

## #PrideMonth | What is it and what does it mean? What every company should provide in terms of LGBTTIQ+ rights?

During June, many companies, institutions and people in general, stand in solidarity with the LGBTTIQ+ community, which implies the need to know that it is a month to exalt the human right to freedom and non-discrimination. With this purpose, ECIJA Mexico shares this brief article, which contains historical and useful data, to understand the importance of this month, and specifically, how companies and individuals, have to consider certain normative criteria to seek effective respect to the human rights and stand in solidarity with this cause.

### #PrideMonth

Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month, is currently celebrated each year during the month of June to honor the 1969 "Stonewall Uprising" in Manhattan. The "Stonewall Uprising" was a tipping point for the Gay Liberation Movement in the United States. The police raided a gay bar, called "The Stonewall", to arrest various members of the community using violence. After this incident, a large crowd began to react against the police all around the United States. The uprising lasted for three days, and this was the date in which the gay community stood up against the abuse that, even to this day, they suffer due to their preferences, identity or sexual orientation. This is the reason why, in many countries, during the month of June, companies, individuals, organizations and other relevant agents, stand in solidarity with the struggle and the vindication of the rights of a community that has been banned, segregated and violated among the years<sup>1</sup>.

### Who integrates the LGBTTIQ+<sup>2</sup> community?

LGBTTIQ+, it is a universal acronym that represents the different sexual and gender orientations, identities and expressions. The meaning of each of the letters that compose it, are lines below:

- **Lesbian:** A woman who is attracted only to other women.
- **Gay:** A man who is attracted only to other men, but also used to broadly describe people who are attracted to the same gender.
- **Bisexual:** Anyone who is attracted to more than one sex/gender.

<sup>1</sup> BBC News. Available in: <https://www.bbc.co.uk/newsround/52981395>; CNN en Español. Available in: <https://cnnespanol.cnn.com/2021/06/01/mes-orgullo-lgbt-lo-que-necesita-saber-trax/>

<sup>2</sup> Consejo Nacional para Prevenir la Discriminación (CONAPRED). Glosario de la diversidad sexual, de género y características sexuales. Available in: [https://www.conapred.org.mx/documentos\\_cedoc/Glosario\\_IDSyG\\_WEB.pdf](https://www.conapred.org.mx/documentos_cedoc/Glosario_IDSyG_WEB.pdf)

- **Transgender:** Someone whose gender identity differs from their gender at birth.
- **Transsexual:** Similar to transgender, but it refers to people who permanently transitioned to the gender with which they identify, needing medical assistance for it.
- **Queer:** Reclaimed pejorative term, now used by people who don't identify with the binary terms of male and female, or gay and straight, and do not wish to label themselves by their sex acts.
- **Intersex:** Someone who's body is neither fully male or female due to biological conditions. Includes people previously known as "hermaphrodites", now considered an offensive term.

Additionally, the "+" symbol seeks to include new identities, among many other manifestations that can be found, for example:

- **Muxhe:** A word, idea or concept that comes from the indigenous Zapotec cosmogony. It covers the term male-female with a generic female identity. Muxhe manages to be a third space where one moves between corporeality and identity.
- **Pansexual:** Someone whose sexual attraction is not based on gender and it is more based on personality. They may also be gender fluid. Sometimes used to differentiate between the binary choice of two genders implied by "bisexual."

## LGBTTIQ + Flag

The flag, known as "the rainbow flag", was created in San Francisco in 1978<sup>3</sup>, by Gilbert Baker an openly gay man, drag queen, artist and activist for the rights of the LGBTTIQ+ community.

The 8 colors of the flag represent the following:

- **Pink:** sexuality
- **Red:** life
- **Orange:** healing
- **Yellow:** sunlight
- **Green:** nature
- **Turquoise blue:** art
- **Blue:** harmony/peace
- **Purple:** spirit

<sup>3</sup> El País. *Gilbert, el artista que dio color a la bandera del orgullo gay*. Available in: [https://elpais.com/cultura/2017/06/02/actualidad/1496354435\\_812969.html](https://elpais.com/cultura/2017/06/02/actualidad/1496354435_812969.html)

## Sexual diversity, sexual orientation and gender identity.

These two concepts are the issues that must be necessarily understood when talking about the LGBTTIQ+ community, since they are a fundamental part of the rights that requires to be protected.

**Sexual diversity** is the possibility that everyone has to live their sexual orientation and gender identity, in a free, responsible and informed way.

**Sexual orientation or gender preference** refers to the enduring pattern of emotional, romantic, and/or sexual attraction (or lack of attraction) to other people. Sexual orientation is an inherent, unchanging attribute (i.e. not a preference or a choice.) People do change how they describe and/or understand their own sexual orientation:

- (i) **Heterosexuality:** Attracted to the sex/gender opposite their own on the spectrum.
- (ii) **Homosexuality:** Attraction primarily to members of the same sex/gender. This term has historically been used for men specifically but is often a more widely used term for both men and women.
- (iii) **Bisexuality:** Attracted to more than one gender or gender identity. Although the prefix "bi" strictly means "two", it is inaccurate to say that all bisexual people are only attracted to two genders (i.e. male and female). More commonly, people who identify as bisexual are attracted to multiple gender identities, including trans/non-binary identities<sup>4</sup>.

**Gender identity** is understood as a person's internal perception of their own gender and the words they use to express themselves. A person may identify as a woman, or a man, a blend of the two or neither. A person's gender identity may or may not be the same as their sex assigned at birth.

There are different gender identities, the best known are *transsexualism*, *transgenderism*, and *transvestism*, which refers to those who are associated with the female or male gender contrary to their biological sex. There is also intersexuality, understood when a person has biological elements from both genders, men and women, and recently, the queer community has becoming more visible, born as a counter movement to that refuses to classify people by their sexual orientation or gender identity, focusing only in the person and the free expression of sexual orientation and gender identity.

### Why should companies get involved and not leave this issue aside?

According to information from the World Bank in 2014, increasing evidence indicates that LGBTTIQ+ people obtain lower educational results due to discrimination, intimidation, and

<sup>4</sup> United Nations Human Rights Officer of the High Commissioner, "UN, 2013. Available: <https://acnudh.org/wp-content/uploads/2013/11/orientaci%C3%B3n-sexual-e-identidad-de-g%C3%A9nero2.pdf>

violence; they have higher unemployment rates, and suffer from lack of access to housing and appropriate health and financial services<sup>5</sup>.

Consequently, international organizations have sought to promote that private initiative become in one of the main sponsors of the inclusion of this vulnerable group into the workplaces; the fact that companies openly promote the inclusion of vulnerable groups, such as the LGBTTTIQ+ community, has great advantages.

One of the most visible ones, are profits for employers, considering that workers shows more commitment with the company, and reduces health issues and absenteeism in the workplace. Likewise, the corporate reputation of a company actively promoting diversity, is always well received by consumers, having an immediate impact in the increase of their sales.

On the other hand, the fact that companies promote and assume inclusion measures for vulnerable groups, consolidates a decrease in legal risks due to acts of discrimination that can lead companies to face several litigation, in jurisdictions like Mexico City, where discrimination can be criminally prosecuted, since discrimination was classified as a minor crime in the local legislation, and also for issues related with tort law and punitive damages, that can result in high cost economic compensations, in addition to the negative and adverse impact on the corporate reputation of companies when they face media scandals due to this situation, being the last one like the most relevant.

## How to promote the rights of the LGBTTTIQ+ Community from the Company<sup>6</sup>?

According to the Office of the UN High Commissioner for Human Rights, these are the five basic principles to be followed by Companies in favor of the LGBTTTIQ + Community:

- Respect for the human rights of workers and clients belonging to the LGBTTTIQ+ Community.
- Suppress discrimination against workers of this group, mainly in the workplace.
- Provide a wide range support system to LGBTTTIQ+ workers in the workplace and labor environment.
- Prevent discrimination and abuse against customers, suppliers, and distributors belonging to the LGBTTTIQ+ community and insist and promote that their suppliers bind themselves to do the same.
- Defend the human rights of LGBTTTIQ+ people in the communities where companies are doing business.

<sup>5</sup> World Bank, October 2014. Available in <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/527261468035379692/the-economic-cost-of-stigma-and-the-exclusion-of-lgbt-people-a-case-study-of-india>  
<sup>6</sup> OACDH, September 2017. Available in: <https://www.unfe.org/wp-content/uploads/2017/09/UN-Standards-of-Conduct.pdf>

Likewise, it is convenient for the company to promote in the directive level:

1. Diversity and labor inclusion, in addition to create workplaces where employees from the LGBTTTIQ+ community feels safe, valued, and respected so they be able to reach their maximum professional potential.
2. Enable a work environment free from aggressions or conducts that demeans anyone because of their sexual orientation and/or gender identity.
3. Development of corporate governance mechanisms, such as protocols or regulations, as well as control and compliance specialized standards to fulfill the aforementioned.
4. Incorporate human rights protection standards, since there is an international regulatory trend, to identify and sanction commercial activities with a lack of due diligence standards on human rights issues, so the incorporation of well-known international standards, like the UN Guiding Principles on Business and Human Rights, or the OECD Guidelines for Multinational Enterprises on the subject of Responsible Business Conduct, are relevant.
5. At the domestic level, the implementation of the Official Mexican Standard NMX-R-025-SCFI-2015 on Labor Equality and Non-Discrimination, is recommended as a mechanism to recognize labor centers and workplaces, like spaces with practices and protocols that fulfills labor equality and non-discrimination minimum standards, seeking to promote the integral development of workers.

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