

## Equality in workplace

### Strategies for same-sex postings

Employers can help gay and lesbian staff relocate to places where their rights are less recognised



Secondment: Nadeem Shamim of Standard Chartered Bank was encouraged to work flexibly when his partner could not get a visa to join him abroad  
Alicia Clegg AUGUST 7, 2014

In 2009, Nadeem Shamim left London to work for Standard Chartered Bank in Hong Kong. Although eager to make his mark in a new role, his enthusiasm was tempered by sadness. Unable to obtain the necessary visa to accompany him, his partner Peter, a web-marketing professional, was staying behind in Britain.

The couple spent the next two years shuttling between Asia and Europe, working one week in every six from each other's location. Despite the diary juggling, the jet-lag and separations, Mr Shamim counts himself fortunate that he had a considerate boss who encouraged him to work flexibly. "Without [regular] contact, I think the relationship would have ended. It was tough . . . but we managed."

Run-ins with visa authorities are one of a number of vexations familiar to gay and lesbian executives who work internationally. While many global corporations say they treat all employees equally, the countries in which they do business often differ hugely in their acceptance of same-sex relationships, making company-wide equality pledges hard to fulfil.

Although the number of states that recognise same-sex unions and marriages is growing, most still do not. Consequently, employees who are married or civilly partnered in one jurisdiction may find that immigration authorities elsewhere do not recognise their union, refuse their partner a visa, and may dispute their parental relationship with any children. Some countries, including within the EU, have passed equality laws protecting against discrimination and homophobic bullying. But in 78 countries it is homosexuality that is criminalised, with punishments ranging from fines to imprisonment, hard labour and even death.

So what to do in a world where employers encourage staff to “bring their whole self to work” – yet still expect top executives to have worked in a mix of markets, some of which may be unwelcoming to gay employees, or even unsafe?

Matching gay and lesbian executives to socially progressive destinations might seem to solve the conundrum. However, executives sometimes worry that if they avoid strategically important markets because of anti-gay laws, for example in some Asian, African and Middle Eastern countries, their career will stall – even if their employer assures them it will not.

Rather than prejudge situations, Simon Feeke, who leads the [workplace programme](#) at Stonewall, the lobby group for lesbian, gay and bisexual people, recommends offering a choice of destinations and allowing individuals to decide what is right for them. “For the right opportunity, a minority of gay people would be prepared to travel to a country where there’s a severe penalty for being gay.”

According to Stonewall, about a quarter of gay employees hide their orientation from colleagues. This can create difficulties if an employee feels forced to accept a posting to a country with homophobic laws. They worry that if they say no, their employer will press for a reason. To mitigate the problem, the law firm Simmons & Simmons revised its policies to allow its lawyers to request an alternative to an offered destination, without saying why. “We realised people were opting out of secondments altogether, because of not wanting to be sent to particular countries,” says David Stone, who co-chairs the firm’s lesbian, gay, bisexual and transgender network.

**For individuals [posted to markets with anti-gay cultures] who go back into the closet, having someone with whom they can talk difficulties through can be a huge support**

Employers will sometimes go to unusual lengths to make secondments do-able for gay executives whom they would struggle to replace. From 2005 to 2012, Steve Wardlaw headed the Moscow office of the law firm Baker Botts, on secondment from London, accompanied by his partner Ian, who was taking a career break. When in 2008 Russia tightened its visa rules, Baker Botts created a job for Ian, enabling him to remain in Russia as an employee of the firm. “If we had been unable to fix it, I would have come back to London,” Mr Wardlaw says.

Employers are rarely so accommodating to junior employees sent abroad for professional development. However, relocation packages designed with the needs of traditional couples uppermost can sometimes be tweaked to better suit same-sex couples. Simmons & Simmons used to pay for the spouses of lawyers who went on unaccompanied secondments to visit them during the posting. Now, the spouse's visits can be converted into trips home for the seconded employee, which same-sex couples often prefer when the host country is unwelcoming to gay people.

Secondees sometimes have opportunities to shift how colleagues from socially conservative cultures perceive gay people. But it is advisable to tread carefully, cautions Mr Wardlaw. When managing Russian colleagues who were baffled by same-sex partnerships and gay adoption, his response was to invite them to ask him anything and to do his best, over Friday night drinks, "to dispel myths" about gay lifestyles. "Once or twice the debates became fairly heated, but usually because people were struggling with an idea [that challenged their assumptions]."

Suki Sandhu, founder of [OUTstanding](#), a professional network for lesbian and gay executives and their supporters, urges corporations to use their investment leverage to influence governments to repeal anti-gay laws: "If companies want to develop and nurture all of their talent, it's important they make it as practical as possible for LGBT employees to work overseas."

In the absence of widespread tolerance, however, gay employees need up-to-date intelligence to make informed decisions on where to work and how to stay safe. At Simmons & Simmons, returning secondees produce guides on destination cities. These give information on local laws regarding homosexuality and whether local people and law enforcers are more or less accepting of same-sex relationships than might be inferred from the statute book.

For some, secondments are an opportunity to live openly. After years of concealment in Russia and east Africa, Svetlana Omelchenko asked her then employer for a transfer to Britain and came out. Now employed by Coty in Paris, she has decided to work only in countries where she and her partner can live openly. In the digitally connected world, she notes, it is increasingly difficult to be out in some markets and not in others. "In London, I knew people who were out only to [trusted] gay colleagues, because they didn't want word to get back to their home country."

Mr Shamim, now returned to London, plans to start a network connecting gay employees seconded abroad with people back home in whom they can confide. Although in Hong Kong he lived openly, he remembers from his early career the painfulness of concealing his sexuality. "For individuals [posted to markets with anti-gay cultures] who go back into the closet, having someone with whom they can talk difficulties through can be a huge support."

### **Further reading: How to support gay and lesbian couples abroad**

- Encourage employees to disclose personal circumstances that might make a posting awkward and be frank about the risks of being openly gay in countries that criminalise same-sex relationships.

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- Ask returnees to describe what destinations are actually like. Some markets, for example Singapore, may be relatively welcoming, despite (rarely enforced) anti-gay laws. Others have passed equality legislation, yet same-sex relationships remain stigmatised. ▪



Svetlana Omelchenko

- Contact with LGBT networks back home can be a lifeline when secondees cannot live openly. But avoid posting material online or sending emails to workplace addresses that could “out” people.

- Remember that secondees who are open about their sexuality may not be out to colleagues, or family, at home.

- Explore alternatives to expatriation. If living as a same-sex couple is risky, could the job be done remotely, with business trips?

- Don't assume executives will reject postings that require them to conceal their sexuality: allow individuals to decide what's right for them.

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