



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

"The criminalization of same-sex intimacy between men creates specific concerns for gay men and a hostile environment for LGBT+ people generally. This causes serious obstacles in attracting top talent and for global talent mobility."

"This discrimination and negative culture impacts our firm's ability to attract and retain top talent in Singapore – not just LGBT+ people."

"I'm aware that in 2007 the Prime Minister said that Singapore's law criminalizing intimacy between men wouldn't be proactively enforced, but its continued existence, and a lack of legal protections against discrimination on the basis of sexual orientation or gender identity, creates workplace issues and drives harassment."

"I want my employees to achieve their full potential in the workplace and hence increase productivity – which we know is what you also want in positioning Singapore as the hub for [specific industry]. That can only happen when all employees feel safe and protected, both in and out of work."



Current Legal Status of LGBT+ People

Legal Status of the Lesbian, Gay, and Bisexual Community

Section 377A of the Penal Code of Singapore criminalizes sex between mutually consenting adult men. Men who violate the law may be imprisoned for up to 2 years.

Singapore discourages surrogacy, which can impact on LGBT+ families. A gay couple had a child via surrogacy overseas. The biological father, one half of the couple, has been told he cannot adopt his own son.

A same-sex couple that married before one of the women gender transitioned is appealing the Registrar of Marriages' decision to nullify their marriage, setting up a potential game-changing precedent for same-sex marriage recognition.

Unlike heterosexual couples, same-sex couples do not qualify for Housing & Development Board (HDB) schemes that require applying couples to be married or marriage-eligible. This limits LGBT+ Singaporeans' options to the Single or Joint Singles schemes for public housing. These become available at 35 years of age, whereas programs for heterosexual couples are available at 21. 80%+ of Singaporeans live in public housing.

Legal Status of the Transgender and Gender-Diverse Communities

Though there are no laws that specifically penalize transgender individuals, transgender people can also be persecuted under anti-sodomy laws.

Current Legal Status of LGBT+ People

Government Statements and Actions

In 2007, Prime Minister Lee Hsien Loong stated that Section 377A of the Penal Code would not be proactively enforced in private, consensual situations between adult men, but that the law would be retained to represent "mainstream" values and only acted on in extreme circumstances. In 2017, the Prime Minister stated that the law is "an uneasy compromise" and that he was prepared to "live with it until social attitudes change."

Despite the Prime Minister's statement about non-enforcement, the police have taken advantage of Section 377A's existence to issue "stern warnings." These warnings significantly contribute to LGBT+ people fearing harassment and possible arrests.

On October 29, 2014 a Singapore Court of Appeal ruling upheld the country's ban on sex between consenting adult men. The Court held that Section 377A of Singapore's Penal Code does not violate the rights to life, personal liberty, or equal protection under the law.

After the eighth annual Pink Dot Festival in June 2016, which was sponsored by a host of global corporations with offices in Singapore, the Ministry of Home Affairs announced that businesses must be incorporated in Singapore and have a majority of Singapore citizens as Directors in order to be able to sponsor Pink Dot. Those entities that do not fall into this category (e.g. most multinationals) are required to apply for a permit to sponsor an LGBT+ event at Speaker's Corner, effectively barring global businesses from publicly supporting Pink Dot (which is deemed to be a 'demonstration' per Singapore's laws).

In 2017, amendments to the Public Order Act prohibited foreigners from participating in demonstrations. The police no longer distinguish between participants and observers, effectively forbidding foreign attendance at events at the Speakers' Corner, the country's only venue for public assemblies without a police permit. As a result, Pink Dot now limits attendance to Singapore citizens and permanent residents.

Government Statements and Actions (cont.)

Some observers believe that the Singapore government is not actively taking a stance against LGBT+ people, but rather creating an environment encouraging Singaporeans and Singapore entities to play a more active role in this space. It's thought that if the general population indicates support of pro-LGBT+ policies and initiatives that the government may well respond fairly.

The 2017 and 2018 Pink Dot SG rally were funded entirely by domestic entities, and rally organizers set up barricades and identification check points to prevent foreigners from observing the event; the additional logistics quadrupled the price of holding the event.

The 10 multinational corporations that applied for a permit to sponsor Pink Dot in 2017 were denied. However, over 100 Singaporean companies stepped forward to fill the funding gap, and Pink Dot exceeded its annual fundraising target.

Pink Dot celebrated its tenth anniversary in July, 2018, with 113 Singaporean businesses sponsoring the event and approximately 20,000 Singaporeans attending. Activists published an open letter to the Prime Minister calling for greater LGBT+ equality, reiterating the festival's "10 Declarations for Equality."

The Media Development Authority restricts positive portrayals of LGBT characters and themes through its Free-to-Air Television and Radio Program Codes. The Radio Code states that "information, themes or subplots on lifestyles such as homosexuality, lesbianism, bisexuality, transsexualism, transvestism, paedophilia and incest should be treated with utmost caution. Their treatment should not in any way promote, justify or glamorise such lifestyles."

The government has censored pro-LGBT statements on television programs, including a statement by former U.S. President Barack Obama in 2016.

Socio-cultural Environment of LGBT+ People

Status of LGBT+ Organizing and Community

Since 2009, an annual LGBT+ gathering called Pink Dot Singapore has been approved by the state. The event brings together the country's leading LGBT+ activists; at its peak in 2015, more than 28,000 people attended.

The LGBT+ community also celebrates pride month in August through the IndigNation festival. In 2018, the theme was "Imagining Queer Futures."

Over 30 other local LGBT+ organizations and student groups also operate in the country, though the Registrar of Societies has refused to register them officially, arguing that "it is contrary to the public interest to grant legitimacy to the promotion of homosexual activities or viewpoints. The Societies Act awards discretion for the Registrar to refuse a registration solely on the Registrar's satisfaction that registration would be "contrary to the national interest."

Socio-cultural emphasis is rarely placed on the transgender community. Most LGBT+ advocacy and visibility in Singapore focuses on gay and lesbian experiences.

Cultural Views of the LGBT+ Community

Singapore has a conservative cultural approach when it comes to sexual orientation and gender identity. Family values and parental expectations are strong, and conformity and traditional family models are often expected.

In 2018, the Singapore consultancy firm Achieve Group published a study investigating Singaporean business attitudes toward LGBT+ talent in the workplace. Over 85% of companies polled stated that an LGBT employee's openness about his/her orientation would not hurt that individual's chances of promotion within the organization. Nearly three-quarters of respondents stated that their staff would not have trouble accepting and working with an openly gay colleague.

Though nearly 80% of Singaporeans don't support gay rights, surveys show that public opinion is slowly shifting.

Impact of LGBT Discrimination on Business & Talent

1 • NO RISK

2 • LOW RISK

3 • MODERATE RISK

4 • NOTABLE RISK

5 • HIGH RISK

BRAND RISK **NOTABLE**

There is notable brand risk for corporations doing business in Singapore. Supporting the LGBT+ community in Singapore can potentially provoke negative reactions from Singaporean politicians.

MARKETING CHALLENGES **NOTABLE**

The LGBT+ marketplace remains largely untapped in Singapore, despite the country's significant LGBT+ population and community. Unfortunately, the Singaporean government's seemingly negative stance towards the LGBT+ community creates substantial obstacles for accessing this powerful market.

TALENT RISK **MODERATE**

Singapore's implementation of Section 377A has created confusion as to whether businesses can offer spousal benefits to LGBT+ employees. Some companies operate under the impression that same-sex spouses aren't recognized by the Singaporean government, cannot obtain spousal visas, and are forced to rely on short term travel visas when visiting the country. This makes it very difficult for LGBT+ partners to relocate to Singapore on a long-term basis if only one partner has a work visa from the Singaporean government. However, some employers do arrange for spousal visas for same-sex couples.

CLIENT RISK **LOW**

Though there is a strong need for legal reform, at the minimum for anti-discrimination and protection mechanisms to be introduced for LGBT+ people, Singapore has refrained from actively persecuting LGBT+ people. Accordingly, there is a low probability that an international firm could lose LGBT+ clients for doing business in Singapore.

Local Leaders Advocating for LGBT Equality

There are many openly LGBT+ activists and experts in Singapore. Out Leadership recommends:

Lynette Chua
Author
Mobilizing Gay Singapore

Alan Seah
Steering Committee Member
Pink Dot SG

Eileena Lee
Co-Founder
Pelangi Pride Centre

Joseph Lo
Co-Founder and Author
People Like Us: Sexual Minorities in Singapore

Yangfa Leow
Executive Director of
Oogachaga and Author,
I Will Survive

Paerin Choa
Steering Committee Member
Pink Dot SG

Charmaine Tan
Co-Founder
Pelangi Pride Centre

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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