

Prohibiting Workplace Discrimination Based on Sexual Orientation and Gender Identity



WORLD Policy Analysis Center

NUMBERS TO NOTE

Only 32%

of countries globally guarantee some protection from discrimination at work based on sexual orientation

Only 10%

of countries globally guarantee some protection from discrimination at work based on gender identity

Only 23%

of countries globally explicitly protect from harassment at work based on sexual orientation

ABOUT THE DATA

This fact sheet presents findings from the following article:

Jody Heymann, Bijetri Bose, Willetta Waisath, Amy Raub, and Michael McCormack (2020). [Legislative Approaches to Non-Discrimination at Work: A Comparative Analysis Across 13 Groups in 193 Countries](#). *Equality, Diversity and Inclusion*. DOI: 10.1108/EDI-10-2019-0259.

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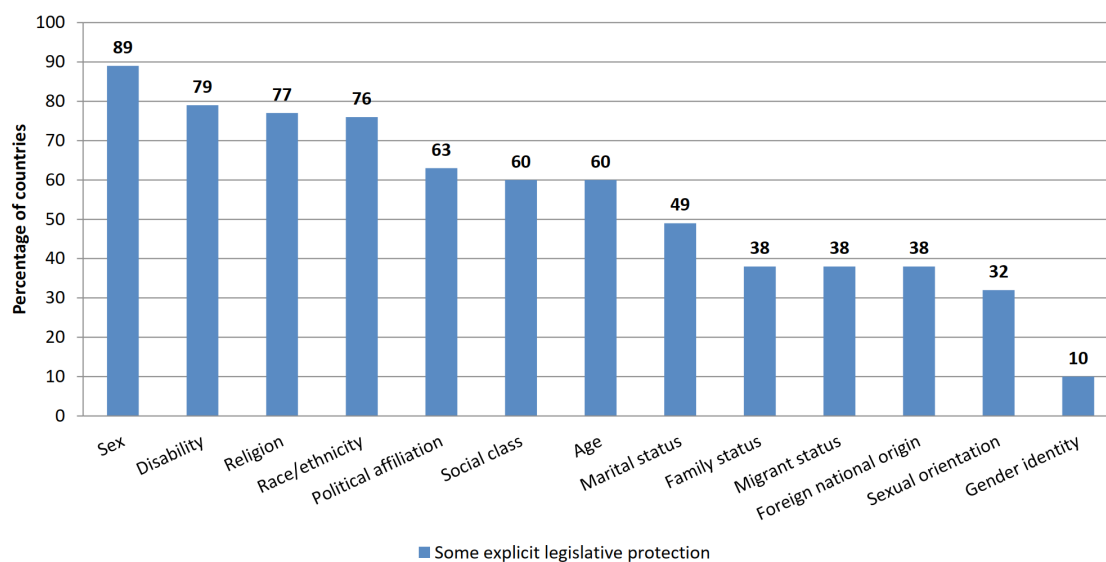
Workplace Discrimination Against LGBT+ Persons

- Discrimination against LGBT+ persons is widespread throughout the world.
- In many countries, same-sex relations are still criminalized, same-sex partners are denied the right to marry, and transgender persons cannot have their gender identity reflected in legal documents. These are just some of the many aspects of legal discrimination that LGBT+ persons face.
- Discrimination persists even in countries that have taken important steps toward equality.
- Workplace discrimination threatens the ability of LGBT+ persons to earn a livelihood and live a dignified life.
- Anti-discrimination laws can counter harmful stereotypes and provide avenues for workers to seek redress.

Explicit Protections Based on Sexual Orientation and Gender Identity Lag Behind Those for Other Groups

- Legal protections from discrimination in the workplace are less common for sexual orientation and gender identity than for 11 other protected characteristics.
- Nearly all countries (94%) guarantee some protection from discrimination at work to at least one group.
- Less than a third of countries (32%) guarantee some protection from discrimination at work based on sexual orientation.
- Only a small minority of countries (10%) guarantee some protection from discrimination at work based on gender identity.

Percentage of countries with some explicit legislative protection from discrimination at work based on different social groups



- There are significant differences in the level of protection across income levels and regions, but there are countries in nearly every category that guarantee protection for LGBT+ persons.

- 58% of high-income countries guarantee some protection from discrimination at work based on sexual orientation. Only 6% of low-income countries and 25% of middle-income countries guarantee such protections.
- 72% of countries in Europe and Central Asia guarantee some protection from discrimination at work based on sexual orientation, compared to 26% of countries in the Americas, 17% of countries in Sub-Saharan Africa, and 17% of countries in East Asia and the Pacific. South Asia is the only region without any explicit protections from discrimination based on sexual orientation.
- Ensuring that employees are protected from retaliatory action when reporting discrimination at work is a critical first step to ensuring workers' ability to report when their rights have been violated.
 - 24% of countries provide at least some protection from retaliatory action for individuals reporting discrimination based on sexual orientation; 10% of countries

do so for discrimination based on gender identity.

Protections in Specific Areas

- LGBT+ individuals are at higher risk of unemployment than heterosexual and cisgender individuals. They also face higher search costs to find a new job after dismissal.
 - Only 26% of countries explicitly prohibit discriminatory dismissal based on sexual orientation; 7% do so based on gender identity.
- A study of wages in 8 high-income countries found that gay men earn less than heterosexual men with comparable education and experience.
 - Only 22% of countries explicitly guarantee equal pay based on sexual orientation. 7% do so based on gender identity.
- Harassment and bullying at work is a persistent problem for LGBT+ persons, with studies finding that up to 75% of LGBT+ workers have experienced harassment at work.
 - Only 23% of countries prohibit harassment based on sexual orientation; 9% do so based on gender identity.



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ABOUT THE METHODOLOGY

This analysis relies on a systematic review of original legislation and statutory guarantees extended to the private sector as of August 2016 for all 193 United Nations member states. It excludes instances where case law has extended the application of more general prohibitions to specific areas of work and to cover additional social groups. Updates of these data are currently in progress.

Further details on full methodology can be found at: <https://www.worldpolicycenter.org/topics/equal-rights-and-discrimination/methods>.

ABOUT WORLD

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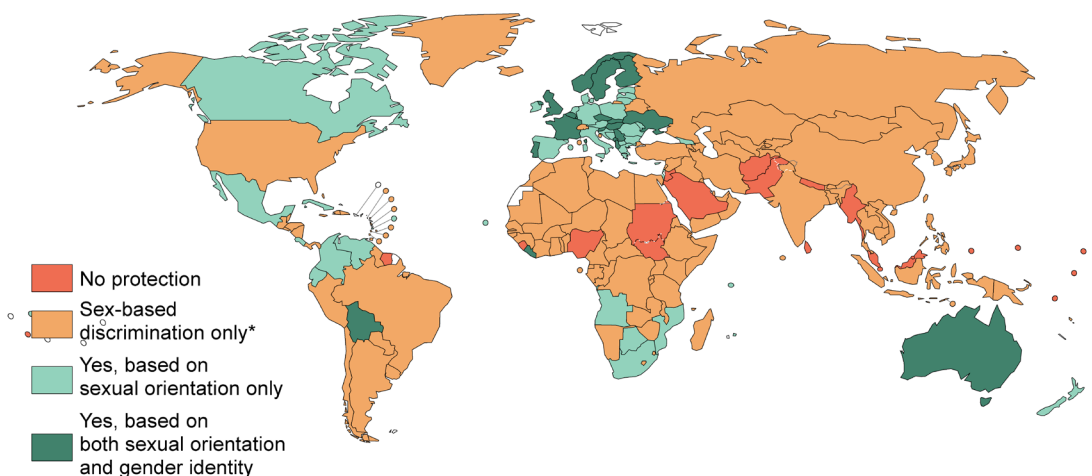
With these data, **WORLD** informs policy debates; facilitates comparative studies of policy progress, feasibility, and effectiveness; and advances efforts to hold decision-makers accountable.

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Is there at least some explicit legislative protection from workplace discrimination based on sexual orientation and gender identity?



*In some cases, sex-based protections have been interpreted to cover sexual orientation and gender identity.

Source: *WORLD Policy Analysis Center, Discrimination at Work Database, 2016*

