

Colourful workplaces?

LESBIAN, GAY, BISEXUAL AND TRANSGENDER INCLUSIVE
MULTINATIONAL BUSINESSES IN KENYA



June 2015
Nairobi, Kenya



Acknowledgements

We would like to thank all our supporters and collaborators for their help in the accomplishment of this work. We give our special thanks to employers and all employees of the different multinational corporations in Kenya that opened their doors to us. Equally, we remain indebted to the following diplomatic missions in Nairobi, Kenya that stressed emphasis on our efforts: Norwegian Embassy, German Embassy, Swedish Embassy, French Embassy, Canadian High Commission and The Kingdom of the Netherlands Embassy. We are forever grateful to Workplace Pride Foundation (NL) and the International Forum on SOGIE in Nairobi for all the invaluable insights and support. We also thank all the team members at Hivos and Sullivan Marketing who made this study possible.

Financial Support

Hivos

Publisher

Hivos

www.hivos.org

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Abbreviations and Acronyms

LGBT-Lesbian, Gay, Bisexual and Transgender

D&I-Diversity and Inclusion

SOGI - Sexual Orientation and Gender Identity

HR-Human Resources

CEI-Corporate Equality Index

GLEN-Gay and Lesbian Equality Network

MSM-Men who have Sex with Men

Foreword by Hivos

Almost everywhere in the world, people who do not conform to traditional gender or heterosexual norms have a hard time. They are discriminated against for who they are and have to fight for their rights. This is also the case in Kenya, where homosexual acts are punishable by law. Here LGBT persons do not enjoy equal access to medical care, to justice or to employment.

International companies can be important change agents in this matter. These companies understand and recognise the value of diversity on the workforce. Their global policies ensure respect for diversity. But it is difficult for them to put these policies in practice in a country like Kenya, where there are legal barriers and stigmatising sociocultural norms.

The study “Colourful Workplaces?” examines how international companies deal with this dilemma. Hivos supported this research because we think that international companies can contribute importantly to breaking the silence on sexual diversity. These companies should be able to create a safe and respectful working environment for all their employees. By opening up space to discuss diversity and LGBT-rights, and by recognising and supporting LGBT persons within their companies, they give an important message that goes beyond the workplace.

As a supporter of LGBT-rights for over twenty years, Hivos believes that international companies can become important allies in our endeavours to create a world in which LGBT persons are no longer ignored, stigmatised and discriminated against, but instead are recognised and respected.

Executive Summary

Lesbian, Gay, Bisexual and Transgender (LGBT) employees are part of a sizeable and dynamic workforce with unique professional insights and qualities. Given the fact that there are millions of LGBT employees, employers that are slow to create LGBT-friendly workplaces run the risk of missing out on a substantial pool of skilled talent. Workplaces around the world are becoming aware about LGBT issues, an increasing number of global organisations are creating and maintaining an inclusive workplace culture as top priority, many of them have globally inclusive policies that include LGBT. However, in local contexts where homosexuality is a social taboo and same-sex conduct is criminalized, it becomes a challenge to implement inclusive global diversity policies.

For this reason, the intent of Hivos is to extend our work with Workplace Pride Foundation and in partnership with Sullivan Marketing, a Nairobi-based integrated marketing communications and research firm that conducted a pilot study called: ***State of LGBT Workplace Diversity Among Multinational Corporations In Kenya***. The study was conducted between December 2014 and March 2015.

The study is based on a survey comprising 10 Multinational corporations representing hundreds of employees working in Kenya. The purpose of this survey was to explore the conditions of LGBT diversity inclusion at the workplace among Multinational Corporations in Kenya. Specifically, the study envisaged the following:

- i. Exploration of the current organisational policy and legal framework encompassing LGBT Diversity inclusion at the workplace.
- ii. Assessment of attitudes of employers and employees regarding the LGBT staff.
- iii. Identification of the challenges faced by employers in the implementation of policies supporting LGBT inclusion.
- iv. Development of recommendations for the creation of a workplace that is more inclusive for LGBT employees.

In terms of the methodology, 30 multinational corporations in Kenya were approached of which 10 participated. The study used questionnaires, focus group discussions and key informant interviews as its research instruments and/or tools. From each of the 10 participating companies, a sample size of 10 employees was randomly selected. These 100 persons received a questionnaire, of which 96 were returned. Other than the questionnaires, four focus group discussions and ten key informant interviews with human resource managers, directors or equivalent managers were conducted.

Key Findings

- The Kenyan legal framework criminalizes same-sex conduct and fails to recognize that those relationships present a major challenge for multinational corporations in the implementation of some of their LGBT inclusive global diversity strategies.
- Four out of ten (40.4%) of the questionnaire respondents strongly agree that their employer should do more to ensure that LGBT employees feel comfortable being themselves in their workplace.
- We found that approximately 2 out of 5 (38%) have little or no awareness of their company's Diversity and Inclusion (D&I) policies.
- When asked their opinion of Kenyan businesses in terms of LGBT diversity and inclusion, close to half (48.9%) rated the businesses poorly with an overwhelming cumulative 72.3% poor/fair. A significant 23.4% were unaware of the Kenyan businesses efforts in terms of LGBT diversity and inclusion.
- Over two-third (68.1%) of the employees strongly feel that companies that treat employees equally regardless of sexual orientation, race, culture or religion are more likely to be successful.
- While a majority of the respondents (57.4%) reveal that they strongly feel comfortable working and associating with LGBT co-workers, close to half (46.8%) say they take a passive approach, and when jokes or negative comments are made about LGBT people at work, they just ignore and let it go.
- Local multinational offices are heavily impacted by the global corporate culture in terms of the shared diversity values, organisational culture, behaviours and business operation.
- When asked if they have conducted diversity audits, most of the multinationals had not conducted any surveys regarding diversity and inclusion locally.
- The majority of Human Resources managers consider that the language of their company is gender inclusive, but in terms of LGBT it is still work in progress, and hardly ever inclusive of LGBT-specific terminology.
- While there could be contextual challenges in the implementation of diversity and inclusion programs that target LGBT employees, there is a strong business case for corporations. Close to 8 out of 10 employees (78.7%) feel strongly that employees who are comfortable being who they are at work are more productive, thus contributing to the success of the company.

- Other than the legal framework, some of the challenges in the implementation of LGBT inclusive strategies are negative attitudes shaped by culture, negative impact on the brand, lack of training and awareness on LGBT issues, dealing with customers and unconscious bias in policies and practices.

Some of the challenges encountered during the study included: limited scope on Nairobi-based multinationals that have globally inclusive policies; only 10 out of a targeted 30 multinationals participated; Lack of data on LGBT employees; the sensitive nature of the study made some of the corporations shy away and the HR section of some of the organisations was either outsourced or handled in other countries such as South Africa.

The report concludes with specific recommendations that may help employers and other stakeholders in Kenya to create inclusive safe spaces and welcoming cultures for their LGBT employees. Some of the propositions include: diversity trainings, awareness campaigns and programmes, audits and charters; leadership support, allies and mentorship programs; longitudinal attitude-change monitoring; memberships to global diversity champion networks among others.

1. Introduction

1.1 Background of the Survey

A well-motivated and productive set of employees is essential for business success. Simply put, people are the most important asset of any company. Today, businesses' employees are diverse in terms of race, ethnicity, sex, national origin, religion, gender identity, and sexual orientation, among other characteristics. For companies to succeed in the global marketplace, they must make the best possible use of their staff. Companies must attract and retain the right skills, the best minds, all the required resources – and that entails appreciating diversity.

With demographic displacements, advances in technology & communications, and globalization, diversity is quickly becoming a driver of growth around the world. The maximization of the potential of a diverse workforce is not only a social imperative, but is also a competitive advantage. From a business advantage point, to best serve the market one must 'employ the market'. Teams of mixed gender, ethnicity, physical ability, age and sexual orientation are more representative of customers. They offer a variety of viewpoints and a wider range of experiences, which improves decision-making and problem-solving. Organisations that are forerunners with their inclusion and diversity efforts are realizing the tremendous benefits and opportunities offered by tapping into pools of skilled workers, regardless of gender, sexual orientation, ethnicity, or background. These organisations also realize a higher degree of employee engagement, more collaborative and innovative workgroups, and a better understanding of multicultural customers.

Although gender diversity is important, it is no longer a differentiator. People are looking beyond mainstream diversity initiatives to gauge an organisation's inclusivity. In recent years, the international community has begun to recognize the heightened risk of human rights abuses faced by sexual minorities. For instance, Gay and Lesbian Equality Network (GLEN) survey on 'Diversity Champions' reports that 30% of lesbian, gay and bisexual employees are harassed at work and over 10% quit a job because of discrimination.¹

LGBT employees constitute a sizeable and dynamic workforce population with unique professional insights and qualities – largely because of who they are. With millions of lesbian, gay, bisexual, and transgender (LGBT) employees, employers that are slow to create LGBT-friendly workplaces risk missing out on a substantial pool of skilled talent. As workplaces around the world become sensitized to LGBT issues, an increasing number of global organisations are making the creation and maintenance of an inclusive workplace culture a top priority by levelling the playing field and providing equal opportunities. Truly diverse companies recognize, celebrate, and embrace difference.

¹ Brian McIntyre and Elizabeth Nixon 2014, *Working it Out: Driving Business Excellence by Understanding Lesbian, Gay & Bisexual Workplace Experiences*. GLEN's Diversity Champions Report. Supported by EY,

Thousands of gay, lesbian, bisexual and transgender people are out of the closet in the corporate world today, including senior executives at Apple, Disney, AT&T, American Airlines, Microsoft, McDonalds, Goldman Sachs, Clorox and IBM, to name a few. However, studies reveal that the majority of workers are still hidden owing to punitive laws and policies adopted by some countries or corporations while others are still 'hiding' owing to prejudice among their colleagues despite the implementation of diversity and inclusion policies by their companies. According to *Working it Out*, the GLEN's Diversity Champions report employees are stressed by having to conceal their sexual orientation at work, with new employees being twice as likely to not disclose their sexual orientation as longer standing employees. The study also found that employers who demonstrated a strong commitment to diversity and inclusion had an advantage in attracting LGBT candidates. Good employers know that employees perform better when they can be themselves. The report indicates that companies can drive improved business performance by fully engaging their lesbian, gay and bisexual employees.

1.2 LGBT in Kenya

An anthropological review of cultural practices in African societies spanning the entire continent indicates that homosexuality was practiced by Africans before the arrival of white imperialism. At that time, same-sex sexual relationships were recognized in Cameroon, Zimbabwe, Burkina Faso and Benin. In Uganda, amongst the Nilotico Lango, men who assumed 'alternative gender status' were treated as women and were permitted to marry other men. Among Cape Bantu, lesbianism was ascribed to women who were in the process of becoming chief diviners, known as *isanuses*. Besides, in many African cultures, homosexuals and transsexuals were revered and worshiped as spirits of the gods. Sango, the Yoruba god of thunder was often described as a beautiful man who dressed like a woman, had his hair braided and accessorized like a woman. Hitherto, Sango male priests still dress in women apparels when performing traditional rituals.

In Kenya, female same-sex marriages were practiced among the Gikuyu, Nandi, Kamba and Kipsigis with an estimated 5–10% of women in these ethnicities still being in such marriages. Justified by the cultural dogmas, these relationships were, and still are not perceived as homosexual, but a way for families without sons to keep their inheritance within the family.²

Despite these ancient cultural practices, issues of homosexuality were not commonly discussed among Kenyans. Kenya's Penal Code criminalizes same-sex conduct and there was an overwhelming opposition to the decriminalization of such relationships, even though the government formally states that it does not support discrimination in terms of access to service and employment. Politicians and religious leaders often use homophobic sentiments to exclude sexual minorities.

Today, legal and social advocacy for the full enjoyment of human rights for LGBT persons in Kenya has intensified in comparison with half a decade ago. LGBT organisations, development

² Atanga, Lilian, Ellece, Sibonile Edith, Litosseliti, Lia and Sunderland, Jane. 2012. Gender and language in sub-Saharan African contexts: issues and challenges. *Gender and Language* 6(1): 1-20.

agencies and human rights defenders are spearheading these efforts which have resulted in more public debates and conversations around issues of sexual orientation and gender identity (SOGI).

1.3 Kenya's Legal LGBT Framework

The Kenyan Penal Code sections 162 to 165 criminalizes homosexual acts and among other things provides that any person who commits or attempts to commit acts that go against order of nature commits a felony. As such, they are subject to imprisonment based on homosexual acts, are targets of verbal and physical injury, sexual violence, and social marginalization. Section 162 of the **Penal Code** on Unnatural offences states that:

Any person who (a) has carnal knowledge of any person against the order of nature; or (b) has carnal knowledge of an animal; or (c) permits a male person to have carnal knowledge of him or her against the order of nature, is guilty of a felony and is liable to imprisonment for fourteen years:

...the offender shall be liable to imprisonment for twenty-one years if (i) the offence was committed without the consent of the person who was carnally known; or (ii) the offence was committed with that person's consent but the consent was obtained by force or by means of threats or intimidation of some kind, or by fear of bodily harm, or by means of false representations as to the nature of the act.

Section 163 of the Penal Code on Attempt to commit unnatural offences states that "any person who attempts to commit any of the offences specified in section 162 is guilty of a felony and is liable to imprisonment for seven years"

Section 165 of the Penal Code on indecent practices between males states that:

Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony and is liable to imprisonment for five years.

The Children Act, 2001 makes homosexuals and unmarried couples ineligible to adopt children.

Kenya lacks laws that protect LGBT against hate speech and crimes. This occurs despite the fact that Kenya is a secular state, as confirmed by the 2010 Constitution. Radical catholic, evangelicals and politicians have been creating a massive opposition to LGBT rights. The law characterizes same sex relations as an 'unnatural offense' and is a felony punishable by law. Although the laws are rarely enforced, LGBT are still prosecuted and imprisoned under these laws. Furthermore, criminalization of same-sex relationship codifies and legitimizes a general

attitude of homophobia that exists within the country and thereby leads to the routine human rights violations that LGBT suffer. Thus, such laws instil fear, facilitate abuse, and prevent LGBT Kenyans from achieving the equality to which they should be legally entitled.

The global regime of human rights, the Constitution of Kenya of 2010 has enhanced protection and enforcement of fundamental rights amongst other gains. Article 2 of the Constitution states that the general rules of international law shall form part of the law of Kenya. Kenya has signed and ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Covenant on Elimination of All Forms of Discrimination Against Women (CEDAW) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention Against Torture), Convention on the Rights of the Child (CRC), the Convention on the Elimination of Racial Discrimination (CERD), and the Convention on the Rights of Persons with Disabilities (CEDEP). All these international instruments condemn discrimination on grounds such as sex, race, and gender. Article 10(2)(b) of the Constitution of Kenya provides that the national values and principles of governance include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized.

Aforementioned milestones should lead to a review and change of unconstitutional and discriminatory legislation, such as the Penal Code, and put them in line with the Constitution and international agreements.

Issues of right to health are raised when there are laws that bar the practice of homosexuality. Men who have sex with men (MSM) are particularly vulnerable to HIV infection. It is only recently that the Kenya National Aids and STI Control Programme (NASCOP) included MSMs as a 'most at risk population' in the spread of HIV. However, there are many cases where LGBT persons that need specialized medical care suffer stigma perpetuated by health care providers who breach their privacy and confidentiality by exposing their sexual orientation to other colleagues at the facilities. The health care providers often are not friendly and hardly understand their sexual and reproductive health needs.

In addition, when their sexual identity is discovered, LGBTs cannot easily seek employment or undertake other forms of business - for example running a kiosk. Sometimes, they have to keep relocating to different residential areas to hide their identity. Further, they are often evicted from their rental houses by neighbours/landlords since they believe their sexual orientation is evil. In some cases, they are not allowed to use common utilities in the residential compounds such as swimming pools. LGBTs are also unable to access spiritual nourishment because they are labelled as evil and places of worship interpret LGBT activities as unnatural and unacceptable.

These harms are partially supported by the Constitution which is not descriptive and prescriptive of the LGBT rights. For example, in terms of SOGIE, the Constitution only refers to men and women. Article 27 (3) states that "women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres".

1.3.1. Employment laws in Kenya

Employment relations in Kenya are regulated by a number of laws: constitutional rights; statutory rights, as set out in statutes and regulations; rights set by collective agreements and extension orders of collective agreements; and individual labour contracts. Employment Act of Kenya and other related laws are silent on LGBT rights. These laws also encompass sexual harassment. The Employment Act description of maternity and paternity leave only recognises heterosexual relationships.

Articles 19 to 51 of the 2010 Constitution of Kenya deal with fundamental rights and freedoms of Kenyans. It guarantees fundamental rights and freedoms of the individual. Among these fundamental rights, a range of general principles underpinning labour rights are anchored in the Constitution itself. The Constitution provides for principles, such as the prohibition of inhuman treatment (Art. 28) and the protection from slavery and forced labour (Art. 30).

Freedom of Association is guaranteed in the Constitution under Art. 33. The constitutional provision under Article 41 already regulates in detail trade unions associations.

Article 56 states that the State shall implement affirmative action programmes designed to ensure the participation of minorities and marginalised groups and their representation in governance and other spheres of life. However, this was not applied in cases of LGBT minorities. The protection of right to personal liberty, his or her freedom of movement, and the protection from discrimination (Art. 27) is also related to an employee's freedom. Art. 27 (4) specifies the anti-discriminatory provision prohibiting different treatment, directly or indirectly, on the enumerative grounds of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. It provides that the Government should enact legislative and other measures, including affirmative action programmes and policies designed to address any disadvantage suffered by individuals or groups due to past discrimination. Article 32 states that every person has the right to freedom of conscience, religion, thought, belief and opinion which includes through worship, practice, teaching or observance.

The line between employment protections from discrimination and protections from harassment is not clearly defined. Though the anti-discrimination policies typically emphasize the responsibility of the *employer* and anti-harassment policies emphasize the responsibility of *employees*, the Employment Act is silent on anti-discrimination or harassment on account of sexual orientation or gender identity.

This transfers expressive and prescriptive HR policies on LGBT diversity to employers without a reference law to support such employment policies. It also allows homophobic and transphobic employees to violate LGBT employees' rights. Employer's non-discrimination policy, or equal

employment opportunity policy, should typically cover conditions of employment including hiring, promotions, termination and compensation. It is, thus, the prerogative of employers to

include 'gender identity or expression' (or 'gender identity') and 'sexual orientation' as protected classes, in addition to other legal-protected classes, in non-discrimination policies.

Section 4 of Labour Relations Act states that every employee has the right to participate in the formation of a trade union or federation of trade unions; join a trade union; and, leave a trade union. It also adds that no person shall discriminate against an employee or any person seeking employment for exercising any 'labour relations' right. The Act states that "every employee has the right to: (a) participate in the formation of a trade union or federation of trade unions; (b) join a trade union; or (c) leave a trade union.

1.4.1 Objectives of the Survey

The purpose of this survey was to explore the state of Lesbian, Gay, Bisexual and Transgender (LGBT) Diversity inclusion at the workplace among Multinational Corporations in Kenya. Specifically, the study sought the following:

- i. Explore the current organisational policy and legal framework covering LGBT Diversity inclusion at the workplace.
- ii. Assess attitudes of employers and employees with regards to LGBT staff.
- iii. Identify the challenges faced by employers in the implementation of inclusive policies for LGBT employees.
- iv. Develop recommendations for the creation of a workplace that is more inclusive for LGBT employees

2. Business case for LGBT inclusive workplace

Top firms have discovered that the creation of a workplace that welcomes all individuals is a winning formula— diverse teams mean more ideas, more innovation and better problem solving. A recent McKinsey Study³ analysed the top executive teams of 180 public firms and found that those with diverse teams outperformed their peers in Return on Equity and Earnings Before Interest and Tax (EBIT) margins. In addition, a 2011 Forbes Survey⁴ of 321 top executives highlighted the importance of prioritizing diversity in retaining talent and driving innovation.

Increased Staff Productivity and Performance

A recent report published by Out Now Consulting entitled 'LGBT Diversity: Show Me The Business Case'⁵ reveals that most companies save hundreds of thousands of dollars as well as increase reported staff productivity as a direct result of well-implemented LGBT staff diversity policies. The productivity benefits represented 20% - 30% improvement as the staff feel valued and respected as productive members of their workplace teams.

A recent study of LGB employees in the UK as quoted in Community Business LGBT study⁶, demonstrated a positive link between workplace climate and their own productivity and performance. Lesbian and gay respondents who were capable of being themselves at work and well supported by their employers reported that they were significantly more effective, more motivated and built better working relationships with colleagues.

Reduced Staff Costs

Moreover, the consequences of alienating LGBT workers are significant. According to the aforementioned report, staff are more likely to stay with an employer with a diversity program in place that allows them to feel secure in their relationship with their colleagues. This is more economic for the company since the probability of having to replace staff and train new employees will decrease. Losing and replacing the LGBT workers who leave jobs due to unfair treatment and discrimination, costs employers an estimated \$64 billion each year in America alone.⁷

LGBT job seekers pay particular attention to which employers are known for having a diverse workplace, including treating LGBTs equally and fairly. Potential employees use the annual *Corporate Equality Index* (CEI) provided by the Human Rights Campaign, which evaluates companies on factors ranging from their non-discrimination policies to the strength of their benefits programs for LGBT employees. This includes equal health-insurance benefits to all

³ Thomas Barta, Markus Kleiner, and Tilo Neumann(2012) *Is there a Pay-off from Top team Diversity*, published in the McKinsey Quarterly by McKinsey & Co

⁴ "Fostering Innovation Through a Diverse Workforce", Forbes Insights, July 2011

⁵ LGBT Diversity: *Show Me The Business Case* (2015) by Out Now Consulting, Netherlands

⁶ Kaplan M (2010) LGBT Study by Stonewall UK as Quoted by Community Business, Hong Kong

⁷ Wesley Combs, 2012, LGBT Inclusion & Diversity in the Workplace. *Diversity MBA magazine*, August 22, 2012.

employees. Transgender employees, for instance, require insurance plans cover for medical costs associated with transitioning procedures.

Recruitment and Retention

Multinational corporations are continuously looking out for top-notch talent that can adapt to a competitive, diverse and multicultural global environment. To attract these professionals, there is an increasing need for corporations to position and distinguish themselves as diversity and inclusion champions. A recent Hong Kong study published by *Community Business*⁸ shows that younger workers show evidence of being much more open to the legitimacy of all sexual orientations and gender expressions than prior generations and more likely to ask direct questions about a potential employer's diversity and inclusion practices. When a generational aspect is envisaged, the inclusive approach in companies is even more compelling.

Return on Investment/New Markets

Stonewall UK⁹ argues that the investment in policies and programs that are LGB inclusive will provide a strong and long reaching return on investment. It states that LGB employee representation and inclusion can help align, produce and service offerings to LGB consumers and investors providing valuable insight into new and often untapped markets; new markets, products and services. Thus, businesses worldwide are envisaging LGBT inclusion and the attraction of the pink dollar with studies estimating that LGBT community spends trillions of dollars a year.

Pride In Diversity's survey, *Why LGBTI Inclusion*¹⁰ estimates that 74% of gay and 42% of straight consumers are less likely to buy products from organisations with negative views (or exclusive of) lesbian and gay people. It also estimates that 47% of LGBT consumers as opposed to 18% of heterosexual consumers are more likely to make a purchasing decision based on their awareness of a company's LGBT diversity policies. Moreover, 50% of LGBT employees would feel more committed and loyal to employers who have introduced LGBT diversity policies and programs.

Employee Trust and Loyalty

The research conducted by the Center for Work-Life Policy found that 21% of closeted LGBTs trusted their employers in comparison with 47% of LGBTs who had outed themselves already. More than half of closeted LGBTs felt "stalled in their career" in comparison with 36% of individuals who had made their orientation known already.¹¹

⁸ Shalini Mahtani & Kate Vernon, *Creating Inclusive Workplaces for LGBT Employees in Hong Kong* (2010) Published by Community Business Ltd

⁹ Stonewall UK: http://www.stonewall.org.uk/what_we_do/

¹⁰ Pride In Diversity: *Why LGBT Inclusion* (2013)

¹¹ Sylvia Ann Hewlett, 2010, What 'Don't Ask, Don't Tell' Really Costs, *Harvard Business Review*, October 8, 2010.

3. Methodology

The study was designed to include 30 multinational corporations in Kenya which were purposively selected and contacted. Out of these, 10 of them participated. From each of the 10 participating companies, a sample size of 10 employees was randomly selected.

Multiple approaches were used in the collection of the data which comprised: questionnaires, focus group discussions and expert interviews. The purpose of the multiple approaches for the collection of the data was to increase the reliability of the same, get different perspectives from employers and employees, as well as to achieve comparative insights in terms of the attitudes and organisational cultures regarding LGBT employees. The anonymous questionnaires were selected since they were simple to manage, provided 'safety' and confidentiality, and were structured in a standardized manner and the responses were easily measurable and quantifiable. The employees were contacted by their respective Human resources departments regarding their participation. 96 questionnaires were filled out and returned.

Four focus group discussions, each having 12 participants, were assembled. The participants included employees in junior/supervisory level, middle-level management and senior management. Each of these discussions was held separately according to their seniority level. This was of paramount importance since junior employees tend to shy away in the presence of their bosses. Once more, HR departments arranged the participation of members of the staff ensuring that various departments were represented. The majority of the participants were Kenyans with only 3 participants of Asian descent. The discussions were undertaken at the participating company's offices in Nairobi and were led by a trained moderator. The focus group discussions offered clarifications into the complex issues of SOGIE both broadly and in the workplace. The discussions presented a platform for debate, questions, answers, challenges and recommendations. The feelings and attitudes of the employees were well captured during the discussions. Only note-taking was permissible and no tape-recordings were allowed to ensure that the responses of the participants were not inhibited, and their identities were protected.

Additionally, 10 expert interviews with the human resource managers, directors or equivalent were conducted. The interviews sought to find out employer's organisational policies, workplace cultures and attitudes toward LGBT employees. The in-depth interviews led to explanations, clarifications, immediate feedback, application and interpretation of global D&I policies as well as offer personal assurance about the way in which the information will be used. As a result, a rich and detailed set of data was obtained.

The data was analysed using SPSS and content analysis, and is presented in the next chapter.

4. Survey results

This section presents an analysis and findings of the data in relation to current organisational policy covering LGBT diversity inclusion at the workplace; employer and employee attitudes towards LGBT inclusion, challenges faced by employers in the implementation of inclusive diversity policies in the work place and recommendations that would promote inclusive work programs for LGBT employees.

Sample characteristics

10 multinational corporations participated in the survey, and the distribution by sector is shown in the figure below.

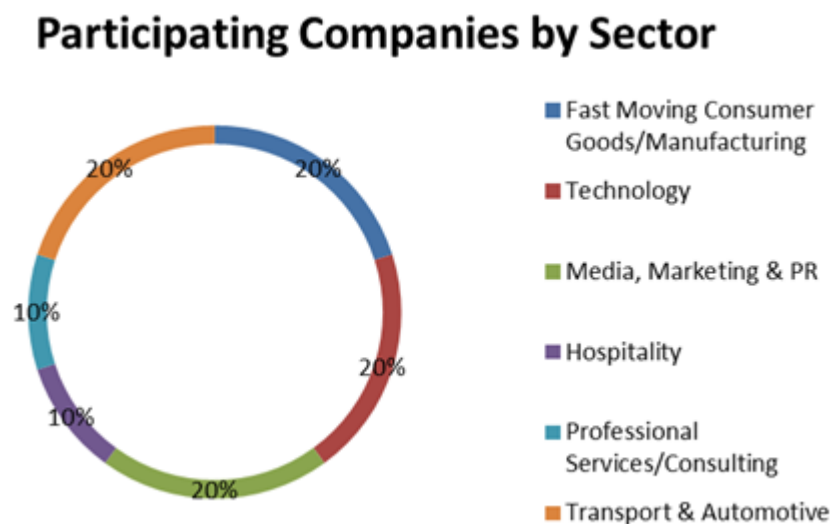


Figure 1: Participating companies by sector

Gender of Respondents

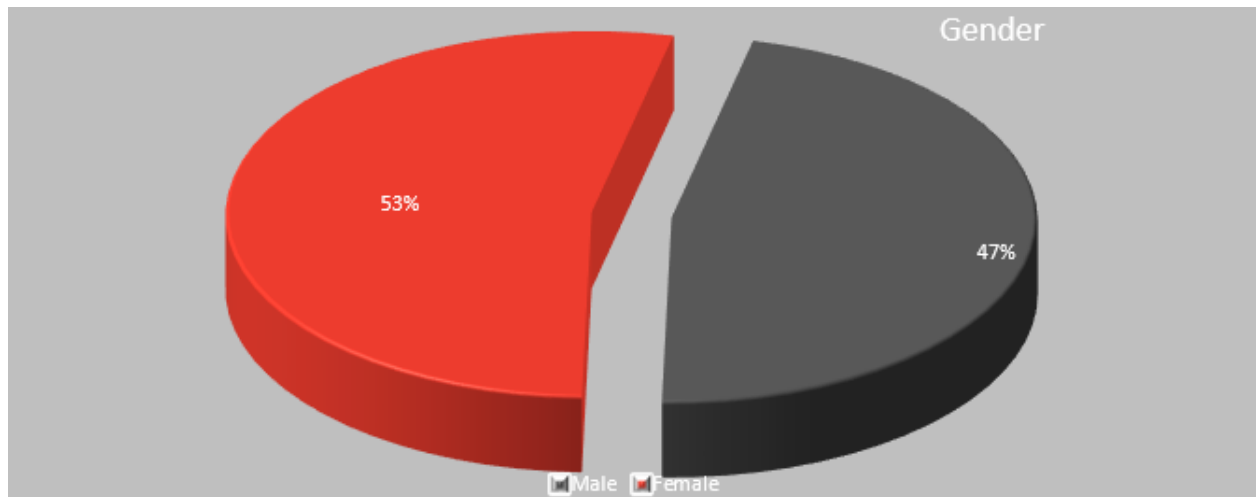


Figure 2: Gender Distribution (percentage)

Figure 2 above is a depiction of the gender distribution among the respondents that took part in the study. Over half of the respondents (53%) were female while male participants represented 47%.

Highest Academic Qualification

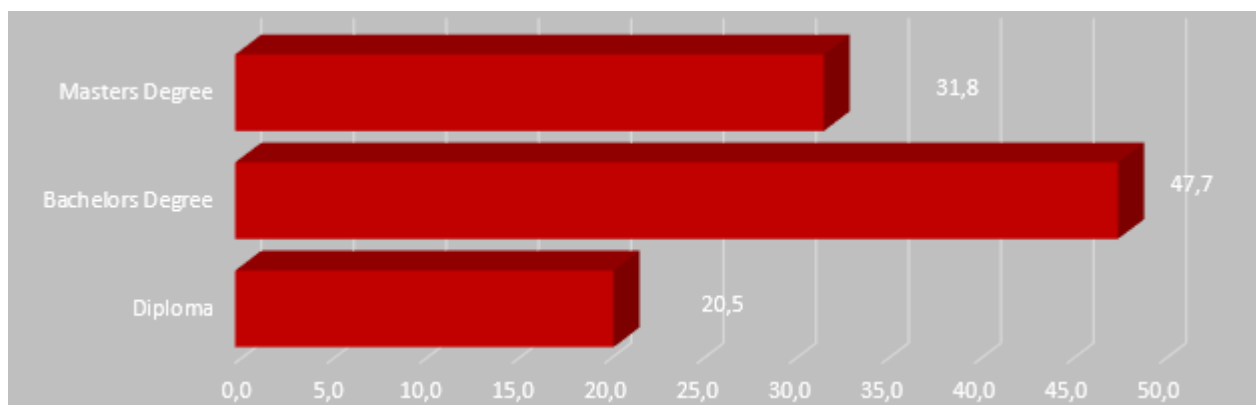


Figure 3: Respondents academic qualifications (percentage)

Almost 8 out of 10 (79.5%) of the respondents had a bachelor's degree and above, while Diploma holders represented 20.5%. Regarding the companies surveyed, the findings suggested that the employees were four times more likely to have a bachelor's degree than a diploma as their highest level of education.

Employee attitudes & perceptions

This section analyses how employees rated Kenyan businesses, their own employers' diversity efforts, awareness of workplace diversity and inclusion, the importance of workplace D&I and their attitudes towards working with LGBT employees.

Rating Importance of Welcoming Workplace Cultures

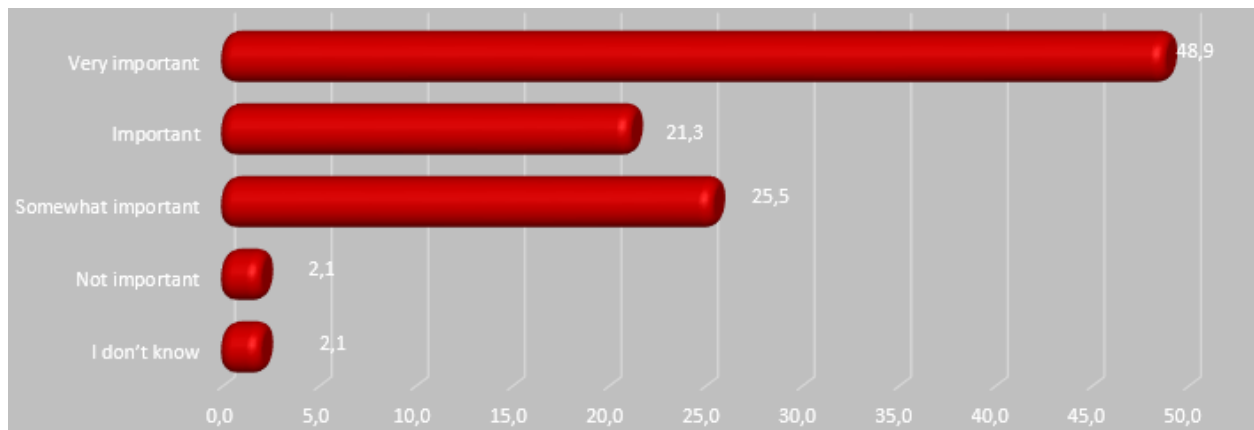


Figure 4: Rating importance of welcoming workplace cultures (percentage)

When enquired about their views on the importance of welcoming workplace cultures, 7 out of 10 of the respondents (70.2%) suggested that it was important or very important to have welcoming work cultures, 25.5% mentioned that it was somewhat important, only 2.1% felt it was not important.

Rating Kenyan Businesses in LGBT Diversity & Inclusion

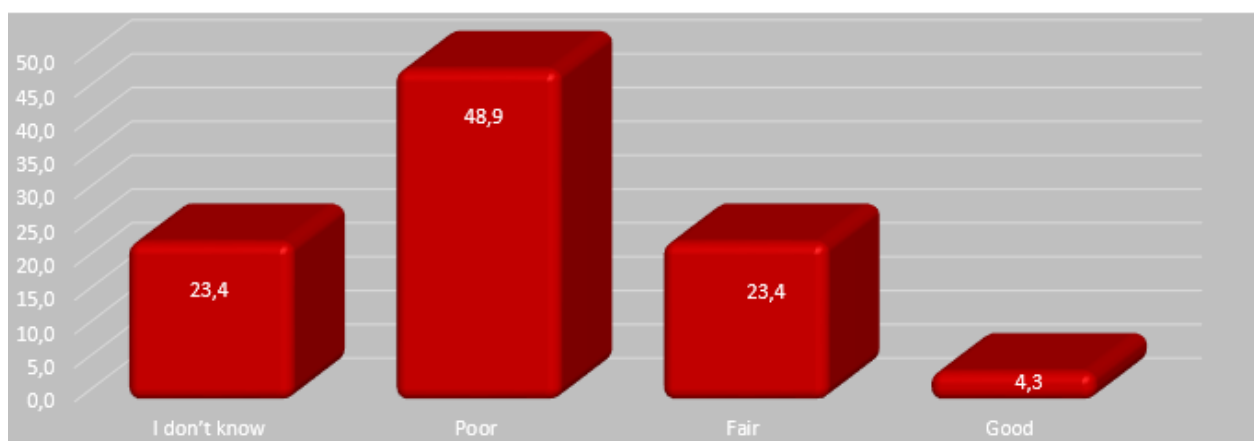


Figure 5: Rating Kenyan Businesses in general on their LGBT diversity and inclusion (percentage)

When asked how Kenyan businesses perform in terms of LGBT diversity and inclusion, close to half (48.9%) rated the businesses poorly with an overwhelming cumulative 72.3% poor/fair. Twenty three percent were unaware of the Kenyan businesses efforts in terms of LGBT diversity and inclusion.

Rating Own Company Commitment to Diversity and Inclusion

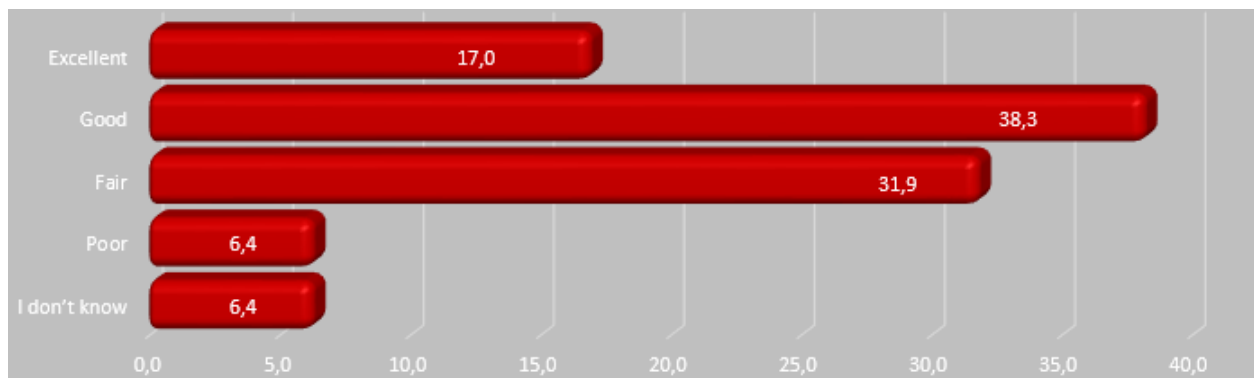


Figure 6: Rating Own Company to Diversity and Inclusion (percentage)

When asked how they would rate their own organisations' commitment to diversity and inclusion, over half (55.3%) stated good commitment from their companies, while a significant 31.9% rated them fairly. Only 6.4% rated their employers poorly.

Awareness of Workplace Inclusion Diversity Policies

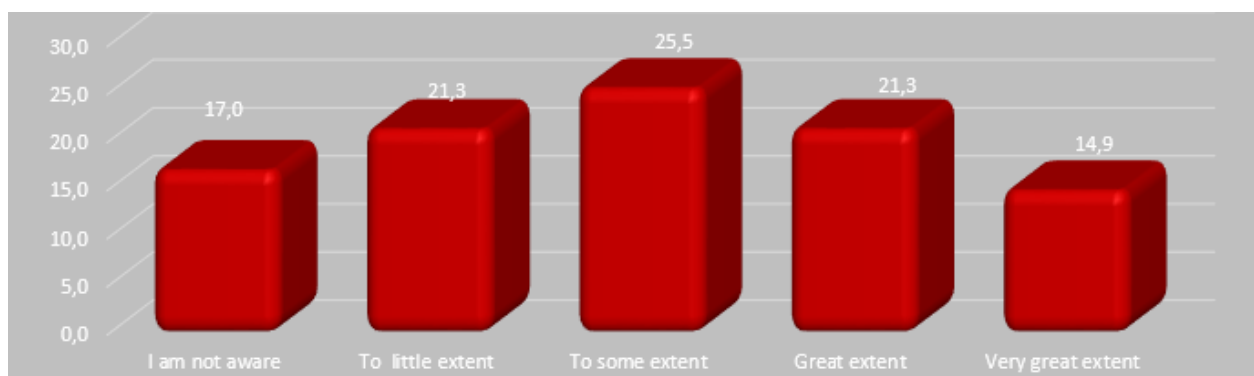


Figure 7: Awareness of workplace inclusion diversity policies (percentage)

When asked about the level of awareness of their own companies' workplace diversity and inclusion (D&I) policies, the findings reveal that approximately 6 out of 10 (62%) were aware to a very great, great or to some extent. The findings also reveal that close to 2 out of 5 (38%) have little or no awareness of the D & I policies.

Employee Perception on Workplace Diversity

	Strongly agree (%)	Somewhat agree (%)	Disagree (%)	Strongly disagree (%)	I don't know (%)	Mean
Employees who feel comfortable being who they are in the work place are more likely to contribute to the success of their company	78.7	17.0		4.3		4.3
My employer should do more to ensure that LGBT employees feel comfortable being themselves in the workplace.	40.4	42.6	8.5	2.1	6.4	4.9
Kenyan businesses generally need to do more to ensure that LGBT employees feel welcomed and valued in the workplace.	53.2	29.8	10.6	2.1	4.3	4.7
Workplace diversity should be a priority for Kenya's business leaders.	55.3	31.9	8.5	4.3		4.6
Companies that are committed towards diversity find it easier to attract and keep the best Employees.	57.4	34.0	2.1	2.1	2.1	4.5
Workplace diversity helps companies to deal with business challenges by enabling them to access new ways of thinking and perspectives.	48.9	36.2	8.5	4.3	2.1	4.7
Employees working for organisations that are committed towards diversity and inclusiveness are more likely to have positive attitudes towards their work and their employer.	53.2	40.4		4.3	2.1	4.6
Companies that treat employees equally regardless of sexual orientation, race, culture or religion are more likely to be successful	68.1	14.9	6.4	4.3	6.4	4.7
I consider it unprofessional discussing sexual orientation in the work place.	21.3	38.3	19.1	14.9	4.3	3.4
I would feel comfortable hearing LGBT co-workers talk about their social lives (Dating and related subjects)	25.5	19.1	27.7	21.3	2.1	3.5
I feel comfortable working and associating with LGBT co-workers	57.4	23.4	2.1	6.4	4.3	4.7

Table 1: Employee Perceptions on Workplace Diversity

Table 1 shows the perception of the respondents regarding workforce diversity. Considering the means, with the exception of two they are all positioned above the upper quartile indicating high levels of agreement with the statements on the positive impact of work place diversity inclusion on the productivity and success of organisations.

Reaction to jokes or negative comments about LGBT

	Percentage (%)
I just ignore it or let to go	46.8
I speak directly to the person who made the comment	36.2
I talk to the supervisors about it	2.1
I talk to the HR about it	2.1
Not applicable-no one at work makes jokes or negative comments about LGBT people	17.0
I preferred not to answer	4.3

Table 2: Response to Jokes or Negative Comments about LGBT

When asked about the reaction of the respondents when jokes or negative comments are made about LGBT people at work, approximately half (46.8%) will take a passive approach, they just ignore and let go while only 36.2% will speak directly to the person who made the comment; 17% of the respondents stated no negative comments or jokes are made about LGBT employees at their workplace indicating presence and application of inclusive policies and cultures.

5. Employer organisational cultures and LGBT inclusion

This chapter assesses the measures that employers comprised in the survey have taken to ensure the inclusion of LGBT employees. Qualitative data related to this chapter were mainly collected through the contributions of HR managers and directors during interviews and focus group discussions (a sizeable number attended the senior management focus group). The interviews not only reflected the findings of the survey, but also provided a detailed review on how multinational companies are implementing diversity in a local context and how the global nature of their business impacts on the workforce in the Kenyan office.

The chapter is divided into the five areas that were researched, especially on the employers' understanding of diversity and inclusion, Corporate Culture on LGBT inclusion, their awareness of issues that affect LGBT employees, how they communicate LGBT-inclusion efforts throughout the organisation and on their internal policies and practices. A separate chapter will be dedicated for the challenges of the implementation of an inclusive workplace.

Corporate Culture

Understanding of Diversity and Inclusion

The business case for diversity and inclusion may be obvious to the teams working in global offices of multinational corporations but not on the shop floor, the study sought to find out what the concept of diversity and inclusion meant for the local office operating in Kenya.

The survey respondents stated that:

- *"Diversity and inclusion means that everyone is treated equally with respect"*
- *"Diversity and inclusion means considering all differences, all needs and all types of people within the workforce. It means being against discrimination and being open to all people. This diversity should help us retain top performance"*
- *"It means that everybody is equal, it doesn't matter anything. Everybody is the same. We are focused on diversity of thoughts as well"*
- *It means "do not discriminate at whatever level, and looking at what each difference can contribute value/benefit the company."*

From the employer's perspective, it meant equal treatment regardless of differences, with a keen indication that diversity that leads to performance, profitability, creativity and innovation (diversity of thought)

From the focus group discussions, these are some of the understandings to the concept:

"Diversity is the difference of people in: race, gender, personal appearance and like in this case, sexual orientation. Inclusion is the coming together of these different people to work towards a certain goal"

"Diversity and inclusion means all these different people under one umbrella working together regardless of their differences"

"Working together without discrimination"

"It should be nobody's business why somebody is different"

"Tolerance for things that are different. Variety"

It is noteworthy that employees were more likely to associate diversity and inclusion to *"working together"* and harmonious co-existence at work while the employers linked diversity to performance, innovation and other business goals.

Diversity Audits

Diversity audits are used by companies as a tool to examine their diversity strategy, systems, procedures and culture against a specified framework. This structured tool provides the means to identify and evaluate achievements and areas that could be improved through customised action.

When asked if they have conducted diversity audits, most of the multinationals had not conducted any surveys regarding D&I locally, only one multinational mentioned that they had organised one at a global level. *"We did this internally in liaison with other companies. External firms or consultants were not used. It was difficult, but open-minded departments such as Marketing rendered all of their efforts in the accomplishment of the same. This helped us to improve our understanding regarding LGBT issues and also to create awareness of LGBT Workplace diversity"* as stated by the HR Director of a world-leading beauty products manufacturing company.

Welcoming Workplace Cultures

The majority of the multinational corporations that participated in the survey stated that employees are not comfortable in disclosing their SOGIE at work. Some of the reasons includes the conservative cultural Kenyan context, illegality of homosexual acts within the country's legal sphere (penal code) and fear of stigma. However, they stated that despite the cultural contexts, as employers, they have created safe spaces for their employees who would like to disclose their sexual orientation. One of the Director of People Services of a multinational hotel chain stated *"The hotel has created a useful and safe environment for employees to disclose/express their gender identity and sexual orientation. We do not tolerate harassment or discrimination at any level."*

One of the HR directors of a global tech company stated that *"culture does limit the extent to which they will be comfortable although from personal observation it is not a problem here. You can be anything"*. Another stated that *"if they were to open up, it would not be an issue. Performance is a priority."*

The findings revealed that although the companies could have created safe and inclusive environments for LGBT self-disclosure, there were still concerns that LGBT employees would be treated differently by their colleagues, hence reducing their chances of career opportunities and affecting their professional relationship with others. Some of their views were:

"They will be treated differently because of culture"

"LGBT persons are of a different world therefore they are treated differently"

"LGBT persons scare others away, some straight people fear they might try to change them"

It was interesting to note that all of the focus group participants knew of at least one LGBT person. In spite of this, the findings revealed mixed feelings in terms of LGBT welcoming workplace environments. While the employers seek to create safe, inclusive spaces, the employees seem reserved in their interaction with openly LGBT-identifying colleagues perhaps due to reputational and image risks.

Impact of Global Corporate Culture on the Local (Kenyan) LGBT Diversity and Inclusion Context

Achieving success in an increasingly multi-faceted, global and competitive market requires entering a broad talent pool in which diversity is a central component. Diversity and inclusion impulses innovation, which in turn supports a company's business strategy. However, how well global values and culture is accessible in local offices is the question of the moment.

Our findings reveal that the local multinational offices are heavily impacted by the global corporate culture in terms of the shared diversity values, organisational culture, behaviours and operations of the business.

One of the HR Directors of a leading manufacturing company states *"East Africa has a unique situation and this office is gradually integrating to the Global Group. However, the global office sets standards of operation and draws the line. We cannot and must not discriminate on whatever basis. The Global office also provides Key Performance Indicators (KPIs) regarding diversity & reporting. The Global office follows up on these indicators to ensure they are complied with."*

"We have an almost similar kind of culture. We are structured by departments like one big company in different places. The culture cuts across, we have different people and one has to

learn to adapt. Potential to embrace diversity is part of the promotion and appraisal criteria," states the Head of CSR and Sustainability of a leading tech company.

In addition, the HR Director of a leading global automotive company further states that: *"Global culture heavily impacts on our behaviour with the values related to the 'respect for the individual' in all our offices. Our borderless organisation allows us to mix freely."*

In terms of LGBT inclusion, some stated that there was no impact on the global culture in terms of local context while others stated that *"We do not classify LGBT's as 'special' people. We treat them like all employees and do not discriminate them at any level."*

Awareness and Communication

This section explores the extent to which organisations communicate on their LGBT-inclusion and overall diversity efforts internally and externally. As part of the internal communication, we also considered whether inclusive, particularly LGBT-inclusive, language is used within the company, both in verbal interaction and in written documents. In relation to external communication, we asked whether the companies communicated their stance on diversity and inclusion in their website and other external platforms.

Language

- The majority of HR managers consider the language of their companies gender inclusive but in terms of LGBT it is still work in progress, and even unclear. For example, a HR director stated "The term LGBT is not used. The language is not clear. However the HR documents read 'spouse' instead of husband/wife and the medical cover states 'anybody who is dependent on you' indicating inclusiveness.
- There was lack of consistency of the use of LGBT –inclusive language especially when external partners and stakeholders such as insurers, travel agents, suppliers etc are used. For example, a HR director mentioned that in medical coverage, the dependents are assumed to be the result of heterosexual marriages.
- There was also lack of awareness of the broader understanding of transgender and intersex issues.
- Overall, the language in written documents seems not to be inclusive of LGBT persons indicating a gap in the D&I policies and practice/reality.

LGBT Awareness Trainings

- The majority of the corporations said that they do hold periodic trainings or seminars that encompass broader workplace diversity and multicultural issues rather than specific LGBT inclusiveness.

- LGBT inclusiveness awareness trainings does not take place in isolation but it is part of a broader workplace diversity context.
- Management supports general diversity trainings, and every employee must undertake these trainings at some point in their working life in the organisations, usually before they complete their third or fourth year.
- New Employee Orientation and Induction workshops are also used as platforms for sharing the employers' diversity values in addition to business ethics.

Internal and External Communication

The majority of the multinationals that have participated, clearly stated sexual orientation in their websites as part of what constitutes their diversity and inclusion policy and practices.

Internally some of the tools that are used to communicate inclusiveness and non-discrimination include: emails, intranet, internal memos, HR handbooks, Contracts, Code of Ethics, Newsletters, Staff meetings and notice boards.

During focus group discussions, when asked how comfortable employees would be if their company publicly supported the LGBT movement, most of the individuals would not be comfortable, and hoped that the company should not expect them as individuals to take the same stand. One of the executive participants said that they would never publicly support LGBT rights movement because of the restrictive legal framework.

6. *Internal policies and practices*

Diversity Policy and Strategy

- The majority of the participating companies have a diversity policy statement that is largely adopted from the parent company. The policy mentions sexual orientation and sometimes gender identity in its statement of equality and respect.
- The diversity policy emphasizes equal opportunities for all and non-discrimination on whatever level.
- The study shows that there was no implementation plan specifically for LGBT due to contextual challenges; however issues around gender-balance, corporate social responsibility and ethnicity were critical.
- Even though there is a globally applicable diversity policy, the diversity strategies adopted vary with the local context that the multinational operates within.

Support against Harassment and Bullying

- All the participating companies have clear and very strict anti-harassment, bullying and disciplinary policies in place.

The study found out that:

- These policies do not necessarily mention harassment directed at LGBT employees.
- The complaints/disciplinary issues were handled by the HR or Ethics department.
- Some of the organisations had helplines, anonymous emails, suggestion boxes and non in-house counselling services available for support.

As a HR Director claimed: *"These policies are 100% applicable almost to a point of obsession; hurting people's feelings can get you sacked. Everybody must be respected."*

Recruitment, Retention and Career Growth

- The recruitment, hiring and career progression follow the global policies and non-discrimination at whatever level is prohibited. These policies form part of the Key Performance Indicators which are a reflection of how well an employee has achieved the corporate goals as it relates to their job description.

- Some multinationals were more proactive in policy and practice as they sought out for 'diversity of thought' as a driver of innovation and creativity in the business. They mentioned that someone's- perceived or real -sexual orientation was not a barrier to career opportunities.
- From the study, there was no intentional recruitment drive specifically targeting LGBT persons into the company.

However during the focus group discussions with employees, there were mixed feelings towards career opportunities for LGBT-identifying persons- some believing that LGBT employees could actually be good for business while others were more reserved in having openly flamboyant LGBT employees. Here are some of the views presented:

"If they are met with hostility I will choose not to hire them. What would happen later if we would hire them?"

"For instance in the service industry, guests may have a problem dealing with an LGBT employee."

"A man – who really dresses like a woman, may turn away customers who don't approve of such. In such a situation what do I do as an employer?"

"What if customers come to you your business because it's LGBT friendly? Then that's good for business".

"They may have all it takes, in terms of job qualifications, but because of being LGBT, reduces their chances of getting a job or promotion."

"They might not perform well in a job"

"Some LGBT persons work hard to show that they are different. That could be a negative for them in the workplace. Therefore for their sakes why don't they just keep their cool and work?"

In a nutshell, regardless of the implementation of these inclusive and progressive policies, there is still much work to be done regarding the attitude of colleagues at work with reference to LGBT employees. Additionally, we are yet to determine how effective these policies are in regard to 'sexual orientation protections'.

7. Challenges faced in the implementation of a global LGBT diversity & inclusion program

"Diversity must be supported by a truly inclusive workplace, in which individuals are acknowledged and valued for all the different perspectives, ideas and experiences that they bring to the workplace... There will also be councils at regional and local levels monitoring the global agenda, but with local priorities and activities as their scope."

This part statement is drawn from the annual report of one of the participating multinational corporations with a global D&I strategy. The statement clearly highlights the concept of 'global agenda but with local priorities' thus presenting challenges of implementation within countries where same-sex relations are criminalized, and some tough laws that can lead to years of imprisonment at the evidence of homosexual acts.

In this section, we present some of the challenges faced by multinational corporations operating in Kenya during the implementation of their global D&I strategies related to LGBT employees.

Socio-Cultural Context

Perhaps one of the major challenges faced by the LGBT workforce in Kenya is the cultural context confronted by these multinationals. Generally, the religious conservatives (Christian/Muslim), who form a majority of Kenya's population, have used their values and belief system which they interpret as against LGBT kind-of-lifestyle. It is also felt that Kenya is a patriarchal society and that places certain expectations on social behaviour.

Additionally, there is a broad feeling that LGBT issues are 'un-African' and are an import of western cultures. While businesses must enable social cultural context adopted by the majority, they equally face challenges in catering for the needs of the LGBT individuals, who happen to be in the minority, hence, posing a threat to effective implementation of their globally inclusive diversity policies and procedures that relate to LGBT employees.

Legal Framework

The criminalization of homosexual practices in Kenya's legal framework makes it difficult for employers to have clear and consistent protections, benefits and diversity strategies that specifically target LGBT persons.

"Legal and regulatory compliance does not allow us to recognize LGBT as their status and lifestyle choices are criminalized. However, this class of persons exists; and we do need to confine ourselves within the legal framework."

This also limits the ability of the multinationals to make open statements/endorse efforts that support the LGBT persons.

Impact on Brand Communication

While there could be a strong market proposition in developed countries and huge opportunities to benefit from the 'pink money', there are major bottle-necks and hurdles that multinational corporations must consider for their brand communication within the Kenyan context. The common message arising from the support of LGBT issues or brands that seem to support LGBT efforts are termed as 'risky' and will have negative impact on the brand's reputation and image in the consumer's eyes.

Level of Education and Ignorance

By far, the most frequently cited challenge was what was described as 'a culture of ignorance among colleagues'. Participants expressed the view that the general level of education and awareness in Kenya about sexual minorities, and the challenges they face, is low. For some, this leads to prejudice and misunderstanding. For the majority however, the lack of awareness leads to discomfort in talking openly about the issue, fear of making inappropriate comments and a general avoidance of the topic.

Lack of training and awareness of diversity issues

For many participants, the lack of effective and comprehensive training on diversity issues, including LGBT subjects was seen as a key challenge. This was discussed regarding not only general employees and management, but also to human resource departments who are not always trained to deal with such issues.

Dealing with customers

There were some participants who mentioned that while companies might be accepting of their sexual orientation or gender identity internally, it was made clear to them that they were expected to behave as if they were heterosexuals externally or when dealing with clients and customers.

Attitude & Perceptions

There is still an anti-LGBT attitude among employees perhaps because of level of exposure, education or upbringing. Some stated that men were more likely to be homophobic than women.

8. Recommendations

Following the findings of the study, we wish to recommend the following as measures that could be undertaken to create inclusive work environments for LGBT employees working for Multinationals in Kenya:

Diversity Policy & Procedures: Ensuring a complete policy that includes issues relating to sexual orientation and gender identity is an important beginning point for any company looking to create safe and productive working environments for LGBT employees. The policy should be clear that discrimination on the grounds of sexual orientation or gender identity or expression is prohibited and will not be tolerated. Further, it may be helpful to provide examples of anti-gay bullying and harassment or actions/attitudes that are considered unacceptable and outline the procedures that will be undertaken in dealing with such issues.

Diversity Trainings: Regarding a broader programme of diversity training, companies are advised to incorporate the LGBT topic with clarity on the terminology, the issues involved and the policies in place to support the same. What is important is that the training is delivered to, or undertaken by, employees at all levels of the organisation. Additionally, companies can facilitate workshops to sensitise employees on the challenges that LGBT's face in and out of work.

Mainstreaming Diversity Objectives: We recommend that companies should associate diversity objectives to the broader business strategy and have this as part of key performance indicators. Some companies have taken further steps to promote a positive workplace culture towards LGBT employees by making management accountable and including LGBT diversity objectives in their performance appraisals.

Diversity Structures: In all aspects of diversity, it is important to set up an appropriate diversity structure to support a company's diversity efforts. Some companies establish formal diversity councils or working groups, often at a regional level to address different diversity interests. Whether a company has a formal structure or it is simply part of the responsibility of the human resources function, what is important is that a company put forward a specific individual to be responsible for addressing LGBT issues. This ensures that matters relating to the LGBT community are appropriately championed and addressed.

LGBT Diversity and inclusion Awareness: Creating awareness and understanding of LGBT issues within the organisation. Externally, companies can encourage their employees to participate in pride parades or International Day Against Homophobia (IDAHO).

Top Management and Leadership Support: The leadership is considered to play a fundamental role in fostering a diverse and inclusive workforce. Therefore, in any organisation, in order to promote well-being among LGBT employees, the support must be demonstrated by their

leaders. This could be done by the management taking a lead in speaking in favour of LGBT, initiating conversations around LGBT diversity and encouraging other employees to support diversity in its broader sense.

Straight Allies and Mentorship Programs are also recommended since they render assistance to LGBT individuals who are at the beginning of their careers by connecting them to more senior managers throughout the course of their professional journey. Straight alliances will enable create an atmosphere of camaraderie as well as create awareness around LGBT issues.

Diversity Charters: Multinational corporations with inclusive policies can partner and sign a diversity charter that clearly states that they have no discrimination against sexual orientation or gender identity in their organisations, and have created welcoming spaces for all, including LGBT-identifying employees. The charter should be signed in conjunction with the Ministry of Labor, the Kenya Private Sector Alliance (KEPSA), Professional Associations and other government agencies.

Diversity Audits & Research: Companies should conduct diversity audits and employee satisfaction surveys that include issues around LGBT employees-awareness, attitudes and perceptions. These audits should be monitored and benchmarked to better performance and work environments. Confidential data should be kept as such to protect the privacy of individuals.

Customer Experience that creates Diversity Ambassadors: As part of their customer retention and brand loyalty programs, some companies take their top (priority) customers to other liberal and developed countries to witness and experience diverse cultures and most of the time, it has been reported their perceptions on LGBT issues changes positively. This in turn creates ambassadors and champions of LGBT diversity.

Lobby for Favourable Legislation: Collaborate with company membership and sector associations such as the Kenya Association of Manufacturers, the Kenya Private Sector Alliance as well as the Federation of Kenya Employers to lobby for inclusive work environments that protect employees on the basis on their sexual orientation and gender identity.

Monitoring and Evaluation of Labour Market Attitudes towards LGBT inclusive workplace cultures that may help organisations appeal to recruitment, talent acquisition and retention. This can be done through continual research. The younger generation is more likely to be receptive to an LGBT-inclusive work environment.

Become Global Diversity Champions: Companies can partner and join international membership organisations such as Workplace Pride Foundation or Stonewall and become global diversity champions. Such networks provide insights, fora and best practices that companies can use to create safe spaces for their LGBT employees.

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Appendices

Appendix I: Employee Questionnaire

You are invited to take part in a research study conducted by Sullivan Marketing on behalf of Hivos. The purpose of this research is to explore the current organizational policy and legal framework covering Lesbian, Gay, Bisexual and Transgender (LGBT) Diversity inclusion at the workplace; assess the attitudes of both employer and employee regarding LGBT employees, establish employer challenges and offer recommendations in the implementation of an inclusive policy for the LGBT employees. The information provided by you will be treated as confidential and your name will not be published at all. This duration of this survey is 10 minutes. Once more, thank you for your time.

Demographic Information

1. Gender

Male ☐ Female ☐ Refused to Answer ☐

2. Age

18-24 ☐ 25-35 ☐ 36-45 ☐ 46-55 ☐ Above 55 ☐

3. Highest Education Level

Diploma ☐ Bachelors Degree ☐ Masters Degree ☐ Other (specify)...

4. How important do you think it is for companies to have workplace cultures that welcome and value all employees regardless of the sexual orientation? *Please tick as appropriate.*

0- I don't know ☐

1-Not important ☐

2- Somewhat important ☐

3- Important ☐

4- Very important ☐

5. What is the success rate of Kenyan businesses in terms of creating diversity policies, to ensure that lesbian, gay, bisexual and transgender employees are comfortable being themselves at the workplace? *Please mark the box as appropriate.*

0- I don't know	☐
1-Poor	☐
2- Fair	☐
3- Good	☐
4- Excellent	☐

6. How would you rate your company's commitment towards diversity and inclusiveness? *Please mark the box as appropriate.*

0- I do not know	☐
1-Poor	☐
2- Fair	☐
3- Good	☐
4- Excellent	☐

7. To what extent are you aware of your company's workplace diversity inclusion policies? *Please mark the box as appropriate.*

0- I am not aware	☐
1- To little extent	☐
2. To some extent	☐
3. Great extent	☐
4. Very great extent	☐

Employee perceptions on workplace diversity

Please indicate the extent to which you agree or disagree with the following statements. Please mark the box as appropriate.

Statement	Strongly agree	Somewhat agree	Disagree	Strongly disagree	I don't know
8. Employees who feel comfortable being who they are in the work place are more likely to contribute to the success of their company.					
9. My employer should do more to ensure that LGBT employees feel comfortable being themselves in the workplace.					
10. Kenyan businesses generally need to do more to ensure that LGBT employees feel welcomed and valued in the workplace.					
11. Workplace diversity should be a priority for Kenya's business leaders.					
12. Companies that are committed towards diversity find it easier to attract and keep the best Employees.					
13. Workplace diversity helps companies to deal with business challenges by enabling them to access new ways of thinking and perspectives.					
14. Employees working for organizations that are committed towards diversity and inclusiveness are more likely to have positive attitudes towards their work and their employer.					
15. Companies that treat employees equally regardless of sexual orientation, race, culture or religion are more likely to be successful					

16. I consider it unprofessional to discuss sexual orientation at the work place.					
17. I would feel comfortable hearing LGBT co-workers talk about their social lives (Dating and related subjects)					
18. I feel comfortable working and associating with LGBT co-workers					

19. When I hear someone at work make a joke or say something negative about LGBT people
Please mark the box as appropriate.

- I just ignore it or let to go ☐
- I speak directly to the person who made the comment ☐
- I talk to the supervisors about it ☐
- I talk to the HR about it ☐
- Other (please specify) ☐
- Not applicable-no one at work makes jokes or negative comments about LGBT people ☐
- I preferred not to answer ☐

Thank you for your time.

Appendix II: Key Informant Interview Guide

Introduction and Ice-breaking (5mins)

Interviewer introduces themselves and speak of the purpose of the meeting

Details of Company

1. Please mark the sector that best describes what your company does?

Automotive/manufacturing ☐

Food, Beverages & Fast Moving Consumer Goods ☐

Technology, Internet, Software & Allied ☐

Pharmaceuticals ☐

Media, Advertising & PR ☐

Hospitality ☐

Professional Services/Consulting ☐

Financial Services ☐

Other.....(Please specify) ☐

Interviewee Details

2. Kindly inform us your title and position.....
3. In what ways are you responsible for workplace diversity inclusion at your organization?.....
.....

Main Discussion (40 minutes)

Corporate Culture-Inclusion & Diversity

4. What does workplace diversity and inclusion mean for your organization? (*Probe for all human differences including the shared experience of all individual groups based on race, ethnicity, physical ability, religion, gender, sexual orientation etc*)
5. Has your organization ever carried out a diversity audit/survey on LGBT (lesbian, gay, bisexual and transgender) issues? Was it done by an external expert? (If so, kindly give an example of the findings/outcomes of the study)
6. To what extent do employees feel comfortable to self-disclose their gender identity and or sexual orientation? What are some of the reasons for your answer?
7. To what extent do you feel other employees would be comfortable working/relating with a self-identifying LGBT employee?

8. To what extent does the corporate culture of your parent company impact the workplace diversity inclusion of LGBT employees in your Kenyan office?

Awareness and Communication

9. Do you consider your company's communication language is inclusive of LGBT employees? (For example: using the word partner instead of husband/wife)
10. Does your organization hold LGBT awareness diversity inclusion trainings and activities? If yes, How often?
11. Is your diversity and inclusion policy and practices clearly communicated on your company's website? Does it categorically state or include sexual orientation and gender identity in its language?
12. What other communication platforms does your company use to communicate its LGBT workplace diversity inclusion?
13. How do employees know about these policies and other LGBT-related policies and what has the organization done to make them accessible?

Internal Policies & Practices

Could you tell me about the following policies that your company may have implemented already?

14. Tell us about your diversity policy and strategy (implementation plan, budgets allocated etc). Does it include gender identity and sexual orientation?
15. Do you have a policy on harassment and bullying? How are anti-LGBT comments and behaviour handled?
16. To what extent do these policies apply in hiring, promotion, termination and compensation (benefits)?
17. Do you have any counsellor/ helpline in place for your employees?
18. Does your policy categorically state 'sexual orientation' protections?

Challenges & Recommendations

19. What do you feel are some of the main challenges that you face in implementing a diverse and inclusive policy in relation to LGBT employees? (probe for socio-cultural issues, budgets, employees attitudes, Kenyan legal framework, impact on brand, autonomy of company)
20. What are some of the suggestions and recommendations that you could make in terms of having more diverse and inclusive companies in Kenya?

Appendix III: Focus Group Discussion Guide

Introduction & Ice Breaking (5 mins)

The moderator introduces himself, thanks the members for their participation, states the purpose and hosts of the study, reiterates the confidentiality & anonymity clause then welcomes the members of the Focus Group Discussion to introduce themselves.

Main Discussion (40-55 mins)

Diversity Inclusion in General

As a way of opening up the discussion, we'd like to hear your views on the following general issues:

1. Tell us, what is your understanding of the terminology, 'diversity and inclusion'? (Probe for: age, culture, ethnicity, race, religion, gender, sexual orientation differences)
2. Do you feel some people could be treated differently based on their differences? Please give us examples or scenarios of either preferential or discriminatory treatments that could happen in and out of work.
3. Tell us, what are your views on the gay, lesbian, bisexual and transgender persons in Kenya? (Probe for: existence, social acceptance, born that way or choice)
4. Do you feel that people who openly identify themselves as LGBT individuals may be treated differently than others, especially at work? (Probe for organization culture, recruitment, hiring, promotion, service provision) What are some of the reasons for that?
5. By raising your hands, show us how many of you know an LGBT-identifying person? (It could be a former school mate, a friend, a neighbour, a relative, a co-worker, a customer, a politician, a pastor, etc)

LGBT Workplace Diversity Inclusion

6. Do you think companies in Kenya are more inclusive of LGBT employees? (Probe for Multinational versus Local companies)
7. In your opinion, do you think someone can be fired at work or denied career opportunities such as promotion if they were known to be LGBT? Why do you think so?
8. Tell us, do you feel companies in Kenya have diversity policies in place to protect their LGBT employees against, say, harassment, bullying, homophobia, negative jokes etc)? Do you know any such policies and what they state?
9. Now imagine, your close workmate comes to you and tells you that they are gay/lesbian/bisexual, how would you react? Would you still treat them the same way before the 'announcement'? Please explain your reasons.
10. What if this co-worker was your boss/your senior? Would the reaction/response be still the same? Why so?
11. Tell us, would you feel comfortable working or associating with a co-worker that was openly identified as an LGBT individual? What are your reasons?

12. Now, let's assume that your company publicly supported and protected LGBT employees; would you be comfortable associating with your company? Why so?
13. Now, let's imagine that you were openly gay/lesbian/bisexual/transgender at work, how would you like your colleagues and boss to treat you?

Final remarks, suggestions & recommendations

14. Just to wrap this up, what are some of the suggestions that you would give to Kenyan companies to ensure that their LGBT employees feel comfortable at work?
15. Is there anything else we haven't discussed that you think is important for companies in Kenya to have in place to ensure that they appreciate diversity and inclusion, especially for the LGBT employees?

Thank you so much for your time

Hivos

Hivos is an international organisation that seeks new solutions to persistent global issues. With smart projects in the right places, we oppose discrimination, inequality, abuse of power and the unsustainable use of our planet's resources. Counterbalance alone, however, is not enough. Our primary focus is achieving structural change. This is why we cooperate with innovative businesses, citizens and their organisations. We share a dream with them of sustainable economies and inclusive societies. Hivos has been supporting LGBT rights for over 20 years.

www.hivos.org

Sullivan Marketing

Sullivan Marketing is a Nairobi-based integrated marketing communications and research firm that is committed to increasing the bottom-line of organisations through better brand-engagement, providing market insights and championing for inclusive workplaces for LGBT persons.

www.sullivanafrika.com