China is both the world’s largest exporter as well as the world’s largest economy. In the last year, foreign firms have invested $128bn (£84.8bn) in China, making the country the top destination for foreign direct investment. China has a population of 1.36 billion people and a total of 61 Stonewall Global Diversity Champions operate in China.

### 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. China 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.

<table>
<thead>
<tr>
<th>Freedom of Expression, Association and Assembly</th>
<th>Family and Same-Sex Relationships</th>
<th>Equality and Employment</th>
<th>Gender Identity</th>
<th>Immigration</th>
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<tr>
<td>Freedom of expression, association and assembly is guaranteed in Article 33 of the Constitution of China for all citizens. Associations focusing on LGBT equality face the same legal registration constraints as other civil society organisations in China. Regulations ban depictions of lesbian, gay and bi people on television.</td>
<td>Sex between people of the same sex was decriminalised in 1997. In 2001, the Chinese Ministry of Health removed homosexuality from its list of mental illnesses in the third edition of the Chinese Standards for Classification and Diagnosis of Mental Disorders. There is no legal recognition of same-sex partnerships. Same-sex couples have no legal right to jointly adopt children. There is an equal age of consent regardless of sexual orientation and gender identity.</td>
<td>Article 12 of the Labour Law protects business employees only on grounds of some personal characteristics but there is no explicit reference to sexual orientation or gender identity.</td>
<td>Trans people can legally change their gender on their ID, but not on some official documents, such as education certificates. Legal gender change is subject to sex reassignment surgery.</td>
<td>There are no provisions in federal law that support immigration of same-sex spouses or partners.</td>
</tr>
</tbody>
</table>

This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts.
How are LGBT people treated by society in China? To summarise, LGBT people are invisible and neglected in society, mainly because of the serious lack of education and awareness about sexual orientation and gender identity in schools, workplaces and other public spheres. This leads to many LGBT people being closeted their whole lives. However, for younger generations the social mobility and access to information that the internet provides is changing the conversation quickly. Theoretically LGBT people in China enjoy the rights to freedom of expression, association and assembly but in reality these rights are often violated. However, the reasons for this can be very complex and require deeper study of China's cultural and political background.

What is the workplace like for LGBT people? From a survey we conducted of 2000 LGB employees, only 6% are open about their sexual orientation in the workplace. This is mainly because they are fearful of the impact of coming out on their career progression. The low figure is also contributed to by Chinese cultural norms, which inhibit people being proud of their difference and treats work life and personal life as very separate.

Do international or Chinese organisations publicly support LGBT equality? Aibai has held three workplace conferences on LGBT diversity in Beijing. A few Asian multinationals participated but the majority of multinationals who support the event are from America and Europe, including IBM as a main sponsor. Efforts by organisations to improve workplace environments are low key and focused on internal practices such as equal benefits and workshops to improve awareness. Public support for LGBT rights is extremely rare.

A VIEW FROM CHINA

Jacob Huang is the Corporate Programmes Director at Aibai Culture and Education Centre, based in Beijing. Aibai was established in 1999 and has three key strategies: strengthening community alliances, public advocacy and providing medical services and care to people living with HIV. Their work also involves cooperating with multinational and national corporations to promote workplace diversity.

USEFUL RESOURCES

LGBT ORGANISATIONS AND INITIATIVES IN CHINA

Aibai Culture and Education Centre promotes LGBT equality through engaging in public advocacy, community alliance and the provision of medical services and care to people living with HIV. The group also works with corporations and runs the Annual China Workplace Diversity Forum. aibai.com

Beijing LGBT Centre is a community-based LGBT organisation that provides social services and organises advocacy programs and various events. The group offers different models of corporate sponsorship. en.bjlgbtcenter.org.cn

Shanghai LGBT Professional Network aims to establish dialogue and partnership with companies in China by creating initiatives with various HR departments and providing meeting spaces for prospective employers and job seekers.communiybusiness.org

Shanghai Nvai is a woman focused organisation promoting self-acceptance, public awareness, and social equality based on gender and sexual orientation to reduce discrimination and prejudice. The group holds events as well as training and writing sessionsite.douban.com/nvai

Shanghai Pride strives to raise the awareness and visibility of the LGBT community in China through the annual Pride event, which takes place in June. Shanghai Pride partners with various corporate sponsors. shpride.com

Tongyu is an advocacy group dedicated to community mobilization, public awareness and legal advocacy. It aims to change attitudes, legislation and public policy which negatively affect LGBT people. original.tongylala.org
IBM have used a number of avenues to build an LGBT inclusive culture for their employees in China. IBM’s global diversity strategy encouraged employees in China to set up an LGBT employee network called EAGLE as well as the enlarged EAGLE and friends group, which is open to all employees. This enables the protection of LGBT employees’ privacy and was seen as especially important in the context of Chinese culture. Senior leadership supports EAGLE through an executive sponsor. IBM also runs straight ally training as well as the innovative reverse mentoring program, in which LGBT employees act as mentors and line managers as mentees. In 2011, IBM China extended benefits to same-sex partners. In order to demonstrate the status of the same-sex partnership, employees sign an IBM affidavit form confirming their relationship with their partner. Each June is LGBT Pride month, during which a series of awareness-raising events open to all employees are organized. IBM has also been working actively with local NGOs and other companies to advance LGBT equality in the workplace in China. This included initiating and supporting the LGBT diversity in workplace forums with Aibai, and the sponsorship of Community Business’s resource guide ‘Creating Inclusive Workplaces for LGBT Employees in China’.

Goldman Sachs manifests a commitment to LGBT equality in several respects. As a starting point, the firm is committed to providing equal opportunity to all qualified persons. Goldman Sachs offers both instructor-led and online LGBT training to its employees in China. The instructor-led training is mandatory for executive and managing directors. It covers terminology associated with sexual orientation as well as best practice on creating LGBT inclusive workplace environments. Goldman Sachs’ LGBT equality work also expands beyond their offices. In 2014, the bank partnered with the Beijing LGBT Centre and the AiBai Culture and Education Centre to provide career coaching to LGBT University students. Following the success of the event, another career workshop was hosted in Goldman Sachs’ offices in 2015. The event was covered in the media and helped 25 LGBT students with their career inspirations. Asian Executive Director, Paul Choi, further demonstrated Goldman Sachs’ commitment to LGBT equality by speaking at the Shanghai Pride parade in 2014.

Stonewall’s Global Diversity Champions programme works with 61 organisations operating in China. 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.