

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.



THE PHILIPPINES



Population: 103 million people



Stonewall Global Diversity Champions: 30



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations

The Philippines is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation, while in Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Article 3 Section 4 of the Constitution protects every **citizen's right to freedom of speech, expression and assembly**.

There are **no LGBT-specific restrictions or additions** to these rights.

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal**.

There is an **equal age of consent** of 18 years for sexual acts regardless of sexual orientation under Article 266-A of the Revised Penal Code.

Same-sex marriage is **not legal** under Article 1 of the Family Code and there is **no legal recognition of same-sex relationships**.

'**Lesbianism**' and '**homosexuality**' are listed as **grounds for marriage annulment** under Articles 46 and 55(6) of the Family Code.

Same-sex couples have **no legal right to adopt children** jointly or through second parent adoption. However, **single people can legally adopt** children.

EQUALITY AND EMPLOYMENT

Article 13 Section 3 of the Constitution provides the **right to equality of employment opportunities** for all but there is **no explicit reference to sexual orientation and gender identity**.

Employment discrimination against public social workers based on sexual orientation is prohibited under Section 17 of the Magna Carta for Public Social Workers.

Article 2 Section 14 and Article 3 Section 1 of the Constitution protect **rights to equality before the law** but there is **no explicit reference to sexual orientation and gender identity**.

It is **unclear whether hate crimes based on sexual orientation or gender identity** will be **considered an aggravating circumstance in sentencing** under Article 14(3) of the Revised Penal Code. This is disputed because the article refers to sex but does not expressly mention sexual orientation and gender identity.

GENDER IDENTITY

Trans people are **not able to change their legal gender on identification documents**.

Legal name change is **possible** under **specific circumstances**, however **being trans** is **not one of these** circumstances listed under RA 9048.

IMMIGRATION

Same-sex **dependant visas** are **not available** because same-sex marriages are not recognised.



A VIEW FROM THE PHILIPPINES

GALANG is a Philippine organisation with a special focus on the rights of lesbians, bi women and trans men. Established in 2008, the group works to empower urban poor LBT people to attain social and economic equality.



Maroz Ramos, Deputy Executive Director of GALANG, spoke to Stonewall about the situation for LGBT people in the Philippines.

Everyday life

In general LGBT people still experience discrimination, bullying and sometimes even violence throughout the country. As no national anti-discrimination law offers protection, many LGBT people cannot claim their basic rights and can be discriminated against at work, denied access to services, and so on. In general, foreign LGBT people experience less overt discrimination and harassment than local LGBT people but this doesn't mean that they never do. It's also still very challenging for LGBT people to come out to their families. Those who do are often rejected and thrown out of their homes. This can lead to the inability to finish school and they are more likely to experience poverty. However, we have also seen positive changes in recent years. While the media often portrays LGBT people in a stereotypical and negative way, some positive LGBT role models are starting to emerge, both in the media and in politics. This will have a positive impact on LGBT people in the Philippines.

LGBT groups and advocacy

LGBT groups operate across the country, offering support and working to advance equality. Many groups are working on introducing comprehensive anti-discrimination legislation in the Philippines. While 15 cities have local anti-discrimination legislation, there is no national law protecting LGBT people from discrimination. A proposed national bill has been in congress for 18 years. While progress has been slow, there have been recent positive developments. We also have a sizable number of congress members who are in favour of the bill and who help us push for it.

Healthcare

While national healthcare insurance exists, there is little to no specialised healthcare for LGBT people. There are no specialised services for trans people and no hormone therapy is available. Trans people who wish to transition medically need to travel to another country, but many cannot afford this. When LGBT people seek to access general healthcare, they often face discrimination and verbal harassment from staff.

Workplace

Accessing work is often very difficult for people who are visibly LGBT. If an applicant's gender expression is perceived to be outside the male-female binary, they are often not hired no matter their qualifications. Many LGBT people only find work in the informal sector or even have to move abroad. Those who do find work often experience discrimination and harassment by colleagues. LGBT employees are often told to change their physical appearance to look more 'feminine' or 'masculine'. Many also hide their sexual orientation and gender identity to be treated more equally.

Employers can and should make sure their policies are LGBT inclusive. This reaches from explicit anti-discrimination policies and more flexible dress codes to equal partner benefits. It's also incredibly important to train and educate staff on LGBT issues. This can help eliminate discrimination from recruitment processes and help change the hearts and minds of co-workers. Many LGBT organisations in the Philippines, such as GALANG, offer such training and can help organisations become more LGBT inclusive.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in the Philippines:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote their commitment to LGBT inclusion and equality**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- ✓ **Audit and extend partner benefits to same-sex partners**
- ✓ **Establish employee engagement mechanisms like LGBT networks and allies programmes**
- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

Thomson Reuters

With support from Thomson Reuters' (TR) global LGBT staff network, a local chapter was set up in the Philippines in 2012. Through forums, reverse-mentor programmes and training, the network focuses on awareness raising to create inclusive workplaces for LGBT employees. The network is also instrumental in reviewing internal practices. For example, they worked with the HR team to make TR the first organisation in the Philippines to offer partner benefits to employees in same-sex relationships. This process involved cooperating with, and changing the practices of, vendors and suppliers to offer same-sex couple benefits across healthcare, pension schemes and insurance. TR now works with other businesses in the Philippines encouraging them to introduce equal benefits. For example, TR shares its best practice as a founding member of the Philippine Financial Industry Pride, a network of companies working for LGBT equality. TR also engages with local Philippine businesses, inviting them to awareness-raising events. Nowadays, many of TR's applicants state that they wish to work for TR because of its inclusive workplace culture and equal partner benefits.

Accenture

Rica Paras is senior manager for Technology at Accenture. She is also the Pride at Accenture network lead in Southeast Asia and a network member in the Philippines. Rica shares her experiences in the network:

How did you get involved with the network? I'm active in several LGBT groups and speak publicly about my experience as a trans woman in the Philippines. It was natural to join the network when I started at Accenture in 2013. Back then, the network had around 50 members, now we have more than 500.

Why is it important to have a network in the Philippines? When the network started in 2005, only allies were members. At the time, LGBT employees did not feel comfortable being out. It's difficult when no anti-discrimination laws exist for LGBT people. Now, however, many LGBT employees are members, which shows the network's positive impact at Accenture. The fact that senior leaders support the network also sends a strong message and enables LGBT employees to bring their authentic selves to work.

What activities does the network organise? We focus a lot on education, for example through allies training programmes and awareness-raising events. For one panel event, we invited a famous TV show host who identifies as LGBT. We also march in Manila Pride alongside other businesses and exchange best practices as a member of the Financial Industry Pride.

What have some of the network's biggest achievements been? Thanks to the hard work of the network and Accenture, we now have gender-neutral bathrooms and a gender dress policy based on self-identification. We also offer equal employee partner benefits regardless of sexual orientation.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June - Metro Manila Pride. www.mmpride.org

June - Cebu Pride. www.facebook.com/Cebu.LGBTQ

August - LGBT Workplace Equality Conference. www.lgbtph.org

September - University of the Philippines Dilman Pride.

www.facebook.com/uppride

December - Baguio LGBT Pride Parade.

www.facebook.com/amiananpridecouncil

Check the events websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

ASEAN SOGIE Caucus - a regional network of LGBT rights organisations in Southeast Asia, based in the Philippines. www.aseansogiecaucus.org

Association of the Transgender People in the Philippines - a community group for trans people in the Philippines, welcoming trans people from the Philippines and abroad. www.philippine-transgender-movement.com

Galang - a group focusing on the rights and empowerment of poor urban lesbian, bi and trans communities. www.galangphilippines.org

LAGABLAB LGBT Pilipinas - a network of LGBTQ organisations, individuals and allies seeking to advance and protect the human rights of the LGBT community with special focus on legislation and policymaking www.facebook.com/lagablablgbt

Lezworld - an online community for lesbian women. www.lezworld.com.ph

Mujer-LGBT Organization - a group advocating for HIV/AIDS prevention and awareness as well as against gender-based violence. www.facebook.com/mujerorganizationz

Philippines LGBT Chamber of Commerce - a membership-based industry organisation of businesses working for LGBT equality in the Philippines. www.lgbtph.org

Side B Philippines - a group for bi activists with a focus on bi visibility and employment equality. www.facebook.com/SideBPhil



GET LOCAL LGBT UPDATES

Outrage Magazine – an online and printed LGBT publication in English. www.outragemag.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 30 ORGANISATIONS OPERATING IN THE PHILIPPINES.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

Stonewall
192 St John Street, London
EC1V 4JY
United Kingdom

Switchboard: +44 (0) 20 7593 1850
Info Line: +44 (0) 800 050 2020
Email: info@stonewall.org.uk
Website: stonewall.org.uk

Legal Partner



Freshfields Bruckhaus Deringer

Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of February 2018. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts. Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)