

EO Files (March 2017)

“THINGS WE DO, PEOPLE WE MEET – Reflections in Brief”

It's time for laws that protect workers of all sexual orientations in Hong Kong

Alfred CHAN, Todd SEARS and Yiu-tung SUEN back calls for a public consultation on a law to protect sexual minorities, given the popular and corporate support for a more inclusive Hong Kong to make it truly “Asia’s world city”

Hong Kong is at a tipping point for securing equality for its lesbian, gay, bisexual, transgender and intersex community. More than half of Hongkongers support legislation against discrimination on the grounds of sexual orientation, gender identity and intersex status. And now, for the first time in Asia, such legislation has been called for by a diverse group of companies representing Hong Kong’s thriving business sector.

With a new leader and government due to be in place in July, now is the perfect time to start a public consultation on introducing legislation to protect the rights of LGBTI people at work and other areas of life in Hong Kong.

The Equal Opportunities Commission, together with the Gender Research Centre at The Chinese University of Hong Kong, issued a joint statement last week. It calls on the government to launch a public consultation, and to introduce legislation against discrimination on the grounds of sexual orientation, gender identity and intersex status.

This follows the publication by the Commission and Research Centre, over a year ago, of research indicating broad and fast-growing support for such legislation.

Almost 56 per cent of Hongkongers surveyed agreed that LGBTI individuals should be protected by law – double the percentage who thought this way in 2005.

The shift was even more pronounced among youths aged 18 to 24, nearly 92 per cent of whom considered such legislation necessary. And nearly half (49.8 per cent) of the people who described themselves as religious concurred. The study was the most comprehensive research of its kind ever conducted in Hong Kong.

Seventy-five businesses, organisations and academics from a wide range of sectors signed the joint statement. This includes many global financial institutions; local and international law firms and legal organisations; several religious groups; the American Chamber of Commerce (the largest international chamber of commerce in Hong Kong); Out Leadership, which has convened annual summits at the intersection of LGBTI equality and business in Hong Kong since 2012, and many others.

By signing the statement, a number of major Hong Kong employers – leaders in their industries by revenue and size of workforce – have for the first time called for the introduction of LGBTI anti-discrimination legislation.

This highlights the fact that many leading Hong Kong businesses believe that legislation protecting LGBTI people from discrimination at work is not only the right thing to do from a human rights perspective, but also a business priority.

Globally, from a business standpoint, the case for inclusion of LGBTI people is open-and-shut. More and more businesses are standing up for LGBTI rights and inclusion because it's good for business.

A Credit Suisse study last year demonstrated that investment returns are 10 per cent higher at companies with policies inclusive of LGBT people.

Being openly inclusive helps companies recruit and retain top talent. This is particularly true of millennial workers, who actively seek to work in inclusive environments.

The world's most talented people, regardless of sexual orientation or gender identity, increasingly gravitate towards environments where they can work with smart people who have diverse perspectives – meaning that Hong Kong's policies on this issue have a global resonance.

That is one reason why many of Hong Kong's most high-profile multinational employers supported the statement. The list includes Google, the second largest company in the world; 13 leading financial institutions, such as J.P. Morgan, Goldman Sachs, Barclays, and Credit Suisse; 12 law firms, including Linklaters, Clifford Chance, Freshfields Bruckhaus Deringer, and Skadden, Arps, Slate, Meagher & Flom; and Lane Crawford, one of Hong Kong's oldest and most prominent retailers.

Hong Kong calls itself “Asia's world city”. The time has come for LGBTI workers to be protected in Hong Kong just as they are in other world cities, including London and New York.

By doing so, the government will ensure that Hong Kong retains its reputation as a cosmopolitan, global city that embraces diversity and respect for all who live here.

(Note: A version of this article was originally published in the *South China Morning Post* on 21 March 2017. The article is co-authored by Professor Alfred CHAN Cheung-ming, Chairperson, Equal Opportunities Commission; Todd SEARS, Founder, Out Leadership; and Professor Yiu-tung SUEN, Associate Director, Gender Research Centre, The Chinese University of Hong Kong.)