

# BRAZIL

Brazil is the biggest economy in South America and is expanding its presence in world markets. The country has especially large and well-developed agricultural, mining, manufacturing, and service sectors. Brazil is home to 204 million people. Stonewall's Global Diversity Champions employ in excess of 176,000 people in Brazil.



## THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to respond to the differing challenges faced by organisations across their global operations. Brazil is classified as a Zone 2 country, which means same-sex relationships are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, same-sex relationships are legal and clear national employment protections exist on grounds of sexual orientation, while in Zone 3 countries same-sex relationships are illegal.

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Article 5 of the Brazilian Constitution (1988) guarantees rights to **freedom of expression, association and assembly for all**.

### FAMILY AND SAME-SEX RELATIONSHIPS

Sex between people of the same sex has been **legal** in Brazil since 1830.

There is an **equal age of consent** regardless of sexual orientation and gender identity.

**Same-sex marriage** was effectively legalised in 2013, when the Brazilian Justice Council ruled that same-sex couples should have equal partnership rights.

Same-sex couples have **equal rights to adopt** children.

### EQUALITY AND EMPLOYMENT

The Brazilian Constitution (1988) states 'all persons are **equal before the law**, without any distinction whatsoever'.

Several state and municipal regulations prohibit discrimination based on sexual orientation and gender identity. There is **NO federal anti-discrimination law**.

In April 2016, a presidential decree that constitutes a federal policy was signed, **banning the use of discriminatory language** by public sector actors in regard to gender identity.

Several parts of Brazil, such as Rio de Janeiro (2000) and São Paulo (2001), have **labour protection laws** prohibiting discrimination based on sexual orientation and gender identity.

### GENDER IDENTITY

There is **NO federal law** allowing trans people to change their name and gender on official documents.

In April 2016, a presidential decree that constitutes a federal policy was signed, compelling public sector actors to **recognise a person's gender identity** and issue appropriate documents to that effect.

The public health system has an obligation to support trans people to **access the healthcare** they need to transition.

### IMMIGRATION

Normative Resolution No.77 (2008) grants a temporary or permanent visa to a partner in marriage, or civil union, **'without sex discrimination'**.



## A VIEW FROM BRAZIL

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### What are the biggest challenges facing LGBT people in Brazil?

While the government does enact laws and policies promoting LGBT equality, these laws are often not implemented meaningfully and discrimination against LGBT people persists in most aspects of their lives. Despite some progressive laws, there are many acts of violence against LGBT people every year. For instance, around 300 people were murdered because of their sexual orientation or gender identity last year. As such, there is a real need to bring about a cultural change concerning the perception of gender identity and sexual orientation. However, Brazil is a huge country, with a very diverse population and massive social and economic inequalities. The challenges that LGBT people will face can therefore vary. For instance, discrimination against LGBT people in rural areas can be very different, and often more extreme, than the discrimination LGBT people face in São Paulo.

### What specific issues affect lesbians, bisexual women and trans people in Brazil?

A strong culture of machismo exists in Brazil and people are under societal pressure to perform in line with their assigned gender roles. Such expectations strongly affect lesbian and bisexual women as well as trans people, and gender non-conformity is often met with violence and other forms of discrimination. For example, trans people are often unable to find work outside of the sex industry. Other layers of intersectional discrimination are added through race, ethnicity and class.

**How are LGBT people portrayed in the media?** There are few positive portrayals of LGBT people in the media. Where LGBT people are visible they are often portrayed in a negative way. For instance, comedians often make jokes at the expense of LGBT people and thereby reinforce harmful stereotypes. Famous LGBT role models are almost non-existent, and especially in football and sports LGBT people are not publically out.

### What is the workplace like for LGBT people and what can organisations do to promote equality?

Some companies try to promote diversity and inclusion in the workplace, for example through internal and external dialogue as well as network forums. However, many LGBT issues in the workplace are still invisible and discrimination is often exercised indirectly. There is a need for all multinational organisations operating in Brazil to have clear LGBT equality and anti-discrimination policies in place. Organisations can also publically support LGBT equality and diversity, for example by sponsoring and taking part in the Pride Parade in São Paulo, as some corporations do.

## USEFUL RESOURCES

### LGBT ORGANISATIONS AND INITIATIVES IN BRAZIL

**ABGLT** is the main national LGBT rights network which brings together over 300 organisations whose aim is to defend the rights of LGBT people and to prevent discrimination.

[abglt.org.br/eng](http://abglt.org.br/eng)

**Fórum Empresas e Direitos LGBT** is an annual LGBT business forum which has engaged the staff of major companies including IBM, Accenture, Procter & Gamble and PwC.

[www.carrefour.com.br](http://www.carrefour.com.br)

**Instituto Ethos** work to mobilise, sensitise and help companies manage their business in a socially responsible way. They have expertise in Diversity and Equal Opportunities.

[www3.ethos.org.br](http://www3.ethos.org.br)

**ParadaSP** is an association of individuals and community groups who organise the annual Pride Parade in São Paulo.

[www.paradasp.org.br](http://www.paradasp.org.br)

**Sexuality Policy Watch** is a Brazilian based global forum composed of researchers and campaigners engaged in mapping developments in sexual and human rights globally.

[sxpolitics.org](http://sxpolitics.org)



# PRACTICAL APPROACHES TO LGBT INCLUSION

## THE FOUNDATIONS

There are several steps that employers should be taking to create a workplace environment that is respectful and supports basic equality for their LGBT employees in Brazil:



**Start by introducing an anti-discrimination / bullying and harassment policy**



**Engage in online internal awareness-raising with inclusive messages from senior global and national staff**



**Carry out LGBT-inclusive diversity training**



**Audit and extend equal benefits to same sex partners**



**Establish employee support mechanisms like LGBT networks and allies programmes**

**Procter and Gamble** In line with its commitment to offer equal employment opportunities, Procter and Gamble's non-discrimination policy expressly addresses sexual orientation as well as gender identity and expression. This policy builds the foundation for an inclusive work environment for LGBT employees. A related diversity statement is publicised on Procter and Gamble's website.

**Accenture** has put its inclusive policies and diversity values into practice by offering its employees in Brazil the opportunity to include their same-sex spouses as beneficiaries of their private healthcare plan. The LGBT staff network at Accenture Brazil also works to raise awareness of LGBT issues amongst the workforce and to promote respect and an equal working environment. Internal awareness is raised through events such as the Accenture diversity week or business lunches where network members, executives and allies meet to talk about themes regarding the network's LGBT programme. During Gay Pride Month, Accenture held a global webcast and Brazil was one of three countries which participated by sharing local experiences. Accenture also provides diversity training to its employees with the aim of providing individuals with the necessary tools and resources to create an inclusive workplace, where LGBT employees can perform at their full potential.



## NEXT STEPS

The best employers should be looking at how they can build on their inclusive policies and practices to initiate a culture shift with tangible benefits for LGBT staff. Stonewall suggests organisations take steps to:



**Raise awareness internally by carrying out physical events**



**Offer targeted leadership and career development opportunities to LGBT staff**



**Visibly champion LGBT equality in public media**



**Engage in external community engagement such as Prides**



**Support diversity forums and NGOs who champion LGBT equality**



**Work with supply chains to further LGBT equality**

**Bloomberg's** LGBT Community in São Paulo, a chapter of our global LGBT & Ally Community, was launched in June of 2013 and has quickly developed a number of initiatives to raise the profile of LGBT issues in the workplace. For its first employee event, local leaders reached out to a national LGBT film festival, arranging to use film as a medium to foster dialogue on being LGBT in Brazil from both younger and older perspectives. The Community has participated in an external LGBT forum, with colleagues from Google, IBM, and JP Morgan, to share best practice and learning about sexual orientation and gender identity equality in the workplace. Bloomberg also organised its first São Paulo Diversity and Inclusion week last year. The week brought together clients and partners from other companies to engage in a panel conversation about LGBT marriage, family and adoption in Brazil.

**HSBC** The CEO of HSBC Brazil hosted a sexual orientation forum, attended by over 40 external companies. The event included a panel of senior executives speaking about challenges organisations face in becoming LGBT inclusive. A discussion also took place with TransEmpregos; an organisation focused on transgender employability. The event received coverage in national newspapers and in internal communications. In support of HSBC Global Pride initiatives, HSBC Brazil demonstrated commitment to the LGBT equality agenda by decorating its Curitiba building with the rainbow flag and publishing posts on Facebook which received over 1,083 Interactions. HSBC also monitors the number of same-sex partners registered on their staff benefits database in Brazil. This data is analysed to help understand the effectiveness of inclusion initiatives and to guide new actions.

**Stonewall's Global Diversity Champions programme works with organisations employing in excess of 176,000 people in Brazil. Our team of workplace advisors offer tailored one to one advice on how to create LGBT inclusive workplaces globally. Please contact Stonewall for further information.**

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