



# **LGBT+ Inclusion in Asia-Pacific**

**A changing landscape  
for mobility**

**January 2019**



## Summary

This document is designed for international mobility practitioners and employers with international mobility opportunities. It has evolved from 'EY Making It Real - Globally', a series of practical guides for advancing lesbian, gay, bisexual and transgender (LGBT+) inclusion.

The aim is to build awareness of the complex interplay across political, cultural and organizational contexts, and possible implications for LGBT+ expatriates in Asia-Pacific.

Recommendations identify practical things that organizations can do to support diverse expatriate talent pools - including inclusive policies, flexible mobility packages, and support structures on the ground. Although the focus is on LGBT+, the discussion and recommendations may also apply to non-traditional expatriate profiles as part of broader diversity and inclusion strategies.

With thanks to the contributors to this discussion:

### IBM

Kapil Sharma, IBM's APAC & MEA Regional Leader in Global Mobility Tax.

IBM has many globally mobile workers located in all regions of the world and is addressing challenges concerning the changing nature of the expatriate profiles, with a specific focus on LGBT+ employees.

### Crown World Mobility

Lisa Johnson, Global Practice Leader, Consulting Services, and Liana Ciatto, Global VP, Account Management from Crown World Mobility.

Crown World Mobility draws on more than 50 years' experience in supporting businesses around the world to overcome the challenges of mobility. Each practice is led by industry experts whose insight helps solve unique client challenges as well as anticipate how mobility might develop in the future.

### EY People Advisory Services

Monique Dawson, Senior Manager in the People Advisory Services (PAS) team specialising in Global Mobility.

People Advisory Services effectively harnesses the people agenda as part of an integrated business strategy. This can translate into competitive advantage by helping get the right people, with the right capabilities, in the right place, for the right cost, doing the right things.

Our globally coordinated mobility professionals offer connected services across all disciplines, including taxation, immigration and assignment management to support organisations in an era of rapid change. We combine our exceptional knowledge and experience with the people and technology platforms that make us an ideal partner for all mobility-related needs.

# Future of work and global mobility in Asia-Pacific

The 'future of work' is taking shape across Asia-Pacific and mobility teams are adapting to new demands. Accelerating technology advancements, increasing global influence of multinationals, skills shortages, and enhanced flexibility related to where, how, and when people work means that the traditional expatriate profile - western, male, experienced executive on a three to five year posting - is changing. Mobility within Asia-Pacific is becoming more popular. Technical experts are targeted for mobility alongside senior managers and leaders. Long-term assignments are being substituted by 'lower cost' arrangements such as short-term mobility, flexible commuting, virtual teaming and video conferencing.

A pressing and consistent trend is that a more diverse workforce means a more diverse expatriate talent pool including (but not limited to) millennials, executive and non-executive females, singles, employees with non-nuclear family units, and LGBT+. Mobility professionals in companies with diversity and inclusion (D&I) strategies already in place have a huge advantage, says Lisa Johnson, Global Practice Leader, Consulting Services at Crown World Mobility:

**"As strategic partners, we start by looking at our clients' websites to identify ways that different populations are highlighted or supported in the company - women, millennials, LGBT+, minorities or other diverse communities. Why reinvent the wheel when mobility teams can build on existing strategy?"**

**Some Asia-Pacific growth markets are experiencing talent shortages. Local businesses will struggle to engage the talent needed to adequately support growth by relying only on local labour pools. In these markets, it is a business imperative to expand workforces with mobility strategies and to be more inclusive of diverse talent.**

## LGBT+ in Asia-Pacific - a changing landscape

For LGBT+ expatriates, differences across legal, societal and company environments in host jurisdictions may make matters concerning family and on-the-ground support a multifaceted issue to work through. According to the International Lesbian, Gay, Bisexual Intersex Association ([www.ilga.org](http://www.ilga.org)), as of 2016 around 75 countries consider homosexual relations to be unlawful. Male and female homosexuality may be treated differently within the same jurisdiction.

The Trans Legal Mapping Report (2017) shows that many countries are changing legislation to improve the working experience for trans persons. However, legal recognition of the reassigned, acquired, or preferred gender of a person may be treated inconsistently. For example, name changes may be possible, but gender markers on identity documents (birth certificate, identity cards) may not be. This can present challenges for trans persons to obtain travel documents, open bank accounts, gain visas and access to services in foreign countries.

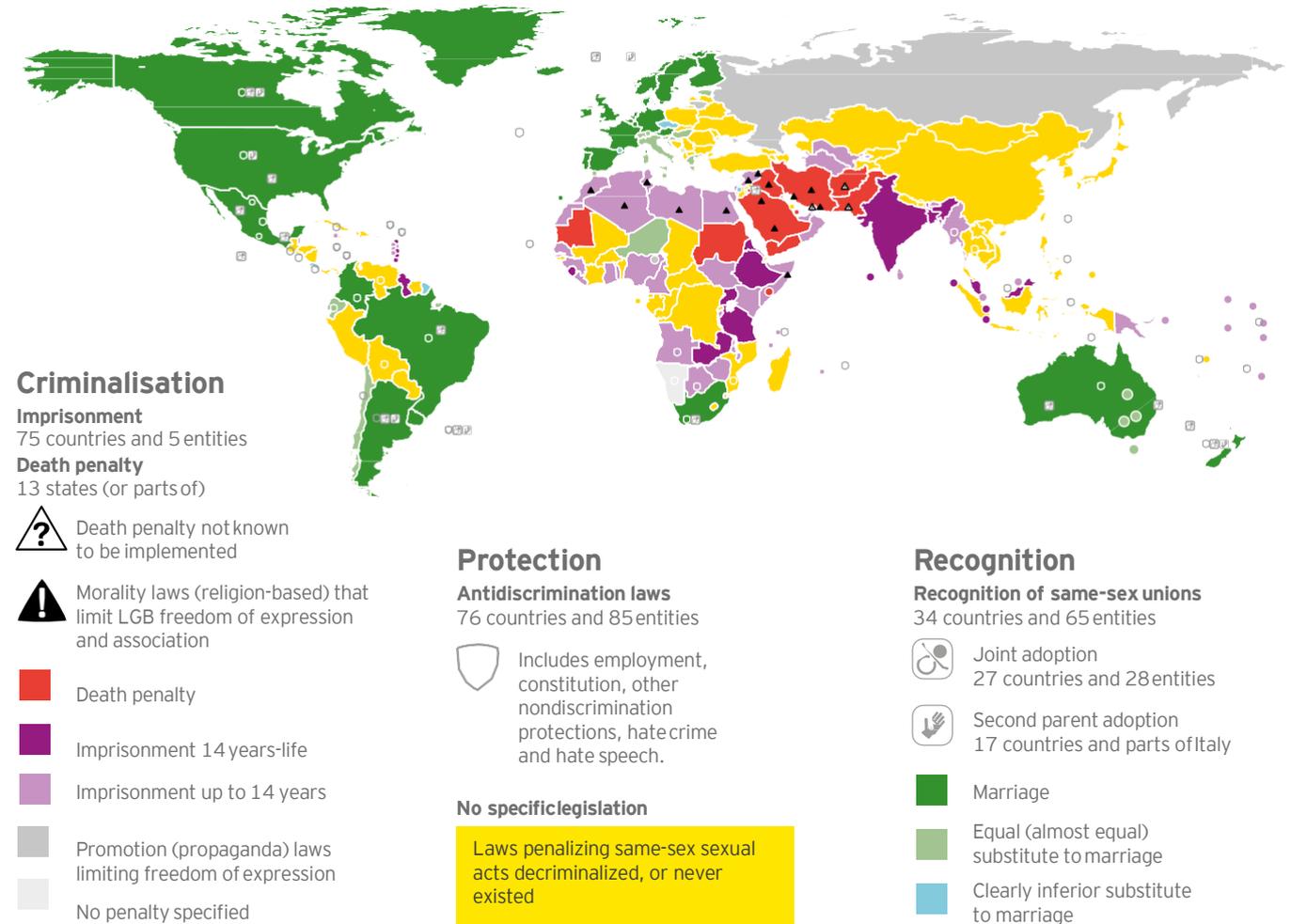
Even in countries where same-sex marriage and relations are legal, and gender recognition is less restrictive (i.e. possible to both name change and gender marker change), it does not necessarily mean that anti-discrimination protections exist for LGBT+ across employment, housing, healthcare, and services, or that local social and cultural views are accepting.

Over the past 5 years, some markets across Asia-Pacific have undergone significant legal and societal shifts regarding LGBT+ inclusion. Japan's First Lady Akie Abe marched in Tokyo's Rainbow Pride Parade in 2014, and the Australian public voted for marriage equality in 2017 with a significant 'yes' majority. India decriminalised homosexuality in September 2018.

Mobility practitioners observed the 2018 landmark ruling, *QT vs. Director of Immigration CACV 117/2016*, in Hong Kong as an example of how local legislation has changed to be more inclusive of LGBT+. The case profiled a UK-based executive who migrated to Hong Kong with their accompanying same-sex partner. The relationship was recognized as a UK-registered civil partnership, but the accompanying spouse was initially denied a dependent visa because Hong Kong did not recognize same-sex relationships for the purposes of immigration (dependant visas are typically granted to spouses in heterosexual couples and provide work rights and access to public services). The decision was overturned in the Court of Final Appeal, Hong Kong's highest court, after legal battle lasting many years. Critical to progressing this case was the dedicated and collaborative efforts of organizations in Hong Kong which recognised the need to support diverse talent in their businesses.

# Sexual orientation laws in the world – overview

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)



The data represented in this map is based on *State-Sponsored Homophobia: a World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, an ILGA report by Aengus Carroll. The report and this map are available in the six official UN languages-English, Chinese, Arabic, French, Russian and Spanish-on [www.ilga.org](http://www.ilga.org). This edition of the world map (May 2016) was coordinated by Aengus Carroll and Renato Sabbadini (ILGA), and designed by Eduardo Enoki ([eduardo.enoki@gmail.com](mailto:eduardo.enoki@gmail.com)).

Note: India decriminalised homosexuality in September 2018.

## Navigating complexities

Definitions of 'family' in host countries add to the complexity of global mobility, particularly for non-nuclear families and LGBT+. This affects visa eligibility, tax treatment, health insurance benefits, and cultural belonging at social events. Kapil Sharma, IBM's APAC & MEA Regional Leader in Global Mobility Tax recounted a time a senior IBM employee and his same-sex partner relocated to the Philippines. The employee made it clear from the outset that he would only relocate if his partner could join him. As of 2018, homosexuality is legal in the Philippines, but same-sex partnerships are not recognized for purposes of immigration. Obtaining an appropriate visa which would allow the couple to stay in the Philippines together posed a challenge. In this case, IBM supported multiple visits for the partner throughout the assignment. Had this not been provided, the assignment would have been at risk of early termination.

Partner support is a critical factor of successful mobility programs. Liana Ciatto, Crown World Mobility Global Vice President, Account Management says:

**"Today, when an employee relocates, couples have to be considered in a mobility strategy. Partner support extends beyond the remit of obtaining a work permit or helping the partner find a job. Non-traditional partners, whether it is an accompanying male partner or a same-sex partner, are looking to connect with communities in the new location in different ways. Dual-career couples are seeking progressive career opportunities for both parties. Our partner support services are evolving and D&I strategies are pushing us in new directions."**

Where and when possible, for dual-career couples at IBM (including LGBT+), IBM will assist the accompanying partner to find a role in the host location or a global role that may be performed from the host country.

In 2017, IBM introduced a [rainbow pride version](#) of their iconic eight-bar logo. Globally, the rainbow is recognized as a symbol for LGBT+ equality, and the new version of the logo represents IBM's continuing support for diversity, acceptance and equal opportunity.



# Supporting successful mobility assignments for LGBT+

Across Asia-Pacific, several progressive organizations are actively seeking ways to ensure that their LGBT+ expatriates have a successful assignment experience - professionally and personally. These organizations are updating policies to be more inclusive, creating flexible assignment and financial packages, and supporting employees and mobility practitioners to have 'open conversations' about the realities of a global move.

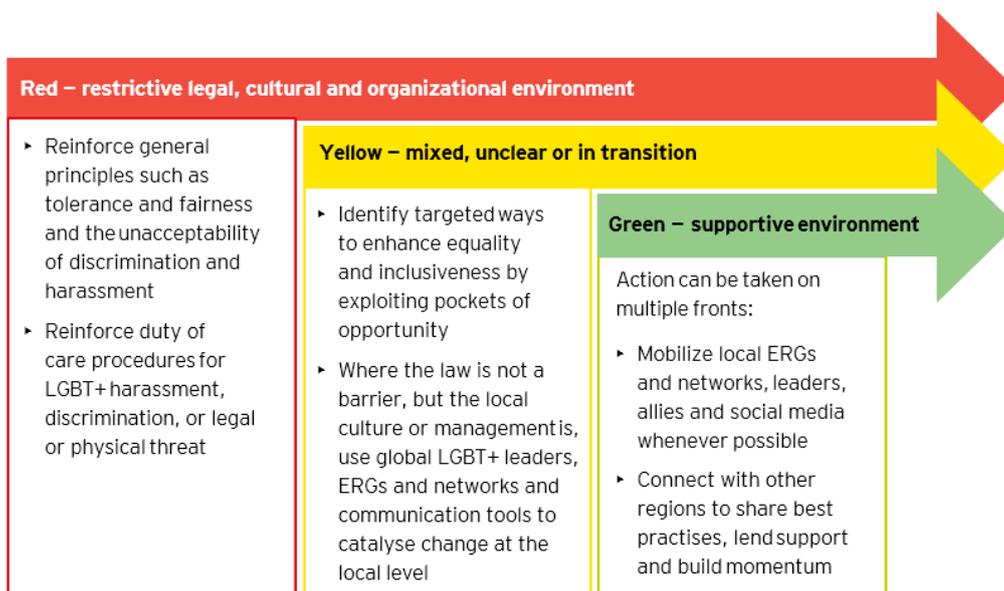
## Developing LGBT+ inclusive policies

EY recommends starting with a heat-map, such as the one on page 2 and the model below, to assess what may be acceptable approaches to LGBT+ inclusion in local contexts, and checking these periodically to be sure that nothing has changed in locations. Other resources such as the Trans Legal Mapping Report (2017) and Stonewell's *Safe Travels Global Mobility for LGBT Staff* (2017) are useful (see references). Beyond creating policies that reinforce a baseline of safety and anti-harassment, features of LGBT+ friendly policies include expanded definitions of 'family' and recognised partners (spouses, married, unmarried, civil partnerships and defacto, for example), and harmonised benefits across genders and family structures (where practical).

**In 2018, EY released a global inclusion and non-discrimination policy which clarifies what is meant by discrimination, intimidation and harassment, and encourages equitable and respectful treatment for EY people across borders. It includes specific language about attributes of diversity that may be interpreted differently around the world to provide global consistency. It was introduced to promote a safe environment inside the four walls of the organization, with consideration of local contexts.**

Classification of the LGBT+ environment, designed by Longview Global Advisors - found on page 13 of *EY Making it Real* (see references).

### Classification of the LGBT+ environment



Created by: Longview Global Advisors

## Flexible mobility packages

Historically, many mobility programs were set up to meet the needs of traditional expatriate profiles (male, established-career senior executive with a dependent family). In effect, this meant that all expatriates were offered the same benefits under each policy, regardless of their personal circumstances. As more diverse expatriate profiles emerge, traditional mobility packages are no longer considered suitable.

**Most companies have always understood the need to adapt to the changing regulatory framework of different jurisdictions. However, it is now becoming equally important for companies to adapt to the needs of their expatriates - particularly as we see a more diverse talent pool for mobility. If companies do not adapt to these needs, the ability to attract, retain and develop top talent will become increasingly difficult.**

IBM has taken steps to re-evaluate their mobility offering and now provides their business and expatriates with more flexibility through their 'core/flex' approach. This allows IBM to build flexible packages based on the expatriate's needs, and ensures compliance obligations are met through the core elements of each policy.

EY says that the core/flex model is becoming a popular way to introduce flexibility and inclusion into a mobility policy framework, but recognises that it is not a 'one-size-fits-all' solution. Monique Dawson, a Senior Manager in the EY People Advisory Practice, based in Melbourne, Australia suggests assessing three drivers when thinking about implementing a flexible framework:

First, companies should determine the assignment types required to support their business objectives and workforce

demographics (current and future). This could include– the reasons for mobility assignments, home and host location combinations, assignment duration and career stages of the expatriates.

Second, companies should assess the need to implement flexibility and identify what administrative approach will suit the company culture. For example, providing a lump sum allowance can work for companies that have an embedded 'self-service' culture, whereas companies with high-touch employee support may benefit from a menu approach where the expatriate can be guided through the available options.

Third, companies should assess the infrastructure available to administer a more flexible framework. Providing expatriates with a range of benefits to choose from might seem like an ideal offering, however there is a large amount of infrastructure sitting behind these frameworks such as administering the various benefits, and continuously managing costs and compliance across locations. From a duty of care perspective, it is also important that expatriates are provided with the right level of guidance upfront to help them determine what benefits they truly need, in addition to what they might want (within the guidelines of the policy). For LGBT+ this may include understanding how benefits (e.g. healthcare, pensions, and parental leave) apply to same-sex partners and family members in the host location. For trans persons, providing a contact who can help to navigate local sensitivities is recommended. EY has created 'transitioning guides', which are available for the host country's benefit. Organizations should continuously upskill their mobility teams and partner with specialists where necessary.

Monique further acknowledges, "a core/flex approach may not always drive decreased costs or administration for organizations, but what it does provide is the ability to configure assignments or transfer packages to meet the needs of changing expatriate profiles. This supports wider diversity and inclusion strategies and potentially reduces the number of failed mobility assignments for companies."

## Open conversations and on the ground support

Even when the policy is laid out, known facts about the local environment have been collected, and flexible mobility options are provided - honest and upfront conversations can help bridge the gap between policy and practice. The safety of employees is the number one concern. EY encourages 'open conversations' with LGBT+ candidates, internal mobility, and Crown World Mobility (EY's relocation support partner). Alex Wilson, Associate Director, Asia-Pacific Diversity and Inclusion, Ernst & Young, Australia, says, "We have had examples of people relocating and leaving loved ones behind, believing that it was easier than speaking with us about their needs. We didn't find out until much later. It's disappointing because we could have done something from the outset." Establishing ways to have open conversations without 'outing' those who are 'in the closet' is important.

EY has developed leading practices in this regard which includes putting key information in global mobility materials, online sites and policies, and using gender neutral language such as 'spouse' or 'partner' instead of 'wife' or 'husband'. EY has also trained mobility coordinators to provide cues of support and safety in their interactions with expatriates, for example asking individuals for their personal pronouns (she/her, he/him, they/them) sends a 'safe signal' and provides valuable information for mobility practitioners.

EY has an active LGBT+ employee resource group (ERG), called 'Unity' in over 77 offices globally. ERGs cannot be underestimated in helping LGBT+ employees (and their partners and families) to integrate in the host country. Beyond the ERGs, inviting the expatriate's partner to team functions/events can help with settling in.

If local laws are prohibitive, organizations might be willing to consider alternative locations for mobility placements. Alex explains, "We want people to make informed decisions about what might be right for them with the best information available. We are open about explaining the state of play across jurisdictions and what we can (and can't) do as an employer. From here, they can choose how to proceed with their mobility opportunity. Once they've made their decision, we work on building a suitable on the ground support and mobility package with the resources available. At the end of the day it's about enabling the best mobility experiences for our people."

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QT v Director of Immigration CACV 117/2016

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