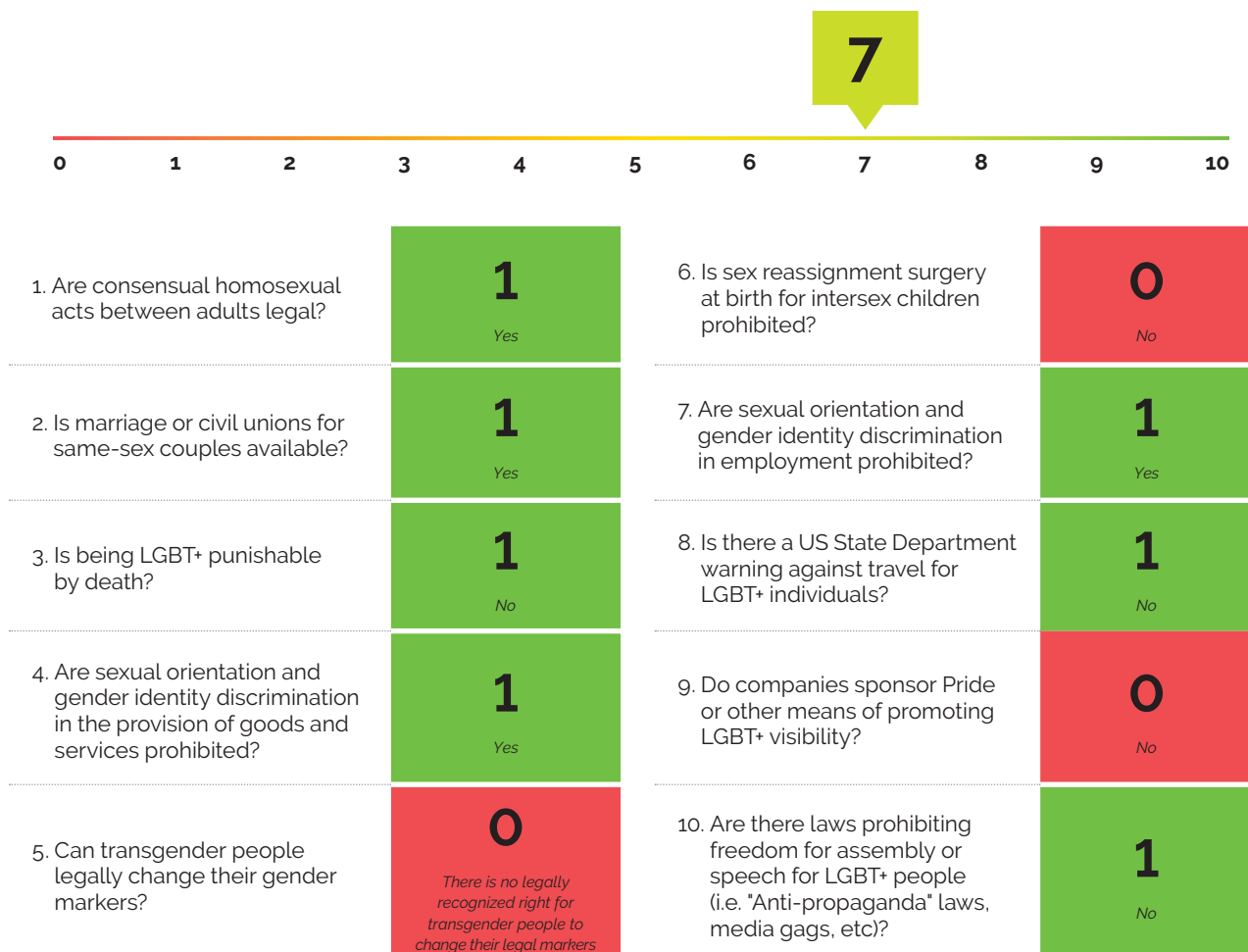


BERMUDA

LGBT+ Business Climate Score

Out Leadership's snapshot of the current state of affairs for LGBT+ people, through the lens of international business.

The business Climate Score rating is out of ten possible points, and is based on ten independently verifiable indicators of the legal, cultural and business context for LGBT+ people.



How to Use This Brief

As a business leader, you have the opportunity to create change for LGBT+ people around the world – both within your organizations and in the countries where you do business. This brief provides valuable information to inform your conversations with:

Internal Staff: Ensure that staff at your company who do business in-country are aware of the laws and other regulations that impact LGBT+ people there, and that they've adopted the appropriate internal policies for their location.

Government Leaders: In your meetings with government leaders, particularly those focused on business expansion or diplomacy, we encourage you to bring up the information shared in this brief in an appropriate way, and help them understand how LGBT+ inclusive policies are part of your company's best practices, and acknowledged as global standards. You are the best person to judge whether you have the ability to have such a conversation with a local leader in an appropriate way. Your Government Affairs officer, Diversity & Inclusion head, or equivalent may be appropriate to include in these conversations.

In-country Business Partners: In conversations with business partners, when appropriate, ask them what they're doing to address LGBT+ inclusion, and help explain why inclusion positively impacts your ability to conduct business there.

Talking Points

"Bermuda became the first nation to repeal already-legalized same-sex marriage in 2018. Though the Supreme Court quickly overturned the repeal, the government has tried to appeal the decision. It's hard to justify asking LGBT+ staff to relocate to a nation where rights feel so tenuous."

"International business drives nearly a third of Bermuda's economy. My employees need to feel safe and welcome doing business there in order to continue investing here."

"Based on conservative estimates that 4–6% of the population identify as LGBT+, there are up to 4,000 LGBT+ people in Bermuda, not including LGBT+ tourists. Ensuring marriage equality and transgender protections will help make sure they are contributing their labor and their money to society."



Current Legal Status of LGBT+ People

Legal Status of the Lesbian, Gay, and Bisexual Community

Bermuda first legalized same-sex marriage in May 2017; months later, the legislature passed a bill overturning the court decision, which was signed in to law in February 2018, making Bermuda the first national territory to repeal its gay marriage legislation. This ban was then lifted in June 2018 when Bermuda's Supreme Court again legalized same-sex marriage.

The government legalized consensual sex between two men in 1994 by passing the Stubbs Bill. It was previously punishable by up to 10 years of imprisonment. To this day, sex between two consenting men requires a higher age of consent, at age 18, than the age of consent for heterosexual and lesbian sex, which is 16.

Bermuda's Human Rights Amendment Act 2013 provides for equal opportunities in jobs and public services regardless of sexual orientation.

In 2013, Bermuda's Parliament passed legislation prohibiting discrimination based on sexual orientation, which is inclusive of employment, the provision of goods and services, and all other areas under the "two words and a comma amendment".

Same-sex couples in Bermuda are allowed to pursue joint adoption and stepchild adoption.

Legal Status of the Transgender and Gender-Diverse Communities

Bermuda has not enacted any legislation to recognize transgender people, but gender identity discrimination is prohibited in the distribution of goods and services.

The Domestic Partnership Act 2018 lacked mention of gender identity, which could invalidate an opposite-sex couple's marriage if one partner were to transition.

There is no mechanism for legally changing gender markers.

Gender affirmation surgery is not included in the Standard Health Benefit, the services that are required in all health insurance plans in Bermuda.

Government Statements and Actions

While Bermuda has ended its conscription system, under which LGBT+ people served in the military, there has not been any indication that the new voluntary enlistment system will result in pushback against LGBT+ individuals serving. While under the old conscription system, one man in 2006 described the Bermuda Regiment as "the most homophobic environment that exist[s]," today, the Bermuda Regiment officially prohibits discrimination on the grounds of sexual orientation or gender identity, and LGBT+ people serve without issue.

In August, the government announced that it would appeal the legalization of same-sex marriage, which was passed, banned by the state, and then passed again when courts struck down the state's ban. The appeal is expected to be heard in November 2018.

Socio-cultural Environment of LGBT+ People

Status of LGBT+ Organizing and Community

Bermuda is home to a number of notable organizations that work to raise awareness of issues affecting LGBT+ individuals, including OUTBermuda, the Rainbow Alliance Bermuda, and Two Words and a Comma.

There does not appear to be a dedicated Pride parade in Bermuda, and Bermudians have taken to instead participating in Pride in London. In 2006, the government of Bermuda faced intense criticism when it tried to ban Sybil Barrington, a famous drag queen and LGBT+ advocate, from participating in the Bermuda Day parade. She participated nonetheless and, by 2010, had her own dedicated float.

Cultural Views of the LGBT+ Community

Polls indicate that there is widespread support for protections for LGBT+ residents of Bermuda. One poll found that 93% of Bermudians believe that sexual orientation discrimination was wrong and another reported that, as of 2012, around 75% agreed that LGBT+ should be given legal protection from discrimination (ultimately passed in 2013); which was reported to demonstrate a marked increase over the last decade.

Despite the apparent push for protections for LGBT+ members, groups such as "Preserve Marriage & Family Bermuda" have made it their mission to oppose the legalization of same-sex marriage in Bermuda.

While LGBT+ travelers are encouraged to visit Bermuda, a number of websites, including Lonely Planet, still warn that open displays of affection are not encouraged. Travel sites note that there are a number of hotels, venues, and lodgings that are particularly LGBT+ friendly. The US consulate has not received any reports of harassment of US citizens that identify as LGBT+ in the country.

Despite the legal protections for LGBT+ individuals that have been enacted over the last few years, many Bermudians still report facing a great deal of homophobia in their day-to-day lives. LGBT+ Bermudians continue to report being attacked for their LGBT+ status. In order to deal with this climate of rejection, many LGBT+ Bermudians report the need to organize within support networks in secret.

Bermuda's gay marriage ban in early 2018 led to massive local and international backlash; many celebrities called for a boycott on Bermuda, while travel agencies and GLAD also encouraged people to voice their disagreement with the repeal. (Seventy-four percent of Bermuda's tourists arrive from the US.) Outside this controversy, the government of Bermuda has otherwise largely been praised for their commitment to ensuring rights and protections for LGBT+ individuals.



Impact of LGBT Discrimination on Business & Talent

1 • NO RISK

2 • LOW RISK

3 • MODERATE RISK

4 • NOTABLE RISK

5 • HIGH RISK

BRAND RISK **LOW**

When the island nation repealed same-sex marriage rights in February 2018, there was a highly publicized movement to boycott Bermuda, ceasing travel there. But since the repeal was overturned four months later, there is little risk of brand harm in doing business or bringing talent to Bermuda.

CLIENT RISK **LOW**

During the backlash over the same-sex marriage repeal, companies doing business in Bermuda may have experienced some criticism from clients, but with the debate now resolved, the risk of losing clients is minimal.

TALENT RISK **MODERATE**

Consensual same-sex relations and same-sex marriage are currently legal in Bermuda. While spouses will be recognized and afforded marital benefits, same-sex couples may feel that they are discouraged from publicly showing affection.

MARKETING RISK **NONE**

There are no prohibitions against marketing to LGBT+ consumers.

Local Leaders Advocating for LGBT Equality

There are many openly LGBT+ activists and experts in Bermuda. Out Leadership recommends that you contact:

Kevin Dallas
CEO
Bermuda Tourism Authority

Linda Mienzer
Police officer and member
Bermuda Public Services Union executive

Andrew Simons
Former Senator
marriage equality advocate

Purpose

Multinational companies face operational and reputational risk when they do business in countries where the legal and/or social atmosphere makes it difficult for LGBT+ people to live openly. Discrimination against LGBT+ people creates serious challenges for talent mobility, retention, and development.

Out Leadership's LGBT+ CEO Business Briefs seek to help C-Suite leaders understand and respond to these risks. Secondly, these Briefs seek to inform and empower corporate executives to engage in conversations with trade officials and other local stakeholders about why discrimination against LGBT+ people negatively impacts their ability to do business.



Additional Resources

2016 International Gay and Lesbian Association State Sponsored Homophobia Report

This report contains a country-by-country analysis of anti-LGBT laws and policies around the world.

2016 Human Rights Watch World Report

This report contains a country-by-country analysis of human rights concerns for 2014, and includes specific information pertinent to LGBT issues.

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