014). More specifically, in the workplace ecosystem of the labor market, several LGBTI people have battled with unfair, prejudice and bias treatment based on non-normative gender identities, unlike the heterosexual co-workers. For example, ridiculous, harassment, unfair treatment, and regrettably, physical violence.

It has been found that there's good advancement for Thai LGBTI people, rather than other developing and middle-income countries (UNDP, 2019; World Bank, 2018). However, a study found that LGBTI workers still suffer from unfair treatment, prejudice, stigma, discrimination, low-job-opportunity in life, and several obstacles entering the public standard services. Empirically, regarding the two most up-to-date studies by UNDP Thailand in 2019 and the World Bank in 2018, the LGBTI stigmas, discriminations,

and inadequate LGBTI rights are the critical problems to advance LGBTI rights, and of course to advocating LGBTI inclusion in the workplaces. UNDP Thailand's study of LGBTI tolerance and exclusion from society was built on a national survey on LGBTI discrimination and social attitudes in Thailand. The analysis implication revealed that stigmas, prejudices, and discriminations unfairly obstruct LGBTI workers from job promotions and friendly environments. Alongside this, the weak and inadequate national law enforcement for LGBTI employees in the companies have restricted them from entering the labor markets and national services. More importantly, the implication of this study also showed that Thai LGBTI people had endured lower job hiring, training, well-being, and socio-economic outcomes than straight people. Thus, promoting LGBTI rights and positively building up a social understanding of the LGBTI friendly ecosystem and advancing the LGBTI laws protecting LGBTI people could be an ideal way to make pride, dignity, and happiness for all equally.

Similarly, the World Bank study about LGBTI economic inclusion in Thailand in 2018 reported that prejudice, bias, discrimination, stigma, social separation, and disturbance are the problematic points that have stolen LGBTI people from dignities and blocked them from obtaining good

opportunities in life. This study argued that despite some legal and social advances in the past two decades, they might continue to confront widespread discrimination and violence in many countries, including Thailand. These problems have led to exclusion and harmful impacts on both the lives of LGBTI people and the communities and economies in which they live (World Bank, 2018). Significantly, prejudices, biases, discriminations, and challenges in the Thai labor market restrict LGBTI groups and their ability to excel in their professions, perhaps impacting their salary levels. All these factors weaken their wellbeing and potential contribution to the markets that underpin Thailand's economic growth.

#### **National Law and Policy about LGBTI Rights in the Workplace in Thailand**

In the 2006 constitution, Article 30 outlined a general anti-discrimination clause, stating that origin, race, language, sex, age, health condition, personal status, economic or social standing, religious belief, education, or political views could not be grounds for unequal treatment. Although sexual orientations and gender identities were not explicitly mentioned, "Phet/เพศ" (Gender) was. A document outlining the intentions of the constitution explained that discrimination based on "sexual identity or

gender, or sexual diversity”, was covered by the ban on discrimination based on “Phet/เพศ”. However, following the 2014 military coup, the 2006 constitution was abrogated, and the existing constitutional protection afforded to LGBTI individuals was eliminated. The 2017 Thailand Kingdom Constitution (B. E. 2560<sup>2</sup>) prohibits discrimination based on sex by using almost the exact wording of Article 30 of the 2006 constitution, without specific reference to gender identity or sexual orientation.

The acknowledgement of Thai LGBTI human rights in Thailand was firstly approved in the national constitution of 2007, in section 30 on non-discrimination and equality before the law (Kaleidoscope Human Rights Foundation et al., 2016). It mentioned that the Thai word “Phet/เพศ” (sex) is comprehended to differentiate between males and females and individuals whose gender identity and sexual diversity are distinct from their organic sex. The constitution states that all people are equal before the law and shall enjoy equal protection under the law. Men and women have equal rights. Partisan discrimination against a person based on differences in race, sex, age, language, personal status, physical or health condition, economic or social standing, religious belief, education, or constitutional political views, shall not

be allowed. The 2007 amendment to the constitutional process allowed LGBTI individuals to participate in the development of legislation and policy, including protecting against abuse and discrimination in education and employment, the right to be recognized as a transgender person, and recognizing same-sex marriage (ILGA World, 2016). Unfortunately, a military coup in 2014 resulted in the suspension of the 2007 constitution (ibid). After the coup, all national legislative bodies were merged into a single parliamentary system. The National Legislative Assembly passed the first-ever bill to protect people from gender discrimination, which came into force on 9 September 2015 (Thailand Gender Equality Act, 2015). However, according to former U.N. Special Rapporteur on SOGIESC rights, Professor Vitit Muntarbhorn, the Act is highly controversial due to its very broad exceptional legal principles, which allow discrimination when it comes to national security and religious beliefs, and its failure to provide access to remedies (World Bank, 2018).

For many decades, Thailand has not criminalized relations between individuals of the same sex. In contrast to prevailing Western understandings, where sex, gender, sexual orientation, gender identity, and gender expression form separate and

<sup>2</sup> B.E. stands for Buddhist Era (for Thai Calendar; the western year is plus 543 years)

independent dimensions, in Thailand *Phet/WFA* (gender) tend to be understood as fixed, mutually exclusive combinations of these characteristics. For example, a male person identifying as gay may be understood to be a different *Phet/WFA* than a heterosexual man. However, this understanding only applies to everyday discourse; only men and women are legally recognized as distinct *Phet/WFA* (Preechasilpakul 2013). Even though the legal protection or accommodation of the needs of LGBTI individuals was formerly limited (Preechasilpakul, 2013, Ojanen 2009), recent constitutional clauses against sexual discrimination were reinterpreted to cover LGBTI characteristics. Several laws have been passed to provide additional protection against discrimination (World Bank, 2018). The Thai government has endeavored to create a more inclusive society, with the Rights and Liberties Protection Department focusing on equal access, regardless of gender, sexual orientation, and sexual expression. Nevertheless, the patriarchy is still culturally rooted in various domains of social life, and women and LGBTI people remain to be viewed as inferior to (straight) men (Ministry of Public Health, 2009; UNDP & APTN, 2017; WHO, 2005).

The Gender Equality Act of 2015 was an essential accomplishment and a recognition

that addressing SOGI is significant for Thailand's overall development. It made it unlawful to discriminate against a person "because the person is a man or woman or of a different appearance from his/her sex by birth" (Article 3). However, it is unclear whether its protection extends to sexual orientation. Along with this law, the Gender Equality Promotion Fund was authenticated by the Department of Women's Affairs and Family Development and committees, publicly raising social awareness, and eliminating all forms of bias and discrimination.

Currently, the acknowledgement of same-sex partnerships in Thailand has not been recognized yet (Sanders, 2011). It has no remembrance of hate crimes under the law, and no constitutional law addressing anti-discrimination based on sexual orientation or gender identity (OutRight Action International, 2012). Just *males and females* – the two biological sexes are recognised (Preechasilpakul, 2013). LGBTI couples cannot marry under existing legislation, nor can they have related rights and benefits. Transgender people, especially those who have undergone a gender-affirming operation, cannot constitutionally correct their title or legal sex on their nation official documents (Chokrungrvaranont et al., 2014). Intersex people may correct their legal sex after

a gender-affirming operation, presented they have official papers from a healthcare provider accrediting that their original legal sex had been incorrectly indicated (iLaw, 2012). Notwithstanding, in July 2020, the cabinet admitted a draft civil partnership bill and the related accompanying laws, reconstructing parts of the Thai Civil Code to verify civil partnerships between same-sex couples (Muntarbhorn, 2020). This bill is still being as a draft; it has yet to be scrutinized by the Thai Parliament. The new civil partnership bill is a significant step in a series of gradual progressions. It is a long overdue but welcome and constructive development toward equal rights that look to humanity rather than gender.

*Developing LGBTI Rights in the Workplace in Thailand*

In 2018, three years after the enactment of the Gender Equality Act, the Thai Government kicked off its gender equality program by drafting and initiating the guidelines for equality and eliminating unfair discrimination between genders (Brainstorm, 2018). As a consequence of this Act, to preserve and protect LGBTI people from discrimination in the workplaces, Thailand currently complies with the National Action Plan on Business and Human Rights Period 1 (2019-2022). By which,

it notably mentions several fair measures to support and protect LGBTI people in the workplace. For example, unprejudiced employment, promotion, discrimination, petition, amelioration and so on. However, at this point, Thailand is regarded as the first country in Asia that officially promotes LGBTI Rights in the workplace, regarding the National Action Plan on Business and Human Rights.

Recently on 2 March 2020, the government took serious action on gender equality, led by Deputy Prime Minister Jurin Laksanawisit as chair of the Gender Equality Promotion Committee, who presided over the ceremony of signing the Memorandum of Understanding (MOU) “Promoting equality and eliminating unfair discrimination between genders”, organized by the Department of Women’s Affairs and Family Development (Matichon News, 2020). The Ministry of Social Development and Human Security was joined by 24 government agencies, private organizations, and educational institutions in signing the declaration of intent. These included Charoen Pokphand Foods Public Company Limited (CPF), Adecco Thailand, Siam Cement Group Public Company Limited (SCG), and the Securities and Exchange Commission, Thailand (SEC). The MOU focused on six areas: (1) dress code, allowing personnel to dress according to

gender identity; (2) arranging a physical area suitable for people of diverse gender identity and gender sensitivity; (3) recruitment and job applicant qualifications, specifying requirements or ability that correspond to the job without targeting gender; (4) communication between people concerning f-words, language and gestures, appropriate documents concerning gender identity and expression of the individual; (5) gender disparity, the selection of committees or persons holding various positions in the agency with an emphasis on equality; and (6) prevention and a grievance mechanism in response to the problem of sexual harassment or harassment in the workplace, and enhancing knowledge and understanding of sexual harassment or harassment behaviors, as well as establishing guidelines to prevent and solve these problems.

Under this current constitution, the Thai government has exercised executive and legislative power to protect people from all patterns of bias based on sexes and genders and synchronizes progressively with human rights.<sup>3</sup> Notwithstanding, the annotations applied to define LGBTI people, or the ideas of gender identities or gender expressions, in regulations, court verdicts, and juridical documents, display an inconsistency of language (UNDP, 2018). This influences

the interpretation and represents the extensive lack of thought amongst policymakers about LGBTI people (ibid). The Gender Equality Act 2015 is located under the anti-discrimination attention as Thailand is the only national legal apparatus dedicated to advancing equality and terminating all kinds of discrimination, bias, and prejudice on the spots of gender (Committee on Elimination of Discrimination against Women, 2017). Hence, LGBTI people are authorized to have its protection. The act defines unfair gender discrimination as any acts or exclusions of the Act which cause partition, discrimination, or restriction of any right and benefit, either directly or indirectly without rationalization, because the individual is male or female or of a different form from his/her sex by birth (Gender Equality Act 2015).

By all means, the advancement of LGBTI Rights in Thailand is being optimistically progressed and legitimately recognized. As lately, the Thailand Ministry of Justice is in the process of making the Anti-Discrimination Bill draft. This Bill will be excellently meaningful to LGBTI people in Thailand since it will help resolve the inequitable problems happening with LGBTI people in Thai society. This advancement also will reflect that the voices of LGBTI people are pragmatically and legitimately solved and will never be left anyone behind.

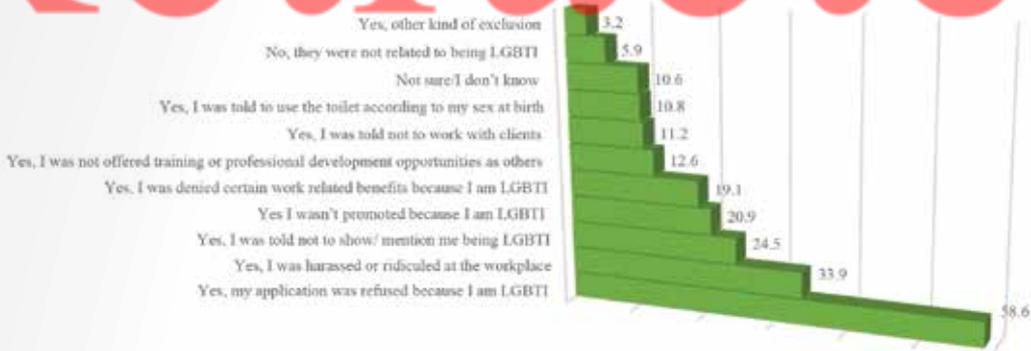
<sup>3</sup> *Constitution of the Kingdom of Thailand, enacted on 6 April B.E. 2560 (2017), article 27*

**Prejudices, Biases, unfair treatments, and Discriminations in the Workplaces in Thailand**

SOGI is a critical issue when it comes to being discriminated against in the workplace, as can be seen from the World Bank Report 2018. This study is one of the most important comparative studies, using the quantitative and qualitative techniques on a sample of 2,302 LGBTI and 1,200 non-LGBTI people residing in Thailand. The findings show that LGBTI people confronted the most severe discriminations and biases in the labor market, including application refusals, harassment, and

feeling pressured disguising their gender identities. Of the LGBTI participants who unfairly encountered biases and unfair treatments when applying for a job, 58.6 per cent asserted that being LGBTI appeared in their job applications being declined. Around 40 per cent were harassed or ridiculed at companies for being LGBTI, while 24.5 per cent were advised not to expose or declare that they were LGBTI. Besides, 20.9 per cent of LGBTI respondents had been neglected for a promotion, and 19.1 per cent were discarded certain work benefits due to their gender identities (see Figure 1).

**Figure 1** Discrimination Experienced by LGBTI Respondents at Work or When Applying for a Job (percentages) (n = 2,302)



Source: World Bank analysis of survey data.

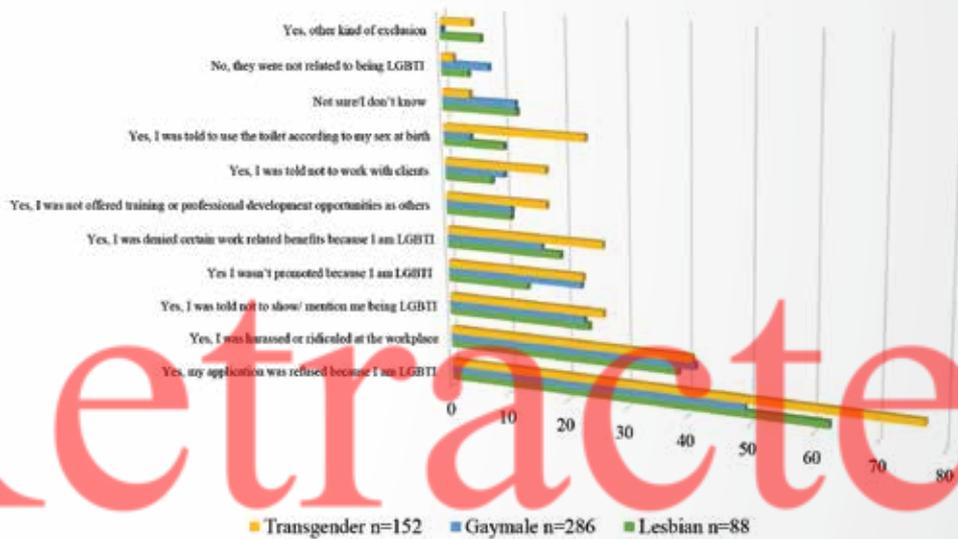
Figure 2 shows the proportions of subgroups affected by various forms of discrimination. The top three forms of discrimination are consistent across the three subgroups, with job application

rejection on top, followed by workplace harassment and pressure to hide identity (World Bank, 2018). Variation is, however, seen in application rejection: 77 per cent of transgender people had been rejected,

in contrast to 49.3 per cent of gay men and 62.5per cent of lesbians. There are slight differences in workplace harassment, with the percentages for transgender, gay men, and lesbians being 40.8, 41.3, and 38.6

per cent, respectively. One unusual area is discrimination when using the restroom, where 23.per cent of trans people suffered discrimination in contrast to 4.per cent of gay men and 10.per cent of lesbians.

**Figure 2** Forms of Discrimination at Work or When Applying for a Job, by Subgroup (percentages)

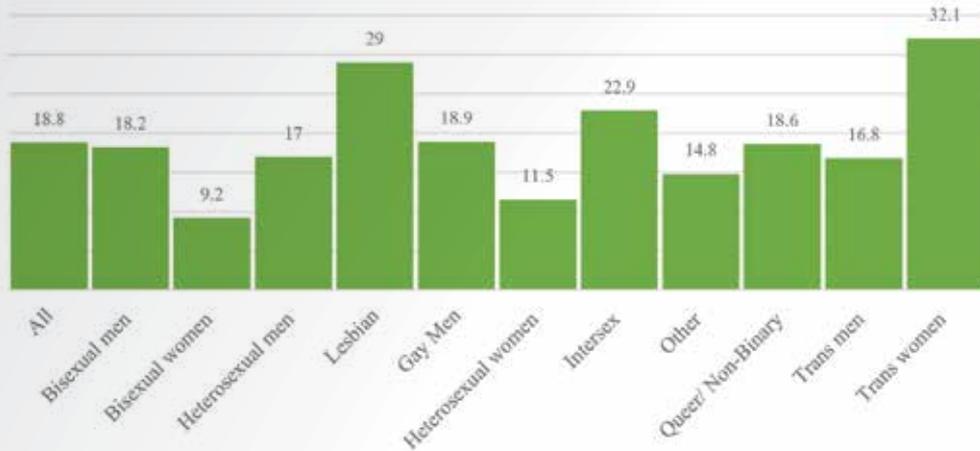


Source: World Bank analysis of survey data.

A study by the Asia Pacific Transgender Network and Curtin University about Thai LGBTI people in the workplace also shown employment discrimination. Besides, deteriorating treatment of LGBTI happened when they had reached into an interview round (APTN and Curtin University, 2019). The study shows that lack of legal recognition is the critical reason for LGBTI people losing their job opportunities. The circumstances have unjustly made LGBTI applicants express themselves as their

biological sexes according to their birth certifications (ibid). Therefore, it could be said that gender identifications are used to reinforce binary notions that rigidly control gender expression. These are strictly executed through uniform ordinances that differentiate dress codes of males and females, regarding biological sexes, with highly restricted choices (APTN and Curtin University, 2019; UNDP, 2019; World Bank, 2018).

**Figure 3** Percentages of LGBTI people who have experienced at least one form of discrimination in the workplace



source: UNDP, 2019

A 2019 UNDP survey study of 2,210 respondents on experiences of discrimination and social attitudes towards LGBTI people in Thailand also revealed that stigma and discrimination against LGBTI people had limited their employment opportunities. Of non-LGBTI respondents, 1 per cent felt that being LGBTI was reasonable grounds for facing discrimination in the workplace, and another 11 per cent were ambivalent. Some respondents believed that LGBTI people should not be permitted in the workplace; this would result in decreased employment opportunities for LGBTI people. Figure 3 shows the percentages of LGBTI subgroups that experienced discrimination in their current or most recent job.

Significantly more transgender women were discriminated against than any other LGBTI subgroup (UNDP, 2019). Correlating with the World Bank (2018) report on the LGBTI labor market, the data from the UNDP survey indicate a higher proportion of transgender individuals facing discrimination in the labor market than gay men or lesbians. About 60 per cent of transgender respondents reported facing discrimination; twice the figure for lesbian respondents (29 per cent) and more than three times that of gay respondents (18.9 per cent).

Occurrences of LGBTI discrimination in the workplace from previous studies (Human Rights Council, United Nations General Assembly, 2018; Ozeren, 2014)

fall into two types, each of which is related to the denouncing judgment that a person cannot be a good employee. Firstly, LGBTI workers suffer “formal” prejudice related to the terms of their employment. For example, unfair wages, no hiring, sacks, and reject job promotions. An international review of scholarly studies has documented such discrimination (Human Rights Council & United Nations General Assembly, 2018). The 2018 World Bank study showed that more than half of LGBTI job seekers were constantly afraid that their applications would be denied because of their sexual orientation, gender identity, and gender expression. Secondly, the typical bias of LGBTI people in the workplace correlates to employment circumstances, such as verbal abuse and unfavourable treatment (i.e. no respect) by supervisors and colleagues (Human Rights Council. United Nations General Assembly, 2018; Ozeren, 2014).

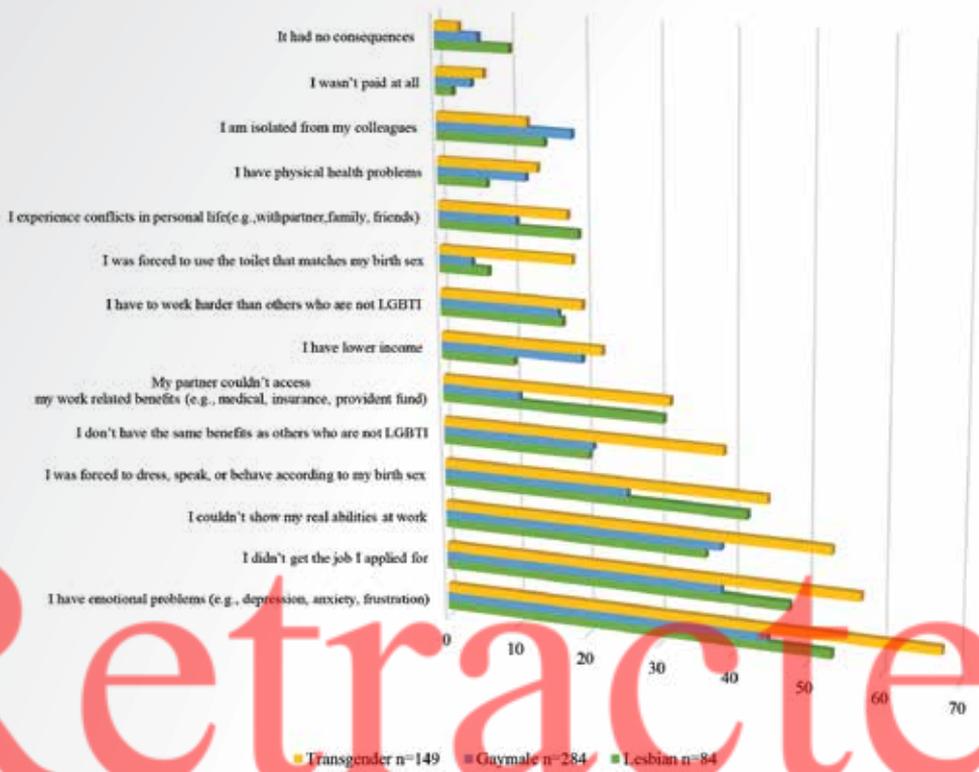
#### *Outcomes of Unfair treatments in LGBTI employees in the Workplace*

The consequences of unfair treatment happened in LGBTI workers have diverse

forms ranging from denial of work to psychological impact, including depression. Many LGBTI employees who unfairly endured discrimination in the workplace reported emotional problems regarding the World Bank Report. Discrimination also led to jobs declined (45.1 per cent) and threatened the capacity of LGBTI people to show their work abilities (42.3 per cent). Only 5.8 per cent of LGBTI workers showed no outcomes (See Figure 4).

The outcomes of discrimination reverse among subgroups. The top two consequences across subgroups were emotional difficulties and not getting a job (Figure 4). Both consequences were more frequently cited by transgender respondents than by gay men and lesbians. Over two-thirds of transgender respondents confronted emotional difficulties because of unfair treatments, compared to 53.4 per cent of lesbians and 44.8 per cent of gay men. The third-highest outcome for transgender and gay men was failed to prove their complete skills at work. Lesbian respondents mentioned the trouble to act complying with the conventional gender norms.

**Figure 4** Consequences of Discrimination at Work or When Applying for a Job, by Subgroup (in percent)



Source: World Bank analysis of survey data, 2018

The indications of discrimination in the workplace show challenges to the entire economic inclusion of LGBTI people, as can be seen in significantly stated economic impacts on LGBTI people, such as unfair wages and having to work harder, in addition to mental and emotional suffering. These implications are constant with the gender unfairness literature and suggest a necessity for Thai administration measures, policies and practices, solid commitment with the private sectors, and programs to

support more gender diversity and inclusion in the workplace.

**Advancing Gender Equality in Business Organizations: Leading Transnational Business Companies in Thailand Promote LGBTI Inclusion in the Workplace**

Positive signs of advancing gender equality in the workplace have been seen since the enactment of the Gender Equality Act 2015, for example, the signing of

the MoU in March 2020 (Securities and Exchange Commission, 2020). The MoU is a cross-sectoral initiative encouraging private companies to foster the principles of gender equality in the workplace. It is intended to remove gender bias from recruitment and job application processes, ensure gender diversity in selecting committees, and put in place prevention and grievance mechanisms in response to discrimination or harassment in the workplace.

As a result, it has found five leading multinational firms operating the business in Thailand advancing LGBTI rights in their workplaces, regarding a review of their companies' codes of conduct and online public news resources (Matichon News, 2020; Securities and Exchange Commission, 2020). There are such as, Mercedes-Benz, IBM, Facebook, Axa Insurance Thailand, and Shell Thailand. However, it is noticed that companies promoting LGBTI inclusion in the workplace are mostly transnational organizations. Whereas it is hardly found Thai national companies promote this policy of LGBTI rights in their workplace officially. These business organizations are regarded as the ideal Thailand Initiative Good Practices on LGBT inclusion at the workplace in Thailand during January-June 2021, as seen in the following.

Mercedes-Benz Thailand and the global companies publicly employ diversity and

inclusion in the workforce, promoting LGBTI people at their company (Daimler, 2021). Mercedes-Benz fosters a culture of esteem and respect, whereby origin, age, gender and gender identity or sexual orientation do not play any role. The company's code of conduct is also nailing our colors to mast for Daimler Pride's exact values. And Mercedes-Benz by Daimler is doing so worldwide. Mercedes-Benz believed that this initiative is enriching and crucial for our company's successful transformation – it is their vital engine for innovations. However, it could tap the full potential of our diversity only if we respect each other and include everyone equally and fairly. At Mercedes-Benz, they are also proclaiming Pride Month for the first time this year-2021. To greater togetherness and building up a better understanding of the views of their colleagues. Mercedes-Benz took the June month to speak about the issues of the LGBTIQ+ community in various digital activities. However, Mercedes-Benz by Daimler Pride Month is not a month exclusive to the rainbow community. It is a month for greater togetherness. The company invited the entire workforce to stand with and for the community and participate in Pride Month.

IBM believes that diversity and inclusion are the quintessential components of their company's values and are tightly integrated with their core business approach

(IBM, 2021). So that company's leaders endeavour to constantly manage their workers in line with their core values and beliefs to facilitate them to improve their full potential and advance beyond inclusion to a world of engagement. IBM endeavors to engage governments, communities, and other partnerships. For IBM LGBT employees, the company has a long history with LGBT workplace equality. As early as 1984, IBM included sexual orientation in our non-discrimination policy. In 1995, IBM established an LGBT executive task force known as the Global LGBT Council and was focused on making IBM a safe and desirable workplace for all people. In 2015 IBM was named the world's most LGBT-inclusive company for the second year in a row. Additionally, for the 13<sup>th</sup> consecutive year, IBM scored 100 per cent on the Human Rights Campaign's Corporate Equality Index. This Index shows the fair treatment of LGBTI employees since it is the national benchmarking tool for corporate policies and practices. This Index publicly demonstrates each fair annum payment, equal-employment opportunity policies that include sexual orientations and gender identities or expressions, employment advantages for all benefits.

At Facebook, the company is strongly believed in diversity and inclusion, also LGBTI inclusion in the workplace policy

(Facebook, 2021). This means that to bring the world closer together, the company employs diversity is a must-have for Facebook, strongly emphasizing that is not an option. So that in terms of hiring people with different backgrounds, experiences, genders and so on helps to build better products, make better decisions, and better serve to their clients. They're also committed to building a workforce that's as diverse & Inclusion as the communities and strive to provide the best possible fair treatment and resources to help all employees at work, personal life, and every life stage.

Krung Thai-Axxa Insurance-KTAXA strongly values uniqueness and diversity (Diversity Journal, 2021). So that, regarding the issue of LGBTI inclusion at their workplace is one of the key things that they are proud of. They encourage their staff members to be themselves for whatever gender identities. They have brought out the best in their employees, as they firmly believe that great people build great companies. KTAXA firmly stated that LGBTI inclusion is not just a must-do strategy for HR to show their social responsibility but because it is the right thing to do. Everyone is deserved to be treated equally and have fair opportunities to succeed in life. Regarding the Diversity and Inclusion practice, the company work hard to educate leadership, management, and

staff about unconscious biases, prejudices, discrimination. For example, people may have an unconscious bias toward people with disabilities or LGBTI. These beliefs can impact the company's ability to attract the best job candidates, relate to customers, and ultimately succeed as a business.

Shell Thailand, a transnational company in Thailand, also supports LGBTI diversity and inclusions, empowering LGBTI rights in the workplace. Shell promotes several campaigns in the company supporting the LGBTI staff. For example, the Workplace Pride, Flying the Flags for Pride and organizing the training to building awareness of LGBT diversity and inclusion, sexual orientations.

Momentously, adopting a same-sex marriage law would unequivocally acknowledge SOGI in the Gender Equality Act of 2015, abundantly embrace all genders and sexual orientations, and strengthen and enforce legal safeguards against all forms of gender-based violence. This would give same-sex couples equal access to the same institutions, workplaces, benefits, and duties as opposite-sex couples. It would also give LGBTI employees the right to form families, including parenting, adoption, surrogacy, and access to reproductive technologies. Alongside this, the government and all stakeholders must educate the public and all citizens and residents about the high

pervasiveness of discrimination against LGBTI people in public and private spheres. The key ideas are to collectively promote LGBTI acceptance in the family and provide parents with resources to support and communicate with their LGBTI children.

## ■ Conclusion and Recommendations

Advancing LGBTI inclusion in the workplace in Thailand is positively in an early stage. It can be seen merely from big companies such as Mercedes-Benz IBM, Facebook, Axxa Insurance Thailand, and Shell Thailand. In the future, this would be an excellent development for those small and medium enterprises adopting this policy. Significantly, it could be argued that the more adoption of LGBTI inclusion in the workplace should be more encouraged amongst Thai national business organizations across Thailand in these recent days to comply with the gender equality global social movements.

Developing and implementing an LGBTI initiative within a broader diversity and inclusion framework is essential to achieving core organizational culture change. Diversity could not happen without the understanding of individual differences. Organizations valuing diversity will recognise that the heterogeneity of the differences

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delivers, the variety that we value, may also, at times, result in conflict. However, some people in the company might not be happy with the promotions of LGBTI inclusion. This may be because of intense cultural values, patriarchal values, or a more traditional mindset. The more companies create the workforce's diversity, and the more companies might face disagreement and conflict. Diversity practitioners should be patient and be consistent in educating their staff, learning to accept individual differences and respecting diversities.

Stigma and discrimination were significant barriers to LGBTI inclusion in the workplace in Thailand; these barriers have affected individuals' incomes, their psychological and emotional wellbeing. Discrimination, Bias and unfair treatment in the companies can produce debilitating consequences. Furthermore, rejections of LGBTI employments shows adverse effects in several ways on companies' corporate brand image. Since the awareness of Corporate Social Responsibility (CSR) for business sectors are highly expected the recent days (Kotler & Lee, 2005). So that, companies should take serious actions the social responsibilities in several social contradictions. This, for example, empowering LGBTI rights in the workplace.

Thai LGBTI people have suffered several job discriminations in many forms

at companies and when applying for jobs. Job discrimination against lesbian, gay, and transgender people take many forms, most commonly application rejection and harassment at work. Among LGBTI workers, trans people have often encountered severe discrimination and unfair treatment in the workplace. Because of job discrimination and unfair treatment, numerous LGBTI employees suffer depressions, stress, and frustrations. The more significant discrimination in the labor market reported by transgender individuals may be due to their difficulty with and/or unwillingness to hide their identity.

From the review of the entirety of occurrences of anti-LGBTI prejudice in the workplace, it is recommended that private enterprises and government organizations develop and implement campaigns to promote awareness, establish high-level government and private sector commitments to LGBTI inclusion in the workplace, and affirm equal rights for all in the labor market. Concurrently, the state and all relevant stakeholders should develop and implement equality and non-discrimination in employment and occupation law, establish an effective monitoring mechanism, promote the role of the Equal Employment Opportunity Commission, and encourage social dialogue between different stakeholders.

State Agencies should officially add the SOGI non-discrimination element in health service delivery personnel training, implement methods to prevent any non-relevant inquiries about SOGI, and develop and implement legal processes permitting partners to be beneficiaries. All LGBTI employees have the right to self-determination and recognition of their gender. Bias based on sexual orientation and gender identity in the workplace should immediately be made illegal. Thailand ensures that laws against sexual assault, rape, and sexual harassment protect all people regardless of their sexual orientation or gender identity. Likewise, private enterprises and government organizations should incorporate gender equality and SOGI nondiscrimination guidance into pre and post-training and raise awareness about SOGI inclusion, non-discrimination, violence reporting, and referral systems.

In terms of the state statistical database, the government should develop integrated evidence through SOGI-disaggregated quantitative research by adding sections on SOGI to national survey research and registry data, investigating best practices and analyzing relevant policies and programs. This should include research into the reasons and consequences of stigma and discrimination encountered by LGBTI people. At present, Thai national databases

cannot be searched by SOGI (Mulé et al., 2009); for example, the National Statistics Office under the Ministry of Information and Communication Technology only disaggregates its health and welfare databases by region, sex, and age groups (Winter, 2006). There are limited data regarding LGBTI people in Thailand, especially the intersex population, who are almost invisible (UNDP, 2019; World Bank, 2018). Better data could be advantageous for further social development, including in the employment/livelihood and health sectors.

Finally, business organizations should draft and implement inclusive and non-discrimination policies, a healthy way to support LGBTI employees proactively. However, changing an organization's culture requires an informed action plan. A task force of internal and external specialists should be set up to build the core knowledge and create a customized solution for change. Private and public companies and organizations should take all necessary administrative and other measures to establish guidelines/policies to ensure fair recruitment processes and prohibit discrimination based on sexual orientation, gender identity, or gender expression. This should include recognizing and protecting the ability of job seekers to dress according to their gender identity.

Human Resources departments should also create policies compliant with the Gender Equality Act, ensuring equal treatment of LGBTI employees and preventing verbal and sexual harassment and gender-based discrimination and violence in the workplace.

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