

How Discrimination Happens

**Being LGBT and the experience of discrimination in access to
employment, and the labour market in the Philippines**

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Disclaimer:

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List of Acronyms

LGBT	Lesbian, Gay, Bisexual, Transgender
ADB	Anti-Discrimination Bill
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
SOGIE	Sexual Orientation, Gender Identity and Expression
ILO	International Labor Organization
HIV	Human Immunodeficiency Virus

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To those who fight for equity, and justice, and to those resist and persevere.

Abstract

This research aims to look into how discrimination happens in the access to employment, and in the labor market for the LGBT in the Philippines. It seeks to understand and analyze the various parts of employment, from hiring, to remuneration, promotion, as well as workplace well-being to expound on, and fill in the gaps in knowledge when it comes to employment and labor market discrimination of the LGBT, within and among them through the analysis of qualitative and quantitative data. The paper aims to show how heteronormativity, and gender hegemonies play a significant part in how discrimination happens, beyond the assumptions of sexual orientation as the basis for discrimination. The paper also seeks to address the currently proposed Anti-Discrimination Bill in the country, which has both strengths and weaknesses in addressing the discriminations faced by the LGBT in the labor market and employment.

Relevance to Development Studies

The various costs of inequality due to discrimination against the LGBT has been widely studied in the country and around the world. This paper aims to add to the literature by focusing on the social and economic costs of discriminating against the LGBTs, specifically in the case of employment and labor market discrimination. It is important to understand how discrimination happens to the LGBT to be able to have a more inclusive and equitable form of development, where not only the incorporation of the LGBT into society is felt, but the transformation of their lives through targeted policies as well.

Keywords

LGBT, Heteronormativity, SOGIE, Gender Hegemony, Employment, Labor Market, Discrimination

I. The status of LGBT Filipinos in the Philippines

1.1 Background of the Study

Discrimination

Discrimination and violations against the basic rights of Lesbian, Gay, Bisexual, and Transgender (LGBT) persons in the Philippines continue to this day. For the purpose of this research, the definition of discrimination will be based on the International Labor Organization's (ILO) Discrimination (Employment and Occupation) Convention, or C111, which defines discrimination as "*any distinction, exclusion, or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of impairing equality of opportunity or treatment in employment or occupation*" (ILO 1958). In addition, other distinctions, exclusions, or preferences which again has the effect of nullifying or impairing equality of opportunity or treatment in employment may be determined by the individual concerned (ILO 1958). It is important to note how in the ILO convention, exclusion regarding one's sexual orientation, and gender identity and expression (SOGIE) has not yet been explicitly included in its definition, which indirectly affects discriminations based on SOGIE.

Gay Friendly?

The reputation of the country as being "gay friendly" (Bernal 2013), has incited the idea to some sectors of the country to dismiss the need for an anti-discrimination law, or even the necessity for political representation (Varona 2015). But in reality, being a very Catholic country puts the LGBT Filipinos lives in danger of acts of bigotry, hate, and discrimination that affects their basic economic and human rights, even enough to lead to their deaths (Varona 2015).

The LGBT in the Philippines continues to live harder lives than everyone else in a place claiming to be gay friendly (Dela Cruz 2015). Acceptance is different from tolerance. Tolerance conceals prejudice and discrimination, which is heightened by class and social and legal status of transsexuals (Rogando-Sasot 2002) and of gays (Dela Cruz 2015). Religious bigotry is still very strong in the

country where old customs are still kept such as Christian values, as well as having conservatives in the country who endorse “*love the sinner, hate the sin*”. (Dela Cruz 2015). Homophobic slurs are also still heavily used to show disrespect, which also forces many to stay in the closet or hide their true identities from family and friends (Dela Cruz 2015). The country’s peculiar relationship with the LGBT where the country has typified the LGBT and expect them to conform to these typifications, for example, there is the butch lesbian, the flamboyant gay (Bernal 2013). The moment the LGBT step out to demand rights, they immediately become a threat to the society because they no longer fulfill nor fit the stereotype associated with them (Bernal 2013).

Small steps towards LGBT rights

Once gay literature materialized in the early 90s in the country, academic studies and political activism with the participation of the LGBT community became more mainstream (UNDP, USAID 2014). LGBT related writing became more common in local, and community publications, which, towards the end of the decade, led towards the first formal advocacy in the political realm with the formation of the LGBT lobby group and the drafting of the first Anti-Discrimination bill (UNDP, USAID 2014). Come the new millennium, the formation of the political party *Ang Laddad* was seen (UNDP, USAID 2014).

In the 2000s, more organizations were formed to address specific needs of the LGBT in the country including sexual health, psychosocial support, religious and spiritual needs, and political representation (UNDP, USAID 2014). Various forms of media, for and by LGBT people, have also become more mainstream, specifically representing the LGBT community which, included monthly gay magazines such as *Generation Pink*, and *Ketchup Magazine*, televisions shows like *Out!*, and editors and contributors to broadsheets were also participated in by the LGBT people (UNDP, USAID 2014). Now popular *Outrage Magazine*, established in 2007, became the first web-based publication exclusively for LGBT Filipinos (Outrage n.d.)

Some challenges for the LGBT's social and political movements included the lack of an umbrella organization, and the lack of understanding of SOGIE concepts in the Philippine context, as well as a more coherent understanding, and representation of experiences within the LGBT community due in part to class, regional, and cultural differences (UNDP, USAID 2014). This also leads to various violations to the rights of LGBT Filipinos to persist, though not consistently and consciously documented (CSO 2017). Examples of these violations includes access to education, employment, healthcare, political representation, as well as different discrimination experiences in family affairs, religion, and media (UNDP, USAID 2014). In addition, negative stereotypes are being perpetrated against LGBT persons through policies and practices of the government, and even in schools and at home (CSO 2017).

It is important to note that the Philippines is a signatory to various International covenants that promote human rights (UNDP USAID 2014). Being a signatory to these international covenants shows the awareness of the country regarding the existence and rights of various minority groups, and the necessity to protect them and have targeted policies and laws for them. The 1987 Philippine Constitution, Article 2 Section 11, and Article 3 Section 1 also commits itself to uphold the rights, and dignity of persons equally under the protection of the law (UNDP, USAID 2014). The constitution, sadly, does not explicitly mention LGBT persons or SOGIE, which makes subsequent policies and programs not consciously targeted to the situation of the LGBT (CSO 2017). Some laws are even used as pretext to discriminate against the LGBT such as the Revised Penal Code (RPC) Article 200 on grave scandal, Article 201 on offenses against decency and good customs, Article 226 on acts of lasciviousness, and even Article 267 on kidnapping against LGBTs who elope with their partners (CSO 2017). In addition, the representative of the Philippines to the UN did not support the 2011 Joint Statement at the UN Human Rights Council (UNHRC) that urges to end violence, and sanction all violations based on SOGIE, as well as the Joint statement in 2010 which included the resolution to protect LGBT people from extrajudicial killings

based on sexual orientation which shows how the State does not entirely support the LGBT (UNDP,USAID 2014).

There are still instances of legal and political support for the LGBT in the form of local ordinances. For example, 14 local government units (LGU) have anti discrimination laws, but still have poor implementing rules and regulations (IRR) which leaves implementation lacking in clarity and procedures (CSO 2017). Employment discrimination is also somehow being address by the public sector by prohibiting discrimination against LGBT applying for civil service examinations, as well as prohibiting discrimination on the selection of employees for promotion based on various criteria including gender (CSO 2017).

The Road to the Anti-Discrimination Bill

Last September 2017, the Congress of the Philippines voted unanimously, 198-0-0, to pass the SOGIE Equality Act, also known as, and hereon referred to as the Anti Discrimination Bill (ADB) (CNN 2017). The bill aims to address the prohibition of discrimination on the basis of one's sexual orientation, gender identity or expression. Included in this bill is a list of discriminatory acts, as well as fines or terms for imprisonment, depending on the decision of the court (CNN 2017). The first bill was filed by Representative Etta Rosales, while the current draft of the bill is lobbied by Representative Kaka Bag-ao, among other congresspersons (CNN 2017). The Senate is yet to approve of the act.

This bill aims to provide for the national level legislation that is currently missing in Philippine politics, but it is not the only solution that is sought by lawmakers, as well as activists and people in academia when it comes to resolving the issues faced by the LGBT in the Philippines. Eliminating discrimination based on SOGIE can partially address the disparity in treatment that comes from gender double standards where LGBT have no recourse for remedies. The ADB highlights the prohibition of discriminatory acts in terms of the LGBT's access to education, employment, public services, health

services, public establishments, as well as prohibiting against harassment, and the like (CNN 2017).

However, looking through the contents of the bill itself, many issues are not covered or included, especially in the field of employment. Various studies focusing on employment, and the labor market shows how the LGBT persons are denied their rights to express their SOGIE, and are often forced to conform to a prescriptive heteronormative role, and even the need to work harder, or prove their qualifications more compared to heterosexuals (UNDP, USAID 2014). Reading through various instances and narratives of LGBT employment discrimination, as posted on social media, and various news outlets, shows how very varied and intricate discrimination in the labor market and the workplace actually is, from hiring, to employment, and even towards attaining benefits, and enjoying a proper sense of well-being in the workplace.

The lack of recognition of LGBT discrimination has direct bearing on any legal case, or even social, political, or economic representation, to be able to protect and support the LGBT, and the inequality they face as a class (Ocampo 2011). There may be numerous qualitative studies regarding LGBT discrimination in the country however, there are limited studies that actually nuance the intersections that lead to these discriminations and their rights in the country, which puts plight of the LGBT in the workplace and employment to be highlighted only by anecdotal documented cases (UNDP, USAID 2014). The lack in supporting statistics to present the degree of employment, and labor related SOGIE discrimination in the Philippines (Ocampo 2011), considering the raised commonality of such discriminative experiences as seen in existing literature, hides the extent of the magnitude and effects such incidences actually have on the LGBT. Thus, the actual lost economic opportunities, as well as how it affects the life of the LGBT persons beyond it due to discrimination in employment are not made strongly visible (PCW n.d.).

This research aims to address this gap in knowledge by nuancing the entire process of discrimination the LGBT faces from hiring, promotion,

remuneration and benefits, and well-being, which the ADB does not entirely explicitly, nor implicitly address. The paper hopes to contribute to the existing literature on the LGBT by providing for a quantitative take on the process of discrimination which is different from most, if not all, existing studies and cases. It also aims to comprehensively put together the experience of employment, and labor market discrimination using supporting documents from the UNDP USAID Philippine Country Report on being LGBT in Asia last 2014, and Isis International's 2010 research on "*Surfacing Lesbians, Bisexual Women and Transgendered People's Issues in the Philippines: Towards Affinity Politics in Feminist Movements*".

In terms of policy design and creation, it is necessary to present quantifiable data, together with qualitative data, to understand how to properly expound on, and address the actual experiences of the LGBT, especially in terms of creating bills and supporting policies and IRRs. Is the Anti-Discrimination Bill indeed enough to help address some of needs of the LGBT, or is more nuancing of their experiences and dialogues necessary for a more responsive policy? Does the bill address the differences within the LGBT? Does the bill recognize the variance in discrimination across the different types of employment?

1.2 Relevance of the Research

The current draft of the proposed Anti-Discrimination Bill, namely House Bill 4982, includes in its numerous prohibited acts seven (7) sub clauses that directly, or indirectly refer or affect discriminative processes that is prescribed to be against the LGBT in employment or in the labor market. Briefly, these include the following: (1) inclusion of SOGIE, or its disclosure in the criteria for hiring, promotion, transfer, designation, re-assignment, dismissal, performance review, training, incentives, benefits or allowances, privileges, and other terms or conditions of employment; (2) revoking or refusing the accreditation, recognition, or registration to organize in the workplace; (3) publishing information that intends to “out” or reveal the SOGIE of a person without their consent; (4) engaging in public speech that is meant to shame,

insult, or normalize discrimination against LGBTs which intimidates them; (5) subjecting persons or groups of persons to harassment in the form of unwanted conduct, or patterns of conduct, or series of acts which annoys, bullies, demeans, offends, threatens, intimidates, or creates a distressing environment for the LGBT which is motivated by the offended party's SOGIE, which may manifest in the form of assault, stalking, derogatory comments, lewd propositions, and may be conducted in various mediums, including but not limited to visual representation, broadcast communication, communication through mail or any telecommunication device, or through the internet; (6) subjecting any person to gender profiling, degrading investigatory searches including recording or analyzing a person to make a generalization about their SOGIE; and (7) subjecting a person to analogous acts that impairs their enjoyment, or recognition of their rights and freedoms (Aglipay-Villar, Bag-ao, and Roman 2017).

These sub-clauses are seen by the researcher to not encompass the entire discriminative experience the LGBT go through during the process of employment, being employed, and their general experience in the labor market. There are many parts in the employment process that is not included in the bill, but can be seen in existing studies or literature. The research aims to support the bill that is currently being passed by analyzing what the bill includes, but more importantly, what it ignores, to try to show concretely its strength as a proposed bill. In this way, the gaps and strengths of the bill will be highlighted through a quantitative, and qualitative presentation of the discriminations the LGBT face.

1.3 Objectives and Research Question

The objective of this research is to understand and investigate the experiences of the LGBT when it comes to the labor market, and employment. It aims to show an expounded and more nuanced process that the labor market and employment actually has that is often missed and not included in policy making, such as that of the Anti-Discrimination bill. The research seeks to quantify these experiences as a response to the gap in knowledge when it

comes to statistical data that is not yet existing in the country. This lack in quantification is due to the non-recognition of the LGBT in any form such as in political, social, and economic spheres. They exist in the country but are not part of any census, or data, and gathering such information has been a difficult task because of the stigma that is attached to outing one's self as LGBT. Quantifying their experience will help strengthen existing qualitative data, as well as being able to explore more intersecting forms of discrimination that the LGBT face in the labor market, and in employment.

With that in mind, the following research questions will be investigated:

- 1.) How does the LGBT experience the process of discrimination in access to employment, and in the labor market?
 - a. What are the quantifiable data, and general examples from the LGBT with regards to their experiences of discrimination, possibly specifically in the following:
 - While finding employment
 - During the hiring, selection, remuneration and promotion process
 - In the workplace (dress code, codes of conduct, etc.)
 - b. What processes of discrimination can be generalized and quantified
 - c. Are there differences of experiences of discrimination across the LGBT and across various fields of work?
 - d. Are there intersecting forms of discrimination that are not immediately apparent?
- 2.) Does the current proposed Anti-Discrimination bill recognize or include all these experiences of discrimination?
 - a. What are the strengths and weaknesses of the bill?

1.4 Scope and Limitations

Due to limited time, the research will only be able to generalize based on the LGBT who chose to participate in the study, and cannot create nor assume strong correlations and causations that can apply to the rest of the country.

The researcher also recognizes that the survey will not be able to access LGBTs from all corners of the Philippines, especially those who do not have immediate access to internet facilities, as well as those who are not adept to political, and academic jargons regarding LGBT studies, and policy.

This paper will identify the processes and experiences of discrimination as defined by the Philippine LGBT literature included in this research. The LGBT who participated in the research may have varying experiences when nuanced or interviewed further, possibly based on other categories such as social class, religion, and the like, that the research will not include in the study. The aim of the research is to find a general pattern or experience and quantify it for the purpose of supporting, and expanding existing studies, as well as support for the upcoming Anti-Discrimination Bill.

The research will also heavily rely on the Anti-Discrimination Bill's most current draft which is House Bill 4982 which is the version of the bill during the researcher's period of study which was submitted to the House of Representatives last February 2017, and passed last September 2017. Any other versions after this will not be included in the study.

The choice of literature will also rely heavily on the UNDP USAID 2014 report of the Philippines on Being LGBT in Asia, as well as Isis International's study on *Surfacing Lesbians, Bisexual Women and Transgendered People's Issues in the Philippines: Towards Affinity Politics in Feminist Movements* which was done last 2010. These two documents have been written by Filipino researchers, activists, and policy makers who have been part of the longstanding fight towards equity, and against LGBT discrimination in the country. The documents were chosen because of the people involved in the research who include different respected and noted persons in the field of LGBT and

sexuality studies in the country such as those in academia, policy design, activism, media, non-government organizations (NGOs), civil society organizations (CSOs), and even those who were included and consulted in the drafting of the Anti-Discrimination bill, and those who fought to have political standing and participation for LGBT in the country.

1.5 Organization of the Research Paper

The first chapter of this paper introduces the background of the study, as well as the status of LGBT Filipinos in the Philippines. It presents the relevance of the research, the research objectives and research questions, as well as the scope and limit of the study. The second chapter introduces the theoretical and analytical framework on gender hegemony and heteronormativity, as well as labor market segmentation and labor market discrimination. It also includes relevant literature from two reports that also motivated the methodology and data gathering. The third chapter introduces the methodology used in the study to gather data regarding LGBT employment and labor market discrimination, as well as how the methodology was implemented and how the data will be analyzed. A run through of the demographics was also presented in this section to introduce the respondents through their demographics. The fourth chapter presents the data gathered, as well as an analysis of the data using the framework expounded on in chapter 2. Lastly, chapter 5 concludes and summarizes the findings, as well as including policy recommendations and ideas for further research.

II. Understanding Heteronormativity, and Employment and Labor Discrimination: Conceptual and Theoretical Framework

2.1 Gender and Heteronormativity

Gender Hegemony

Connell in 1995 defined gender as the way in which the reproductive arena organizes practice from identities, to rituals, and to large scale institutions (Schippers 2007). Masculinity and femininity become gender projects as one engages in either feminine or masculine practices (Schippers 2007). This means that both masculinity and femininity are sets of identifiable practices that occur across space and time, and are acted collectively by groups of people, communities, and societies (Schippers 2007). These recurring acts structure the production and distribution of resources of power, and the production of meaning and values (Schippers 2007). Thus, masculinity is seen as a social position, and a set of practices that are effected on individuals, relationships, structures, and global relations of domination (Schippers 2007). Gender hegemony thus operates not only through the subordination of femininity, but also through the marginalization of other masculinities as well (Schippers 2007).

No femininities are hegemonic (Schippers 2007). In fact, all forms of femininity are constructed in the context of the subordination of women to men where compliance with this subordination accommodates the interests and desires of men (Schippers 2007). However, it is also important to note that hegemonic masculinity is also the dominance over other subordinated or marginalized masculinities (Schippers 2007). Complicit masculinities, and subordinate masculinities are constructed in such a way that oppression of other masculinities put other men at the bottom of the gender hierarchy among men (Schippers 2007). For instance, heterosexual men subordinate homosexual men, thus putting homosexual men as the inferior other, and this will also include marginalization of other masculinities when intersected with class, and race (Schippers 2007).

Heteronormativity

Heteronormativity is the view that “*institutionalized heterosexuality constitutes the standard for legitimate and prescriptive sociosexual arrangements*” (Ingraham 1994).

Heteronormativity includes practices that renders heterosexuality and all other sexualities as non-normative (Cottingham, Johnson, and Taylor 2016). It is the suite of cultural, legal, and institutional practices that maintain the assumption that there are only two genders which reflects biological sex, and the sexual attraction between these opposite genders is the only natural and acceptable one (Schilt and Westbrook 2009).

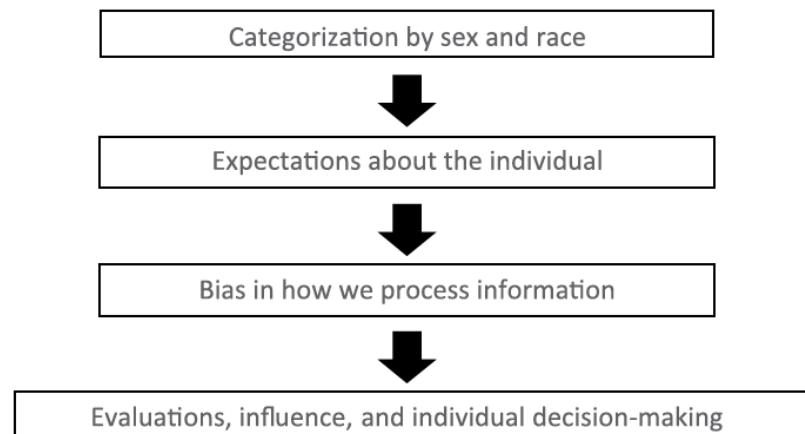
This enforces the assumption that men and women represents an exclusive binary that aligns with masculinity and femininity, with certain gendered systems where women are subordinate to men (Cottingham, et. al. 2016). In these categories and bodies of assumptions, sex, gender, and sexuality are seen to go in a binary way which is natural and normal (Eshleman and Halley 2016).

Heteronormativity is present in different aspects and levels of social life that it organizes society’s everyday practical life where it privileges men over everyone else (Cottingham, et. al. 2016). The performativity of such creates the illusion of stable categories when individuals subscribe to the assumed categories and activities (Cottingham, et.al 2016). Even when one’s sex is not an important aspect to a particular context, individuals tend to interact in specific gendered ways, thus again upholding heteronormative arrangements of masculinity and femininity (Cottingham, et. al. 2016). Doing gender in another way than what is prescribed that does not reflect the biological sex is often seen as a threat to heterosexuality, as people often don’t see or accept a mismatch between one’s biological credentials, and how one presents their gender (Schilt and Westbrook 2009).

Stereotypes, or beliefs of how men and women “are” and should be”, are how people fill in gaps in knowledge of evaluating individuals and often begins with sex categorization (Correll 2017). People often automatically sex categorize any person they interact with, classifying them into males or females and have

implicit expectations of that individual to act in a certain masculine or feminine way, as embodied in the gender stereotypes (Correll 2017).

Figure 1. How Gender Stereotypes Bias Evaluations (Correll 2017)



Such associations towards stereotypes influences how people are evaluated at work and amount to different types of biases that people receive (Correll 2017). This also leads to not only different types of expectations of a person's behavior, but it also affords people different freedoms or restrictions (Correll 2017).

Stereotypes and expectations affect people differently and often disadvantage others. For example, women, or anyone who is not a man, are subjected to a higher bar, or more evidence to be seen as qualified and competent (Correll 2017). Extra scrutiny is also experienced in analyzing one's accomplishments where doubts are raised more often for those who are not males (Correll 2017). Shifting criterias or redefining criterias to rate a person's qualifications also happens, often disadvantaging non-males, where standards for application or the assumption of someone's success in the workplace shifts to justifying hiring males over others (Correll 2017). Lastly, the double bind happens where the judgement of competence and likability are negatively correlated to women, but not to men (Correll 2017). This means that non males have difficulties being seen as both competent, and likeable at the same time (Correll 2017).

These biases also get amplified by ambiguity when clear criteria for making decisions or evaluations are not present, thus definitions of success and evaluations are based off of males, where any other group that is non-male are given a lower status (Correll 2017).

Sexual Orientation, Gender Identity, and Gender Expression

Sexual orientation, gender identity and expression or SOGIE, are distinct characteristics of each person. It is important to differentiate among these terms to be able to further nuance how discrimination actually affects people beyond the assumptions of treating the SOGIE term as a whole.

Sexual orientation refers to a person's capacity for emotional and sexual attraction to other individuals, may it be of the same gender, another gender, or even more than one gender (Karsay, Santos, and Mosquera 2016). On the other hand, gender identity is understood to refer to each person's deeply felt experience of gender, which may or may not correspond to their biological sex assigned at birth (Karsay, et. al. 2016). This may include dressing, speech, and mannerisms that are expressions of one's gender (Karsay, et. al. 2016). This is in connection with gender expressions, which are the external manifestations of gender which can, again, be seen through their mannerisms, and how they choose to dress, but also choosing what name to be called, pronoun usage, haircut, and body characteristics (Karsay, et. al. 2016). Typically, transgenders seek to make their gender expression align with their gender identity rather than the sex that they were assigned at birth (Karsay, et. al. 2016).

According to the Yogyakarta Principles, all human beings are born free and equal in dignity and rights, and one's SOGIE is seen as integral to every person's humanity and must not be a basis for discrimination or abuse (ICJ 2007). Many human rights violations, discriminations, and exclusions are often based and targeted towards persons because of their actual or perceived SOGIE and is seen as a global pattern of serious concern (ICJ 2007). As stated earlier, even the ILO has not included SOGIE in recognition of discriminations that one may face due to the actual or perceived SOGIE. Many

societies impose gender and sexual orientation norms on individuals through customs, laws, and violence, which controls how they experience their lives (ICJ 2007). Violations may include extra judicial killings, torture, ill treatment, harassment, assault, rape, detention, and even the denial of education, services, and employment (ICJ 2007). These are then compounded by intersections of race, age, religion, economic, and social status (ICJ 2007).

2.2 Labor Market Segmentation and Labor Market Discrimination

Labor Market Segmentation

In essence, the segmentation theory states *that “all labor markets, because of economic and political forces influencing it, is split into separate segments which function and adjust separately...”* however, *“the advantage of segmentation theory lies in the fact that events in labour market(s) are analyzed not only from an economic point of view, but also social aspects are included into it”* (Jakstiene 2010). Thus, the segmentation theory shows that the labor market is split into segments formed because of economic, political, as well as, and importantly, social forces which is structurally complex and specific (Jakstiene 2010). Continuing research also shows that labor market segmentation also exists when (1) jobs for individuals of a certain skill differ in terms of pay; or (2) access to more attractive jobs are limited or are not accessible to all (Jakstiene 2010). Because of this, Keynesists see that labor market discrimination can happen, which pushes people into other segments which is connected, for example with poor education and training, which brings people to instability inside the labor market (Jakstiene 2010).

Modern labor market also adds that interaction of a person’s individual capital such as education, knowledge, experience, and skills, as well as social capital like social relations, parent’s income, education, are ideas that need to be focused on as well (Jakstiene 2010). The success of one’s integration into the labor market depends not only on one’s qualities such as skills and education, but is also reliant on the accumulated social capitals and social relations (Jakstiene 2010).

Another similar theory on segmented labor markets says that the socio economic status of an individual in the labor market depends on the labor market's structurers instead of the individual's human capital (Doeringer and Piore 1985). The labor market is seen to have a dual sector, namely the primary and secondary sector. The primary sector, which is the internal segment of the labor market, is seen as a hierarchy with relatively well remunerated employees, with job security with clear rules of work and have professional opportunities that ensures stability (Meulders, et. al. 2010). The secondary sector is seen to be characterized by lower wages, less career security, and career perspectives, with unfavourable job conditions which is generally composed of disadvantaged groups (Meulders, et. al. 2010). This segregation can be seen in an example such as women, being more concentrated in the secondary market, and men in the primary market, where mobility between these segments are very low, and the differences in the sectors are reflected on the quality of work and employment, rather than an individual's qualifications (Meulders, et. al. 2010). The researcher also sees that segregation can also affect other groups of people, such as people of color, or people of other races, and for this research, the LGBT.

Labor market segmentation can also be distinguished by two types: horizontal and vertical (Staveren 2015). Horizontal segmentation is the differentiation of labor by social groups, and stereotypes, which may include ethnicity, and gender (Staveren 2015). Gender and sexual orientation is seen as a horizontal force in labor market segmentation, where jobs are reinforced by stereotyped labor demands (Staveren 2015). For example, gendering labor into a feminine types such as teaching, and health care, and masculine types such as technical work, makes it difficult for the sexes to find a job because of such stereotyping. Horizontal segmentation is able to reinforce itself through job crowding where a certain group of people are concentrated in a specific forms of occupations, which then leads to the downward pressure of these wages (Staveren 2015). Because of the small number of types of occupations a certain group can have access to, wages become lower for these groups compared to those who have access to most, if not the entire labor market (Staveren 2015). In effect, in

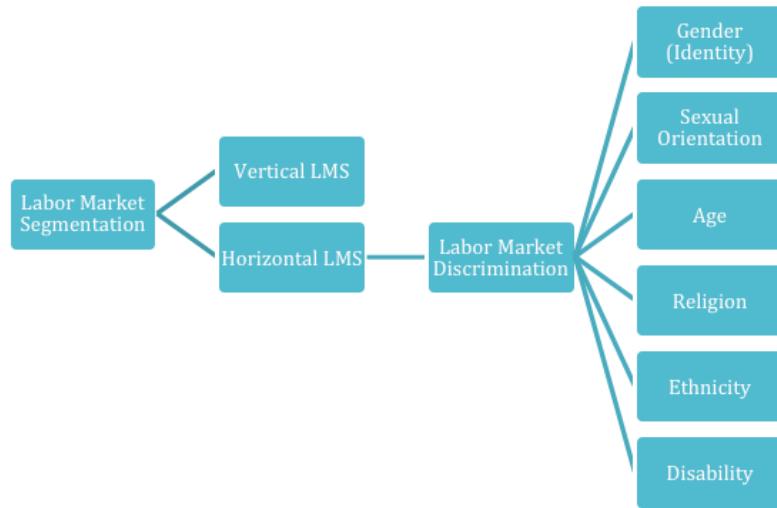
horizontal segregation, an over and under representation of a certain group in certain occupations happen (Meulders et. al 2010).

Vertical segmentation, on the other hand, refers to the invisible barriers between those who are better paid, are higher in status, or have more secure jobs than those who are not (Staveren 2015). It is a clear and identifiable group of workers in certain job sectors at the top of an ordering which is based on desirable attributes (Meulders, et. al. 2010). In some literature, vertical segregation is also referred to as the “glass ceiling”, which is an indicator of visible or invisible obstacles that lead to a rarity of certain people in certain powerful, or decision making positions, and is also tied to the “sticky floor” concept where certain forces will tend to maintain certain groups of people in the lowest level of the organizational pyramid (Meulders, et. al. 2010).

Labor Market Discrimination

Labor market discrimination then happens because of the disadvantaging of groups because of such stereotypes of gender, sexual orientation, age, ethnicity and the like, even when people are equally qualified in terms of education, and experience (Staveren 2015). This is seen to be economically inefficient as when such discrimination occurs, the firm reduces the pool of potentially good workers who are better qualified, and reduces and limits the human capability potential of their own workforce (Staveren 2015). Discrimination ranges from various unequal opportunities in the labor market may it be implicitly or explicitly done (Staveren 2015). What does this segregation imply? Segregation will imply a differentiation in earnings, as well as wage gaps (Kaufman 2010) that may lead to economic and financial insecurity among the discriminated group.

Figure 2. Labor Market Segmentation (Figure created based on Staveren 2015)



2.3 Literature on LGBT Employment Discrimination in the Philippines and Workplace Well-being

In addition to the theories mentioned above, this research will also rely heavily for its data gathering, analysis and framework, two texts that have been selected as the most recent country reports that is most representative of the topic of the paper. The 2014 UNDP USAID report on “Being LGBT in Asia: The Philippines Country Report”, and the 2010 Isis International’s study on “Surfacing Lesbians, Bisexual Women, and Transgendered People’s Issues in the Philippines: Towards Affinity Politics in Feminist Movements” were selected because of the elaboration on employment which was covered by the studies, as well as the methodology, and the researchers included in both outputs.

Both reports help expand the theories mentioned above by including a fourth category of labor market discrimination, which is discrimination with regards to an employee’s “well-being”. Workplace well-being relates to an employee’s working life, which includes aspects such as quality and safety of the work environment, how they feel about their work, the working environment, and to

make sure their safety, health, and satisfaction are recognized in their workplace (ILO n.d a.)

Organizations are increasingly recognizing the need to take their employee's well-being seriously because of the recognition of their most important resource which is the human resource (ILO n.d.a). Other organizations recognize this to also address well-being issues that affect workplace problems such as stress, bullying, conflict, health disorders (ILO n.d.a), or even resignation of good employees.

For this study, well-being is an important aspect to include because of issues that may specifically arise due to one's SOGIE. These specific issues need to be expounded on to nuance the actual experiences of discrimination the LGBT face in the entirety of their employment, and labor market journey, and many cases of discrimination actually happen beyond hiring, promotion and remuneration.

Being LGBT in Asia: The Philippines Country Report

The Philippine's report for the UNDP USAID on Being LGBT in Asia was a compilation and presentation of studies and documents from the Philippine National LGBT Community dialogue held in Manila last June 2013 (UNDP USAID 2014). The report reviews the legal and social environment that the LGBT face, which was discussed by 50 LGBT organizations from around the country regarding eight themes which included education, health, employment, family affairs, community, religion, media, and politics and was convened by UNDP and USAID (UNDP USAID 2014). This report specifically provides for an overview of LGBT rights in the country including how laws, policies, culture, social attitudes, and religion, based on research and consultations (UNDP USAID 2014). Case studies were included in illustrating the challenges, or successes in each of the themes, and is ended by recommendations and action points generated during the dialogue (UNDP USAID 2014).

According to the UNDP USAID report, LGBT Filipinos face challenges in employment and the labor market on an individual level, and as members of a community that is often subjected to discrimination and abuse (UNDP USAID 2014). The country's only law between employers and employees is known as the Labor Code of the Philippines, but does not directly differentiate sex, or biological differentiation, and SOGIE (Ocampo 2011). The report also notes that because of the absence of any statistics, the extent of employment related SOGIE discrimination is hidden, and government agencies in charge of issues regarding SOGIE discrimination do not report on LGBT discrimination (UNDP, USAID 2014). Because of this, (LGBT) discrimination is a category of workplace discrimination which has not been included in any mainstream policy lobbying, or dialogues (UNDP, USAID 2014).

For the LGBT, according to the research done for the report, discrimination starts even before employment (UNDP, USAID 2014). For example, trans women are told to present themselves as men, by dressing and acting in masculine ways (UNDP USAID 2014). Dismissals also occur based on a person's SOGIE as companies are unwilling to destroy their reputation by hiring LGBTs who act and present themselves according to their SOGIE (UNDP USAID 2014). Another of their reports included how discrimination can occur during the process of hiring, assigning wages, granting promotions and benefits, as well as with regards to retention (UNDP USAID 2014) which elaborates on how the discriminative process happens in the entire steps of employment, and in the labor market.

Participants of the dialogue also reported how they, as LGBT, are hired in order to be abused or taken advantage of because of their unable to legally marry which leads to less benefits costs for the company, or force LGBT to take graveyard shifts or overtime work as they have no families to go home to, or even taking maternity or paternity leaves, as well as assigning stereotypical jobs but remunerating the LGBT with lower wages (UNDP, USAID 2014). Sexual harassment is another issue in the workplace that the LGBT face which

is often because of their SOGIE and how they are associated with certain stereotypes (UNDP, USAID 2014)

To deal with issues with regards to LGBT employment, the participants of the dialogue created a list of recommendations, as well as advocating for a national law, and how an LGBT organization should be either created, or existing ones should take on the responsibility of reviewing if policies are pro or anti LGBT (UNDP, USAID 2014).

Some of the recommendations from the dialogue includes: (1) pushing for legislation focusin on LGBT people in the workplace; (2) auditing existing employment related policies in relation to LGBT issues; (3) working with existing government projects to include LGBT people such as SOGIE inclusion in poverty reduction strategies; (4) provide for psychosocial and paralegal support to the LGBT in the workplace; (5) strengthening LGBT by forming an LGBT group, or labor union; and (6) pushing for SOGIE sensitivity trainings.

The participants stressed the lack of a common conceptual framework, as well as statistical data for the LGBT movement in the country (UNDP USAID 2014). Funding is also a limitation to the operations for LGBT related activities to advocate for human rights and anti-discrimination projects (UNDP, USAID 2014). Lastly, the participants highlighted how engagement with the actual LGBT organizations are lacking, such as formal procedures and mechanisms which allow them to participate in drafting, enforcing, and monitoring policies, as well as lack of support from those in power and other bigger organizations (UNDP USAID 2014).

In conclusion, the UNDP USAID report is able to stress on other forms of discrimination the LGBT face with regards to employment beyond hiring, and remuneration related issues. In addition to this, the report stresses the need for statistical data, as well as a national law, and an umbrella structure that can help serve as a common framework for LGBT movements in the country.

*Surfacing Lesbians, Bisexual Women, and Transgendered People's Issues in the Philippines:
Towards Affinity Politics in Feminist Movements*

Isis International is a feminist organization that engages in research and analysis of issues affecting women, peace building, LGBT issues, gender based violence, migrant rights, and climate justice (Isis International 2017). The organization aims to create spaces within information and communication structures that can lead to the transformation of society (Isis International 2017). They are in partnership with Mama Cash, the Global Fund for Women, and the ICCO Cooperation (International 2017).

In 2010, Isis International Manila conducted a research with regards to LGBT rights in the Philippines. Their research on ‘Surfacing Lesbians, Bisexual Women, and Transgendered People’s Issues in the Philippines’ is located in the framework of affinity politics which is related to social inclusion, which believes that there should be a recognition of the needs of each groups of peoples, and in the diverse forms of oppression each group uniquely experiences (Isis International 2010). Affinity politics argues that coalition building must be built on the recognition of the differences, and work in solidarity with each other (Isis International 2010).

The research of Isis International was done in 14 months, which examined different life issues of the LGBT in the Philippines (Isis International 2010). The methodology of their research included seven key informant interviews, as well as four small focus group discussions (Isis International 2010). They presented their results by highlighting the differences among the groups, as well as finding some generalizable experiences of the LGBT.

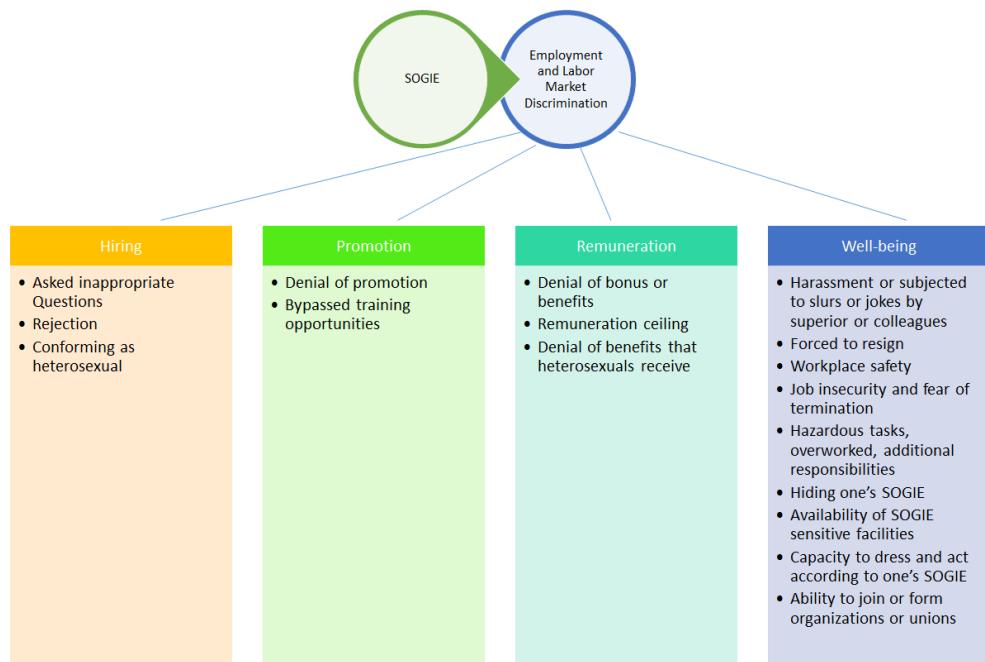
With regards to work, Isis Int. reports the difficulty in finding decent employment depending on one’s SOGIE (Isis International 2010). For feminine lesbians, they are able to pass off as heterosexuals, while for masculine lesbians are immediately discriminated, even much more than gays

(Isis International 2010). During interviews, inappropriate questions are being asked where highlighting one's SOGIE was part of the interview query (Isis International 2010). During hiring, discrimination is also faced when they were required to dress or look a certain way which goes against their SOGIE (Isis International 2010). Lastly, tasks and jobs are reported to be assigned stereotypically where LGBTs often rejection for not conforming to a more heterosexual physical appearance (Isis International 2010).

2.4 Analysis

According to Staveren, labor market discrimination occurs along three dimensions of labor demand: (1) hiring – discrimination in access to employment; (2) promotion; and (3) remunerations (Staveren 2015). To expand on these three dimensions and capture other aspects of employment, and labor discrimination, Isis International adds that the LGBT also experience discrimination in employment when they are: (1) asked inappropriate questions during interview from hiring to career advancement; (2) discriminated during hiring, selection, and promotion; (3) forced to conform in the workplace such as following a heteronormative dress code, and; (4) stereotyped into kinds of jobs, tasks, and responsibilities (Isis International 2010). And also, according to some of the 10 point recommendations of the UNDP USAID country report of the Philippines on “Being LGBT in Asia”, recommendations to resolve discrimination and employment issues, that have not yet been mentioned above, fall under (1) job security and retention; (2) Benefits and support; (3) Unions and representations, and (4) SOGI sensitivity trainings.

Figure 3. Working Analytical Framework



Thus, the research and data gathering will be guided and analyzed based on the theories of heteronormativity, gender hegemony, labor market segmentation, and labor market discrimination, as well as the existing data and reports from the UNDP USAID, and Isis International. Concepts regarding SOGIE, heteronormativity and gender hegemonies are important to see the possible intersections of such when it comes to the labor market, and employment especially for the LGBT. The analysis will aim to see if there are possible distinctions within the LGBT, and also the possibility of the need to differentiate between sexual orientation, and gender identity and expression when it comes to labor market, and employment discrimination. After which, the analysis will be used as an assessment of the current draft of the ADB to see its strengths and weaknesses, and to see if it directly or indirectly is able to answer the issues regarding employment, and LGBT labor market discrimination.

III. Research Methods and Strategy

3.1 Sampling

The population chosen for this study includes, and has been open to all LGBTs who are currently in formal employment in any job sector in the Philippines. This is in consideration of who the ADB will and can affect upon its passage as a law to study how its contents can impact the employed LGBT. The ADB does include a clause regarding discrimination during the hiring process, but the focus of this study would like to continue and highlight the process of those who are successfully hired because of the other instances of discrimination they may face while working or being employed even if they have successfully been hired. This includes instances of discrimination with regards to remuneration, and promotions, as well as workplace wellbeing which highlights an employee's feelings of satisfaction and safety in the workplace. Included in wellbeing are instances of harassment and discrimination while in the workplace that are not often seen or addressed.

It is important to also only conduct the research to LGBTs in the Philippines because the ADB only formally recognizes LGBT currently working in the country, and does not have jurisdiction to LGBT working outside the Philippines. In addition, only those in formal employment are ones that may be protected and captured by the ADB, and succeeding IRRs, laws and policies in the country.

The study does not restrict itself to any region, city, or province in the country, and does not account for religion, or customs the respondent practices as the legal and theoretical framework does not include so.

3.2 Method

Chain referral sampling relies on a series of participant referrals who have experienced a similar phenomenon (Penrod, Preston, Cain, and Starks 2003). Chains of referrals are carefully established to form a sample that resembles a representative sample of the desired study group (Penrod et. al. 2003).

Respondent Driven Sampling (RDS) is a type of chain referral method used to gather and analyze data of hidden or “hard to reach” populations (Williams and Vogt 2011). Douglas Heckathorn introduced RDS in his 1997 paper entitled *“Respondent-Driven Sampling: A New Approach to the Study of Hidden Populations”* as a response to the potential problems, or weaknesses of the then-dominant methods of gathering data from “hidden populations” which were snowball sampling, key informant sampling, and targeted sampling (Heckathorn 1997). This technique has been used to study sensitive issues as manifested by a limited or hidden population where there is no knowledge of the entire sampling frame and identities of exposing membership in the population could be potentially harmful (Heckathorn 1997).

Unlike in snowball sampling, RDS does not require the identity of the peers of future respondents from the resource, which is crucial in studying the hidden populations (Heckathorn 1997). Also, unlike in general chain referral designs, estimates about the population cannot be made as the chain referral method is more appropriate to study the structure of the network, rather than the actual population (Salganik and Heckathorn 2004). However, for RDS, to make estimates about the population, assumptions are made about the population under the study, as well as how recruitment occurs (Salganik and Heckathorn 2004). By making explicit assumptions, we allow for this to be tested and for research to be done about the nature of the bias that was introduced in the selection process (Salganik and Heckathorn 2004).

Populations of some studies are often difficult to draw for two reasons: (1) they have no sampling frame, or an official list of the population of the members where the sample will be taken from, and; (2) either (a) the population is a small part of the general population that locating them would be costly; (b) the population’s network is difficult for outsiders to have access to or; (c) membership and access to the population requires the establishment of trust (Williams and Vogt 2011). Accesses to hidden populations is done through their social networks by employing a type of “chain referral sampling” where the sample begins with an initial set of respondents called “seeds”, who

then recruit others who qualify for inclusion in the study who now form the “first wave” (Williams and Vogt 2011). Through RDS, the need for the researcher to locate the population, as well as the difficulties of penetrating the social networks by establishing trust in these hidden populations is removed (Williams and Vogt 2011).

Additionally, we will assume, for this research, that all respondents recruit from all edges of their network that involve them (Salganik and Heckathorn 2004). This means there is possible maximum variance and randomness in the recruitment and reach of the initial respondents. Non repetition will also not be an issue as the technology of the survey disallows repeat respondents.

Figure 4: An Example of RDS Recruitment Chain



(Williams and

Vogt 2011)

Survey

For this research, an online survey has been conducted to gather data regarding LGBT employment, and labor market discrimination in the Philippines. The purpose of this is to gather quantifiable data that can be generalizable across the LGBT community accounting for maximum variance across various job sectors. The variety of jobs are a factor because discrimination is believed to be faced at any form of work, and because the ADB is to be applied to all sectors of employment. In addition, the survey contained open ended questions where respondents are free to narrate, expound on, or give examples of their experiences.

The survey focused on the various stages of employment, specifically (1) hiring, (2) promotion, (3) remuneration, and (4) well-being as explained in the previous chapter. These categories formed the major themes for the questions found in the survey which identified each step and space that discrimination may happen before being employed, and during employment. The questions were also guided by the reports of UNDP/ USAID as well as Isis International which further expounded on the actual forms of discrimination under every stage of employment. Each question is answered by a “yes” or a “no”, and for those who answered “yes”, most questions will be followed by a sub-question which is a numerical measure of the number of times a situation that the question presented has happened, which is answered by a “once”, “twice” or “three or more times”. An open ended question under each major theme is also part of the survey for the respondents to either further elaborate on an example, or any other forms of discrimination they would like to share.

Figure 5. Survey

<p>Demographics</p> <ul style="list-style-type: none">• Gender• How do you present yourself to the public?• Job Sector• Highest Educational Attainment• Age• Are you "out" <p>Preliminary: Employment Discrimination</p> <ul style="list-style-type: none">• Do you think labor and employment discrimination against the LGBT is real?• Do you feel like heterosexual people are treated better over the LGBT in the labor market/ employment? <p>Hiring</p> <ul style="list-style-type: none">• Were you asked inappropriate questions during hiring interviews related to being LGBT?• Were you turned down for a job when otherwise qualified because of being LGBT?• Were you required or forced to conform to heterosexual practices (clothing, demeanor etc.) as a precondition for being hired?• Are there other forms of discrimination during the hiring process you would like to share? <p>Promotion</p> <ul style="list-style-type: none">• Were you denied promotion due to being LGBT?• Were you denied promotion unless you conform to acting as a heterosexual (clothing, demeanor, etc.)?• Were you denied or bypassed any training opportunities due to being LGBT?• Are there other forms of discrimination during the promotion process you would like to share? <p>Remuneration</p> <ul style="list-style-type: none">• Were you denied a bonus/ additional remuneration because of being LGBT?• Do you feel like your salary/ remuneration has a ceiling because of being LGBT?• Do you feel or know that you are receiving a lower salary/ remuneration in comparison to those of equal qualification and position due to being LGBT?• Have you been discriminated against benefits that heterosexual employees receive (parental leave, domestic partner benefits, etc.)?• Are there other forms of discrimination related to remuneration and benefits that you would like to share? <p>Well-being</p> <ul style="list-style-type: none">• Have you been harassed by your employer/ someone of superior position to you because of being LGBT?• Have you been harassed by other employees because of being LGBT?• Were you forced to leave a position due to being harassed in the workplace?• Have you ever been fired/ terminated from a certain position due to being LGBT?• Have you felt specifically called in for hazardous tasks, or responsibilities that fall outside working hours such as overtime, weekend work, holiday work, night shifts, and the like due to being LGBT?• Were you ever asked or suggested to perform as a heterosexual (clothing, demeanor)?• Have you been asked to dress according to one's sex (male or female) at work?• Did you ever choose to hide your gender identity/ sexual orientation to avoid discrimination?• Have you been able to use a gender appropriate restroom at work?• Have you been able to dress according to your personal choice at work?• Have you ever been the subject of slurs or jokes in the workplace because of being LGBT?• Are you able to join or form LGBT specific groups or unions in the workplace?• Are there other forms of discrimination relating to one's well-being that you would like to share?

Figure 5 presents the initial survey conducted. However, due to limited space, only salient features and data from the survey were included in the analysis in chapter 4.

3.3 Research Technique

RDS operational procedure consists of the following steps: (1) recruiting seeds; (2) setting incentives; and (3) collecting data (Williams and Vogt 2011).

Seed Selection

An initial set of respondent group members, or “seeds” have been selected (Williams and Vogt 2011). As in chain-referral sampling, RDS assumes that the best way to access members of hidden populations are their own social networks or peers (Heckathorn 1997).

The main respondents for this research were generally difficult to access as there is no official census or national level data on the number of the total population of LGBT in the Philippines. In addition, difficulty also lies in the fact that not all members of the LGBT community in the country are “out” as this may cause stigmatization of identifying one’s self as LGBT which may affect their social, political, and economic lives, and to others, the risk of their actual lives and safety. Thus, the “seeds” for the survey were chosen due to their visibility and activeness in LGBT related activities. These included popular online bloggers, those who are “out” and worked in various sectors such as in policy, academia, private companies, the government, and media and communications, who the researcher is acquainted to or has had previous research and LGBT related work with. The researcher then discussed with the “seeds” what the research was about, as well as how the research methodology will work.

Waves

After the initial set of respondents, the first wave was created through the non-monetary incentive of pushing forward the advocacy of LGBT rights and the ADB. Enabling the “seeds” to recruit by motivating them towards a political and social cause, as well as putting them in charge of choosing or finding the next participants empowers and builds confidence in them to attract more and qualified respondents. As each set of respondents were tapped, more waves were created until a sizeable amount was reached. In this case, the researcher has chosen to stop at 105 respondents after two weeks of the survey being online.

Implementation

A total of 105 respondents answered the online survey. The survey was open from September 28, 2017 to October 15, 2017, where the “seeds” or initial respondents were explained about the purpose of the research, an overview of the contents and goals of the survey, as well as to recruit or find the next set of respondents with maximum variety from their own field or gender, and to instruct the next respondents to do similarly as well. Because of ethical considerations for the respondents being a hidden population in the country, anonymity was promised to the respondents to assure them of safety, which will also ensure quality and honest responses in the survey.

The language of the survey was conducted in English for three reasons: (1) 76% of the nationwide population can understand English (Mangahas 2016); (2) there are no definite or exact words in Filipino literature that directly translate terminologies regarding sexuality and most of the discourse around it; and (3) the ADB itself is in English.

In terms of the first seven (7) respondents or “seeds”, they were composed of an online LGBT blogger, a person working in the medical field, a person working in the government, a person working in media and entertainment, a person working in a private company, a person in academia, and one working in an NGO.

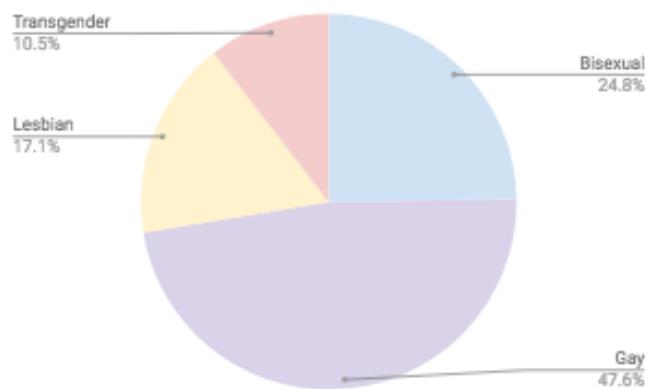
After running the survey for one week and experiencing a downtime in data gathering, another batch of five (5) “seeds” were contacted which composed of LGBT working in private companies, and those who have been visible in Philippine LGBT related activities. After two weeks, 105 respondents were gathered.

Demographics

The features of the respondents are important to be presented as their individual qualities greatly influences how discrimination affects them. This is especially true for those whose gender expressions are different from their

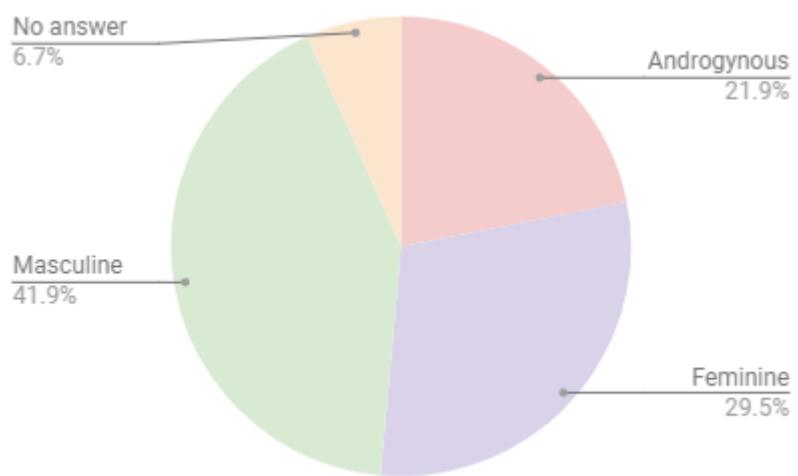
biological sex. It is also important to show that regardless of educational attainment, and age, which the researcher assumes as a signifier for a person's work qualifications and years of experiences, discrimination may still occur. Lastly, variance in the job sector can show any differences in the type of work the respondent is employed in and the possibility or instances of discrimination that they face. The breakdown of the total demographics of respondents are as follows:

Graph 1. Sexual Orientation of Respondents (n= 105)



Of the 105 respondents, 50 (47.6%) are gay, 26 (24.8%) are bisexual, 18 (17.1%) are lesbian, and 11 (10.5%) are transwomen.

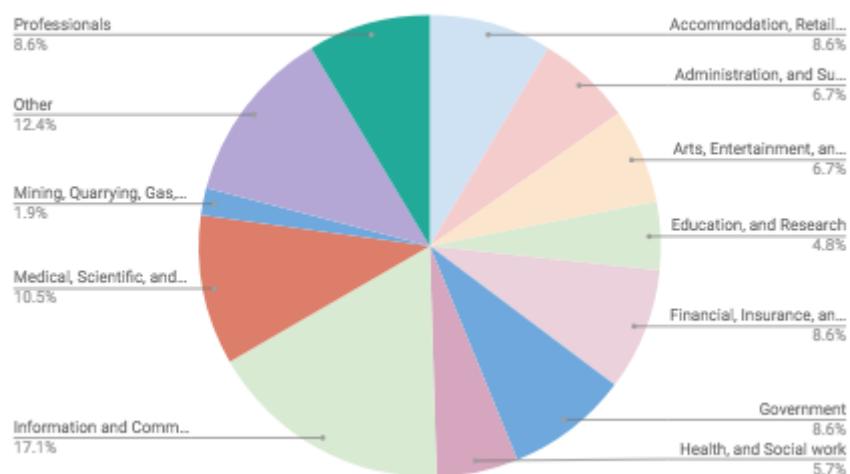
Graph 2. How the Respondents Present themselves in Public (n=105)



Of the 105 respondents, only 98 answered this question, with 44 (44.9%) stating that they present themselves as masculine, 31 (31.6%) as feminine, and

23 (23.5%) as androgynous. Breaking this down further, of the 18 lesbians, 4 of them present themselves masculinely, 4 as feminine, and 8 as androgynous, with 2 not giving an answer. Of the 50 gay respondents, 33 present themselves as masculine, 6 as feminine, and 8 as androgynous, with 3 not giving an answer. Of the 26 bisexual respondents, 7 present themselves as masculine, 10 as feminine, 7 as androgynous, and 2 did not give an answer. Lastly, of the 11 transgender respondents, all 11 present themselves as feminine.

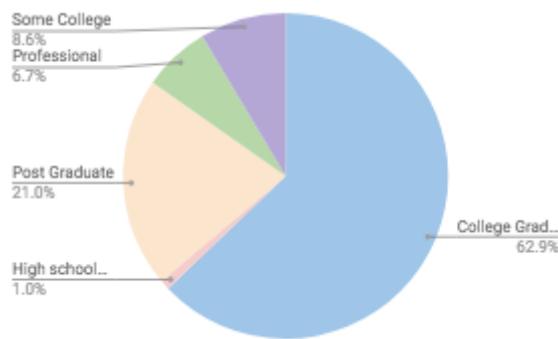
Graph 3: Job Sector of the Respondents (n=105)



Of the 105 respondents, 18 (17.1%) work in the Information and Communication sector, 11 (10.5%) in Medical, Scientific and Technical, 9 (8.6%) in the Accommodation, Retail and Services sector, 9 (8.6%) in the Financial, Insurance and Real Estate sector, 9 (8.6%) in the Government sector, and another 9 (8.6%) are Professionals. Another 7 (6.7%) work in Administration, and Support, 7 (6.7%) in Arts, Entertainment, and Recreation, 6 (5.7%) in Health, and Social Work, 5 (4.8%) in Education and Research, 2 (1.9%) in Mining, quarrying, gas, water, and construction, and lastly 13 (12.4%) stated “others”.

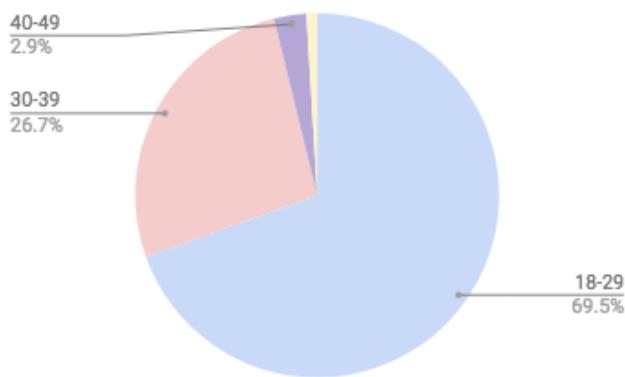
The variety in the sectors will assure maximum variance in experiences to show the possibility of occurrences of discrimination in different job sectors, and in the various stages of employment.

Graph 4. Highest Educational Attainment of the Respondents (n= 105)



66 (62.9%) of the 105 respondents are college graduates, while 22 (21%) have postgraduate degrees, 9 (8.6%) have some college degree, or did not finish college, 7 (6.7%) are Professionals such as doctors, or lawyers, and 1 (1%) is a high school graduate.

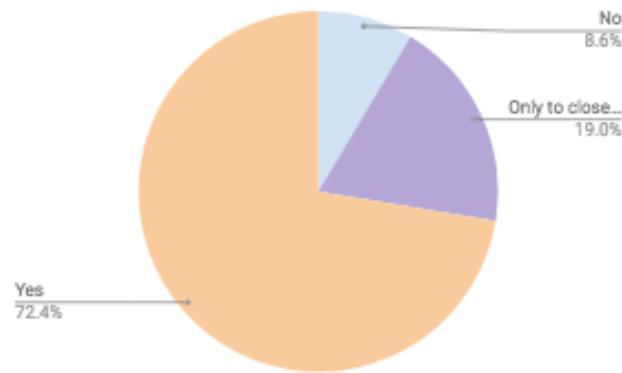
Graph 5. Age Range of Respondents (n=105)



The age of the participants generally fall under a young age group with 73 (69.5%) of the 105 respondents aged between 18-29 years old, 28 (26.7%) aged between 30-39 years old, 3 (2.9%) being 40-49 years old, and 1 (1%) being aged between 50-59 years old. None of the respondents are 60 years old and above.

The choice for the age range of the respondents relies on the Philippine Labor Code where Article 139 states that 18 years old be the minimum age of a person to be allowed to work legally and without restrictions, and Article 287 stating 60 to 65 years old as the retirement age (Labor Code of the Philippines 1974).

Graph 6. Percent of Respondents Publicly “Out” Regarding their Sexual Orientation (n=105)



Of the 105 participants, 76 (72.4%) stated that they are “out” or they publicly express their gender, 9 (8.6%) said no, and 20 (19%) said that only family and close friends know about their gender.

Breaking this down further, of the 76 who said “yes”, 16 of them are lesbians, 37 are gay, 13 are bisexual, and 10 are transgender.

3.4 Data Analysis Strategy

The data was encoded into a code book that was used to generate tables and graphs using SPSS statistical software. After which, deeper analysis and application of the framework was done by cross tabulating data, and correlating variables which will hopefully yield generalizable results. The open ended questions responses were also be part of the discussion to help deepen the analysis of the data based on the actual thoughts of the respondents.

In consideration of the qualitative data from the UNDP USAID report, and the Isis International study, this research hopes to deepen the knowledge and understanding of how the process of discrimination happens in employment for the LGBT. The texts from both reports are expounded on by the numerical data from the gathered results which adds the nuancing of the differences among the LGBT, as well as highlighting the difference of sexual orientation, and gender identity and expression. In addition to the two texts,

the ADB's sections regarding employment, as well as the analytical framework will be used to analyze and make sense of the data to see the strengths and weaknesses of the bill, as well as that of the theory.

The analysis aims to show that it is important to differentiate among the LGBT, as well as differentiating the instances of discrimination based on one's sexual orientation, and based on one's gender identity and expression.

3.5 Issues in Doing the Research

It was difficult for the researcher to have an assurance of respondents because of the sensitivity of the topic on discrimination, and fear of safety of the chosen group of respondents. Assuring the “seeds” or first set of participants that anonymity is a priority during the study helped in such a way that the “seeds” were able to more freely tap and communicate to the next waves of respondents the link to the survey.

The online survey is seen to be restricted to those who are able to access internet, or have facilities and materials to use the internet to be able to answer the survey. In consideration of the time as well, many have opted to answer the survey but were not able to do so because of being busy at work, or with family life.

IV. Analysis

4.1 Discrimination

Does the LGBT feel or think that employment, and labor discrimination against them is real? Among the LGBT, and in different kinds of jobs, are the instances of discrimination different or generally the same? Does one's sexual orientation factor in heavily as presumed in society, or is it one's gender identity and expression that exposes the LGBT to discrimination? How does the LGBT in the Philippines actually experience discrimination in labor and employment beyond what has been written in policy, and how studies and research have portrayed these experiences?

Table 1. Respondent's perceptions on labor and employment discrimination against the LGBT

	Frequency	Percentage
Yes	91	86.67%
No	14	13.33%
Total	105	100%

Table 2. Respondent's perceptions regarding the better treatment of heterosexuals over the LGBT

	Frequency	Percentage
Yes	78	74.29%
No	27	25.71%
Total	105	100%

Table 3. Number of respondents who are ‘out’ based on Table 2

Q: Are you ‘out’?		
	Frequency	Percentage
Yes	59	75.60%
No	4	5.10%
Only to close family or friends	15	19.20%
Total	78	100%

According to the respondents who answered the survey, 91 (86.7%) believe that LGBT employment, and labor discrimination is real. This is further supported by 78 respondents (74.3%) saying that heterosexual people are actually treated better over the LGBT in the labor market, or in employment. Of the 78 who said that heterosexual people are treated better, 59 of them are “out”, meaning that they practice their SOGIE in public. It is important to note these 59 respondents since they are the ones who would not normally conform to heterosexual norms, such as in demeanor and clothing, and live visibly in the country practicing their SOGIE. According to one respondent, “*... I should be truthful of who I am in order for me to create. Being free but not hurting the other genders or any sectors of my society. I still follow the rules and norms of our conservative society but not diminishing the way I want to express myself. I was raised to be "me" in order to be successful in life and my parents understand of me being gay. They taught me not to hurt myself and give a greater value of who i am in the society... “*

Hiring

According to ILO C111, or the Discrimination (Employment and Occupation) Convention, discrimination at work and employment can occur in various forms and settings (ILO C111). Eliminating this discrimination starts with removing barriers for everyone to have equal access to enterprises (ILO C111). Discrimination during hiring may happen directly or indirectly when laws,

rules, or practices explicitly include particular grounds such as sex, or the like, to deny equal opportunities to people (ILO C111).

The hiring process includes several steps from the time you apply for a job, until you accept the offer, until you come on board as a new employee (Doyle 2017a). Once an individual has sent in their job application, a talent assessment happens where a candidate is assessed if they match the job they are hiring for (Doyle 2017a). Interviews play a huge part of the hiring process as this is the first step of actual interaction where potential employees meet with the human resource, or potential employer. An interview process includes screening interviews, in-person interviews, as well as follow-up interviews (Doyle 2017a). After which, some companies require further tests such as illegal drug testing, background tests, and reference checks (Doyle 2017a).

For this research, the discrimination during the hiring process is highlighted through interviews where the potential LGBT employee is able to face a human resource representative, or their future employer, where discrimination and prejudice may directly or indirectly be experienced. The discrimination during this step in the employment process may come in many forms, and is highlighted and experienced by the LGBT respondents as described below.

Table 4. Responses regarding inappropriate questions during hiring interviews

Q: Were you asked inappropriate questions during hiring interviews related to being LGBT?		
	Frequency	Percentage
Yes	26	24.76%
No	79	75.24%
Total	105	100%

Of the 93 respondents, only 26 (24.8%) stated that they were asked

inappropriate questions during hiring or interviews. Of the 26, 12 (15.1%) said that this has happened to them twice, 7 (26.9%) has had it happened three or more times, and 5 (19.2%) said it has happened at least once. Among those who are 'out', 23 (30.3%) of 76 respondents stated that they were asked inappropriate questions, with 16 (21.1%) of them being lesbians, 27 (48.7%) gays, 14 (17.1%) bisexuals, and 10 (13.2%) transgender. Nuancing this further, 4 lesbians present themselves as masculine, while 6 of the gays, and all 10 of the transgender present themselves as feminine.

Table 5. Number of respondents turned down for a job when otherwise qualified

Q: Were you turned down for a job when otherwise qualified because of being LGBT?		
	Frequency	Percentage
Yes	24	22.86%
No	81	77.14%
Total	105	100%

During hiring, 24 (22.9%) of 105 respondents stated that they were turned down for a job for being LGBT, with 17 (18.3%) of them saying this has happened at least once, 2 (2.2%) saying it has happened twice, and 5 (5.4%) saying it has happened three or more times. 33 (31.7%) stated that they were required or forced to look, and act as a heterosexual as a precondition for hiring them with 15 (46.9%) of them saying this has happened once, 6 (18.8%) saying this has happened twice, and 9 (28.1%) saying this has happened three or more times to them.

Table 6. A Crosstabulation of the sexual orientation and the respondent's answer to the requirement of conforming to heteronormativity as a precondition to hiring

		Yes	No	No Answer	Total
Sexual Orientation	Lesbian	8	10	0	18
	Gay	13	37	0	50
	Bisexual	4	21	1	26
	Transsexual	8	3	0	11
Total		33	71	1	105

As highlighted in table 6, the experience of being required to conform to heteronormative standards as a precondition for hiring happens a lot, most especially to lesbians and transwomen, and with less than half of the gays as well. However, for bisexuals, this does not happen so often. One respondent stated that because he was biologically a man, he was required to speak with a manlier voice, “... *you can't have a soft voice*”. One transgender respondent stated that she was required to only wear pants to work, “... *I cannot wear any formal skirts, etc.*”. Another elaborated example from a transgender woman respondent said, “*after I graduated and passed the licensure exam, I tried to apply as a staff nurse in a hospital somewhere in Paranaque (city). I went and passed my curriculum vitae, so they have read it without seeing me.. (my picture on my CV was the time when I'm not taking HRT¹) so when they saw me, dressed as female, long curly hair and makeup on my face they said that, they'll just call me though i knew that they were somehow surprised...they've never contacted me (again).*”

According to the respondents who have experienced discrimination during the hiring process, or have heard of others being discriminated against, discrimination starts from the onset of interviews, up to the point of setting rules or requirements for the LGBT to conform to a certain heterosexual

¹ Hormone replacement therapy

standard of appearance and behavior. Some interviewers would put it as the “*culture of the company*” or that one’s future employer or boss explicitly does not want to hire anyone who is outwardly expressing their gender identity and expression. The respondents have also felt being laughed at or being looked at with judgement, even questioning their choice of clothing, or accessories during this stage of employment, even if it has nothing to do with their qualifications. However, it is important to note that those who do not outwardly express their gender identity and expression, but are still LGBT by sexual orientation, they do not experience much discrimination during the hiring process.

Legally, Philippine laws don’t clearly define sex as anything beyond being biologically male or female. Republic Act 10172 states that sex only refers to the biological characteristics that define men and women (RA 10172), and the Philippine Supreme Court, in the absence of contrary legal definitions, follows the construction of sex as such (Ocampo 2011). In this case, the Labor Code, and all other laws that include “sex” in its definitions should not be read other than how it has been construed, which means it does not include the LGBT (Ocampo 2011). Because of this, the Labor Code’s laws against discrimination in hiring because of one’s sex only protects women from discrimination. Republic Act 6725 states that it is unlawful for employers to discriminate against any “woman employee” on account of her sex, with respect to terms and conditions of employment, promotion, training, compensation, wage, and any work which is of equal value (RA 6725). The labor code also discourages discrimination against creating conditions for hiring and retention for women, and discrimination against age, discrimination against status of people, discrimination against indigenous peoples, discrimination against single parents, or discrimination against people with actual or perceived HIV (Labor Code of the Philippines 1974) which does not, once again, clearly define the inclusion and targeting of LGBT with regards to laws against discriminatory practices during hiring, especially with regards to the inclusion of asking for one’s sexual orientation, as well as questioning their choice of gender identity and expression.

Promotion

Promotion is defined as the advancement of an employee from one position, to a higher level position, or a higher salary range, a higher job title, or a higher level of responsibility in a company (Heathfield 2016). Promotions can result in more status in an organization, with additional responsibility, accountability, and expanded expectations and contributions (Heathfield 2016). Promotions are seen as desirable as it impacts a person's pay, authority, responsibility, and ability to influence decision making (Heathfield 2016).

On the other hand, employee training focuses on the teaching or imparting of knowledge, information, or instructions to improve an employee's performance, or to gain a certain level of knowledge to productively, effectively, and profitably perform their job (Heathfield 2017a). Training is important as an opportunity for employees to grow and develop their skills, which is integral to the employee's happiness and satisfaction (Heathfield 2017a). Training and development promotes motivation, engagement, and positive morale, which in turn contributes to reduced employee turnover and the creation of a pool of better human capital (Heathfield 2017a). Training, and projects that relate to imparting knowledge and decision making, is placed under the category of "promotion" because the researcher sees capacity and human resource building as a logical step towards the promotion of the employee.

Table 7. Number of respondents who were denied a promotion due to being LGBT

Q. Were you denied a promotion due to being LGBT?		
	Frequency	Percentage
Yes	15	14.29%
No	88	83.81%
No answer	2	1.90%
Total	105	100%

According to 15 (14.29%) of 105 respondents, they felt they were denied a promotion because of being LGBT. Of the 15, 12 (13.3%) stated that this has happened once, 2 (2%) said this has happened twice, and 1 (1%) said this has happened three or more times. 9 (60%) of the 15 are gay, 4 (26.7%) are lesbian, and 2 (13.3%) are transgender.

Table 8. Respondents who were denied a promotion unless they conformed to heteronormativities

Q. Were you denied a promotion unless you conform with performing as a heterosexual (clothing, demeanor, etc.)?		
	Frequency	Percentage
Yes	9	8.57%
No	94	89.52%
No answer	2	1.90%
Total	105	100%

9 (8.7%) of 103 participants stated that they were denied a promotion unless they conformed to performing as a heterosexual, with 7 (6.67%) participants

saying this has happened once, and 2 (1.9%) saying this has happened twice.

Table 9. A Crosstabulation of the sexual orientation and the respondent's answer to the denial of a promotion unless they conformed to heteronormativities

		Were you denied a promotion unless you conform with performing as a heterosexual (clothing, demeanor, etc.)?			
		Yes	No	No Answer	Total
Sexual Orientation	Lesbian	2	15	1	18
	Gay	4	46	0	50
	Bisexual	0	25	1	26
	Transsexual	3	8	0	11
Total		9	94	2	105

As seen in table 9, although the instances of the denial of promotion is low, it still occurs as a discriminative experience for the lesbian, gay, and transsexual respondents. The researcher attributes the low instances to the fact that it is much harder for companies or employers to outwardly deny an employee a promotion, especially since this is based on merit. This is also analyzed as once an LGBT is hired, their qualifications should have been enough to bring them into the labor force, thus sudden discriminations based on their SOGIE would not make sense. However, some instances of promotions can still be sources of discrimination, as seen in the table above.

Table 10. Respondents who were denied or bypassed training opportunities

Q. Were you denied or bypassed any training opportunities due to being LGBT?		
	Frequency	Percentage
Yes	15	14.29%
No	88	83.81%
No answer	2	1.90%
Total	105	100.00%

Training opportunities have also been a source of discrimination when the LGBT are bypassed any skills, and trainings due to being LGBT. Of 105 respondents, 15 (14.29%) stated that this has happened to them, with 10 (66.7%) of the 15 saying this has happened once, 1 (6.7%) saying this has happened twice, and 4 (26.7%) saying this has happened three or more times.

Some respondents would share how they were bypassed training opportunities but not with their boss directly saying it is due to being LGBT. However, through gossip in the office the respondent found out that it was indeed because of their SOGIE. For such instances, some respondents stated that they would hide their SOGIE from where they work due to fear of being discriminated against from gaining access to certain projects that would lead to promotion, conferences, or training opportunities. One also stated that their promotion took longer than that of the general average of heterosexual colleagues.

Remuneration

Remuneration, or salary, is a fixed amount of money or compensation that is paid to an employee for work performed (Heathfield 2017b). This is often paid hourly, bi-weekly, or monthly, over the course of the employee's contract, for the fulfillment or accomplishment of the job description, title of the position,

or goals set with the employer (Heathfield 2017b). Salary ranges are often competitive in the employment market to be able to attract and retain qualified employees (Heathfield 2017b). However, it is also important to note that the ceiling is an important part of the receipt of remuneration. The ceiling is often the depiction of the experience of women- or that of minorities, in this case the LGBT - in the workplace where women encounter an upper limit on how high they can climb the ladder, which can also be experienced and affect the remuneration that one can receive (Barreto, et. al. 2009).

Benefits, on the other hand are perks that employees receive that are non-wage, or beyond the salary, such as insurance, paid time off, leaves, overtime leaves, and other forms of compensation (Doyle 2017b). Benefits are often indirect and non-cash payments provided by companies in addition to the salary to create competitive packages for employees (Doyle 2017b). Insurances often include dental, vision, life, paid vacation leaves, personal leaves, sick leaves, child care, and other benefits that can extend to the employee's family (Doyle 2017b). Employee benefits was placed under this category by the researcher as a logical conclusion for benefits to be similar to remunerations, or the receipt of a certain good or gains that is in exchange, or in addition to the payment of the exchange of the work done by the employee. Tied to remunerations, benefits are often part of the package to attract, and retain employees in the workforce.

Table 11. Respondents who were denied a bonus or additional forms of remunerations

Q. Were you denied a bonus/ additional forms of remuneration/ benefits because of being LGBT?		
	Frequency	Percentage
Yes	3	2.86%
No	100	95.24%
No answer	2	1.90%
Total	105	100.00%

Table 12. Respondents who felt that they were receiving a lower salary or remuneration in comparison to those with equal qualification, and position

Q. Do you feel or know that you are receiving a lower salary/ remuneration in comparison to those with equal qualification and position due to being LGBT?		
	Frequency	Percentage
Yes	8	7.62%
No	95	90.48%
No answer	2	1.90%
Total	105	100.00%

Of 105 respondents, only 3 (2.86%) stated that they were denied a bonus, or additional remuneration because of being LGBT. However, 8 (7.6%) of 105 respondents stated that they felt or knew that they were receiving a lower salary, or remuneration in comparison to their heterosexual colleagues due to being LGBT. 3 (37.5%) said this has happened once, and another 3 (37.5%) said this has happened twice to them.

Table 13. Respondents who felt discriminated against benefits that heterosexual employees received

Q. Have you been discriminated against benefits that heterosexual employees receive (parental leave, domestic partner benefits, etc.)?		
	Frequency	Percentage
Yes	19	18.10%
No	84	80.00%
No answer	2	1.90%
Total	105	100.00%

Table 14. A Crosstabulation of the sexual orientation and the respondent's answer of feeling discriminated against benefits that heterosexual employees enjoy

		Have you been discriminated against benefits that heterosexual employees receive (parental leave, domestic partner benefits, etc.)?			
		Yes	No	No Answer	Total
Sexual Orientation	Lesbian	4	13	1	18
	Gay	10	40	0	50
	Bisexual	1	24	1	26
	Transsexual	4	7	0	11
Total		19	84	2	105

With regards to benefits, of 103 respondents, 19 (18.1%) stated that they have felt discriminated against accessing benefits that heterosexual employees receive. Some respondents stated that their company has not designed a policy to include same sex partner benefits, while others stated that they were lucky that their company recognizes their partnership for benefits to be transferred or applied to their partner. In addition, the number of allowed sick leaves were stated to not be friendly to persons with HIV² especially during the early phases of HIV treatment.

Overall, when it comes to remuneration and benefits, the instances of discrimination to happen are quite low. However, the low amount of instances of this happening does not deny the fact that discrimination can still happen even if for this phase of employment, employees should generally or entirely be held against certain work standards or qualifications, or against the fulfillment of their duties and responsibilities. Claiming for certain benefits that

² Human immunodeficiency virus

heterosexual employees enjoy is also seen as a source of discrimination that disregards the fact that some employees do have relationships or partners, as well as the possibility of them being breadwinners and care laborers at home.

Well-being

The ILO introduced the concept of decent work in 1999 which was defined as the promotion of opportunities to obtain productive work in conditions of freedom, equity, security and human dignity (Campbell 2012). ILO lists ten indicators that corresponds to decent work which includes decent working time, combining work, family and personal life, stability and security of work, equal opportunity and treatment in employment, safe work environment, social security, and social dialogue, employer's and worker's representation (ILO n.d.b) which are concepts important to this research. Decent work is a perception that work does have human and social dimensions, and workplace well-being depends on the non-material dimension of the activities of a person's life that's spent at work (Campbell 2012). Well-being is a self-perception of satisfaction in all aspects of working life which affects the productivity of the workforce (ILO n.d. a)

Table 15. Respondents who have been harassed by their employer or someone of superior position to them.

Q. Have you been harassed by your employer/ someone of superior position to you because of being LGBT?		
	Frequency	Percentage
Yes	27	25.71%
No	76	72.38%
No answer	2	1.90%
Total	105	100.00%

Table 16. Respondents who have been harassed by other employees

Q. Have you been harassed by other employees because of being LGBT?		
	Frequency	Percentage
Yes	35	33.33%
No	68	64.76%
No answer	2	1.90%
Total	105	100.00%

Of 105 respondents, 27 (25.71%) stated that they have been harassed by their employer or by someone of superior position to them because of being LGBT. Of the 27, 13 (48.1%) said this has happened once, 4 (14.5%) said this has happened twice, and 10 (37%) said this has happened three or more times. 35 (34%) also stated that they have been harassed by colleagues and other employees because of being LGBT with 10 (28.5%) saying this has happened once, 6 (17.1%) saying this has happened twice, and 19 (54.3%) has had this happen to them three or more times. Because of such instances of harassment, 10 (9.7%) were forced to leave a their work or position. In addition, 4 (3.9%) of 103 respondents stated that they have been terminated from their jobs or a certain position because of being LGBT. 7 (10.9%) of the 64 said that this has happened once, 5 (7.8%) said that this has happened twice, and 50 (78.1%) said this has happened three or more times.

Table 17. Respondents who have been subjected to slurs or jokes in the workplace

Q. Have you ever been the subject of slurs or jokes in the workplace because of being LGBT?

	Frequency	Percentage
Yes	64	60.95%
No	39	37.14%
No answer	2	1.90%
Total	105	100.00%

Table 18. A Crosstabulation of the sexual orientation and the respondent's answer of having been subjected to slurs and jokes in the workplace.

		Have you ever been the subject of slurs or jokes in the workplace because of being LGBT?			
		Yes	No	No Answer	Total
Sexual Orientation	Lesbian	13	4	1	18
	Gay	33	17	0	50
	Bisexual	11	14	1	26
	Transsexual	7	4	0	11
Total		64	39	2	105

Being subject to slurs and jokes in the workplace has also been common among the respondents with 64 (60.95%) saying that this has happened to them. According to one respondent, because of being in a position of power or superiority, they did not feel nor were they subjected to slurs or jokes face to face, but they have seen and heard from other LGBT of lower ranks that they were harassed or made fun of. One respondent working in the entertainment,

or media sector stated that “*As I work in Television, as a director, mostly actors who are male or "macho", sometimes (feel) threatened when I teach them the martial arts or "action sequences". Sometimes you can see that they don't fully believe of what you do. That's where I felt the harassment. They don't take me seriously.*”

As seen in table 17, more than half of the respondents have been subjected to slurs and jokes. Although this may seem harmless and not as grave as direct harassment, being ridiculed is a form of discrimination when it occurs because of one's SOGIE. This form of discrimination affects one's well-being and feelings of comfort and safety in the workplace which also affects a person's performance or will to apply themselves to their work properly.

Table 19. Number of respondents who have felt specifically called in for hazardous tasks, or responsibilities that fall outside working hours.

Q. Have you felt specifically called in for hazardous tasks, or responsibilities that fall outside working hours such as overtime, weekend work, holiday work, night shifts, and the like due to being LGBT?

	Frequency	Percentage
Yes	12	11.43%
No	91	86.67%
No answer	2	1.90%
Total	105	100.00%

12 (11.43%) stated that they have felt that they were specifically called in for hazardous tasks or responsibilities, or work that falls outside official working hours such as weekend work, holiday work, night shifts, and overtime due to being LGBT. 3 (25%) of the 12 said this has happened once, 2 (16.7%) stated that this has happened twice, and 7 (58.3%) said this has happened three or more times. This discrimination is done in the assumption that unlike heterosexual employees, the LGBT don't have families to attend to, or responsibilities similar to that of a working father, mother, or breadwinner.

Although low in number of occurrences, the discrimination of choosing the LGBT over other employees places the LGBT in situations where they are overworked, and unrecognized as people who may have domestic responsibilities, or even simply a life beyond work. This affects the LGBT's work-life balance more than that of their heterosexual counterparts.

Table 20. Number of respondents who were asked to perform as a heterosexual in the workplace

Q. Were you ever asked or suggested to perform as a heterosexual (clothing, demeanor)?

	Frequency	Percentage
Yes	40	38.10%
No	63	60.00%
No answer	2	1.90%
Total	105	100.00%

With regards to clothing and demeanor, upon being part of the company or workplace, 40 (38.1%) of the participants stated that they were asked or suggested to act and dress as a heterosexual while in the workplace. 9 (22.5%) of the 40 stated that this has happened to them once, 7 (17.5%) said this has happened to them twice, and 23 (57.5%) said this has happened three or more times to them. Because of such instances, 49 (47.6%) of 103 participants stated that they chose to hide their SOGIE to avoid discrimination, and workplace issues and difficulties. Of 103 who gave responses, 15 (14.6%) stated that they were unable to dress according to their personal choice or SOGIE at work due to fear of discrimination or harassment. 39 (37.9%) of the 103 participants stated that they were rather asked to dress according to their sex at work.

Table 21. Respondents who are able to join or form LGBT specific groups, or unions in the workplace

Q. Are you able to join or form LGBT specific groups or unions in the workplace?		
	Frequency	Percentage
Yes	25	23.81%
No	78	74.29%
No answer	2	1.90%
Total	105	100.00%

With regards to the ability to form support groups, organizations, or unionizing, 78 (74.29%) of 105 stated that they are unable to do so. This question is indirectly related to discrimination as legally, LGBT are allowed to form unions, or support groups and LGBT specific organizations, as with any groups or unions of people. However, the encouragement of such unions and groups not only comes from the initiative of the LGBT, but also from the employer or the workplace. This is related to discrimination because such groups can provide for assistance and safe spaces for LGBT employees in the workplace. This adds to a positive sense of safety and well-being while in the workplace.

Is it your sexual orientation, or is it your gender identity and expression?

Given the analysis and data above, discrimination is seen to happen more often when one's gender identity and expression is apparent, more than that of one's sexual orientation. Among the lesbians, those who present themselves masculinely or androgynously have a higher chance of being discriminated against than those who present themselves femininely. On the other hand, gays who present themselves femininely and androgynously do not experience much discrimination as the other gay respondents who present themselves masculinely. For bisexuals, discrimination is hardly felt except for those who present themselves androgynously. Lastly, for transsexuals, since all

respondents are transwomen, discrimination clearly happens because of how they chose to present themselves, which is different from their biological sex. Overall, it is the trans women who experience the most discrimination, followed by the lesbians, then the gays, and lastly, bisexuals. Following this arrangement, one can see that femininity, or being female, plays a role in the experience of discrimination, while masculinity, being male, and presenting one's self as androgynous does not affect the a person as much although discrimination may still occur. Table 22, found in the next few pages, presents the comprehensive data used for this analysis.

Table 22. Crosstabulation of Sexual Orientation, Performativity, and forms of discrimination (1 of 3)

PresentSelf			Asked Inappropriate Questions			Turned Down for Job for being LGBT			Heterosexual Performativity as a Precondition for Hiring			Denied Promotion Unless Conformed to Heteronormativity				
			No	Yes	Total	No	Yes	Total	No	Yes	No Answer	Total	No	Yes	No Answer	Total
Masculine	SO	Lesbian	1	3	4	2	2	4	2	2	0	4	3	1	0	4
		Gay	29	4	33	28	5	33	26	7	0	33	31	2	0	33
		Bisexual	6	1	7	6	1	7	7	0	0	7	7	0	0	7
		Total	36	8	44	36	8	44	35	9	0	44	41	3	0	44
Feminine	SO	Lesbian	4	0	4	4	0	4	3	1	0	4	4	0	0	4
		Gay	5	1	6	5	1	6	4	2	0	6	5	1	0	6
		Bisexual	9	1	10	10	0	10	8	1	1	10	9	0	1	10
		Transsexual	4	7	11	2	9	11	3	8	0	11	8	3	0	11
		Total	22	9	31	21	10	31	18	12	1	31	26	4	1	31
Androgynous	SO	Lesbian	4	4	8	4	4	8	3	5	0	8	6	1	1	8
		Gay	5	3	8	7	1	8	4	4	0	8	7	1	0	8
		Bisexual	6	1	7	7	0	7	4	3	0	7	7	0	0	7
		Total	15	8	23	18	5	23	11	12	0	23	20	2	1	23
No Answer	SO	Lesbian	2	0	2	2	0	2	2	0	0	2	2	0	0	2
		Gay	2	1	3	2	1	3	3	0	0	3	3	0	0	3
		Bisexual	2	0	2	2	0	2	2	0	0	2	2	0	0	2
		Total	6	1	7	6	1	7	7	0	0	7	7	0	0	7
Total	SO	Lesbian	11	7	18	12	6	18	10	8	0	18	15	2	1	18
		Gay	41	9	50	42	8	50	37	13	0	50	46	4	0	50
		Bisexual	23	3	26	25	1	26	21	4	1	26	25	0	1	26
		Transsexual	4	7	11	2	9	11	3	8	0	11	8	3	0	11
		Total	79	26	105	81	24	105	71	33	1	105	94	9	2	105

Table 22. Crosstabulation of Sexual Orientation, Performativity, and forms of discrimination (continuation 2 of 3)

Present Self			Bypassed training opportunities				Denied Bonus			Total	Harassed by someone of superior position			Total	Harassed by co-Employees			Total
			No	Yes	No Answer		Total	No	Yes		No	Yes	No Answer		No	Yes	No Answer	
Masculine	Gender	Lesbian	2	2	0	4	4	0	0	4	3	1	0	4	3	1	0	4
		Gay	29	4	0	33	32	1	0	33	26	7	0	33	22	11	0	33
		Bisexual	7	0	0	7	6	1	0	7	7	0	0	7	7	0	0	7
		Total	38	6	0	44	42	2	0	44	36	8	0	44	32	12	0	44
Feminine	Gender	Lesbian	4	0	0	4	4	0	0	4	4	0	0	4	3	1	0	4
		Gay	3	3	0	6	6	0	0	6	6	0	0	6	3	3	0	6
		Bisexual	9	0	1	10	9	0	1	10	7	2	1	10	8	1	1	10
		Transsexual	9	2	0	11	10	1	0	11	6	5	0	11	6	5	0	11
		Total	25	5	1	31	29	1	1	31	23	7	1	31	20	10	1	31
Androgynous	Gender	Lesbian	4	3	1	8	7	0	1	8	3	4	1	8	4	3	1	8
		Gay	7	1	0	8	8	0	0	8	5	3	0	8	2	6	0	8
		Bisexual	7	0	0	7	7	0	0	7	6	1	0	7	6	1	0	7
		Total	18	4	1	23	22	0	1	23	14	8	1	23	12	10	1	23
No Answer	Gender	Lesbian	2	0	0	2	2	0	0	2	1	1	0	2	1	1	0	2
		Gay	3	0	0	3	3	0	0	3	2	1	0	3	2	1	0	3
		Bisexual	2	0	0	2	2	0	0	2	0	2	0	2	1	1	0	2
		Total	7	0	0	7	7	0	0	7	3	4	0	7	4	3	0	7
Total	Gender	Lesbian	12	5	1	18	17	0	1	18	11	6	1	18	11	6	1	18
		Gay	42	8	0	50	49	1	0	50	39	11	0	50	29	21	0	50
		Bisexual	25	0	1	26	24	1	1	26	20	5	1	26	22	3	1	26
		Transsexual	9	2	0	11	10	1	0	11	6	5	0	11	6	5	0	11
		Total	88	15	2	105	100	3	2	105	76	27	2	105	68	35	2	105

Table 22. Crosstabulation of Sexual Orientation, Performativity, and forms of discrimination (continuation 3 of 3)

PresentSelf			Called in for Hazardous tasks/ extra responsibilities				Asked to dress according to biological sex				Subjected to jokes or slurs				
			No	Yes	No Answer		Total	No	Yes		No Answer	Total	No	Yes	
Masculine	Gender	Lesbian	2	2	0	4	2	2	0	4	0	4	0	4	4
		Gay	28	5	0	33	25	8	0	33	14	19	0	33	33
		Bisexual	7	0	0	7	7	0	0	7	4	3	0	7	7
		Total	37	7	0	44	34	10	0	44	18	26	0	44	44
Feminine	Gender	Lesbian	4	0	0	4	4	0	0	4	2	2	0	4	4
		Gay	5	1	0	6	3	3	0	6	1	5	0	6	6
		Bisexual	9	0	1	10	7	2	1	10	7	2	1	10	10
		Transsexual	10	1	0	11	2	9	0	11	4	7	0	11	11
Androgynous	Gender	Lesbian	7	0	1	8	3	4	1	8	2	5	1	8	8
		Gay	6	2	0	8	4	4	0	8	0	8	0	8	8
		Bisexual	7	0	0	7	2	5	0	7	3	4	0	7	7
		Total	20	2	1	23	9	13	1	23	5	17	1	23	23
No Answer	Gender	Lesbian	2	0	0	2	1	1	0	2	0	2	0	2	2
		Gay	3	0	0	3	2	1	0	3	2	1	0	3	3
		Bisexual	1	1	0	2	2	0	0	2	0	2	0	2	2
		Total	6	1	0	7	5	2	0	7	2	5	0	7	7
Total	Gender	Lesbian	15	2	1	18	10	7	1	18	4	13	1	18	18
		Gay	42	8	0	50	34	16	0	50	17	33	0	50	50
		Bisexual	24	1	1	26	18	7	1	26	14	11	1	26	26
		Transsexual	10	1	0	11	2	9	0	11	4	7	0	11	11
		Total	91	12	2	105	64	39	2	105	39	64	2	105	105

Gender hegemony and heteronormativity clearly plays a role in the discriminations that the LGBT experience. Masculinity is seen as a social position (Schippers 2007) where masculine gay men are not discriminated against as long as they outwardly present themselves as masculine. Subscribing to a heteronormative way of presenting one's self, which may actually be different from one's sexual orientation, is a way to not experience discrimination. The exclusive binary of masculinity and femininity (Cottingham, et. al. 2016) dictates how one should be sexually attracted to another, but more importantly, how one must act in a natural and normal way (Eshleman and Halley 2016). People often feel threatened when one's biological sex does not match how they present and conduct themselves (Schilt and Westbrook 2009) thus exposing the LGBT whose gender identity and expression to discriminations because of such mismatch.

In employment and labor discrimination, certain implicit expectations are expected of people. People automatically classify one as biologically male, or female, and expect them to act in a certain masculine or feminine way (Correll 2017). Because of this, during the entire process of employment, evaluations of one's qualifications for being hired, remunerated, promoted, and provided with a good sense of well-being, are influenced by how people process information based on categorizations of masculinity and femininity. Sadly, this disadvantages others who do not conform to the heteronormative standards, and even disadvantaging others more within the LGBT.

To answer how discrimination happens, it is actually beyond one's sexual orientation but more due to one's gender identity and expression. It is how heteronormativity and gender hegemonies control and play a larger part of how people categorize others and create expectations that influences their evaluations of how they will treat other people. In this case, discrimination during the process of employment and in the labor market are highly affected by people in positions of power to evaluate and decide on the treatment, and

even experiences of the LGBT.

4.2. Responding to the Anti-Discrimination Bill

In response to the current draft of the ADB, the researcher notes how it has comprehensively covered most of the experiences of discrimination that the LGBT may face when it comes to employment. For hiring, the non-disclosure criteria of one's SOGIE has been addressed, as well as the unnecessary need for the inclusion of one's SOGIE when it comes to promoting, designations, reassessments, benefits, allowances, and even dismissals and performance reviews, or other conditions of employment. This section in the ADB will be able to address and provide penalties for issues regarding the hiring process, as well as remunerations and promotions that LGBT employees experience. It also inadvertently responds to issues that the respondents have stated regarding training, and benefits that are denied to them due to their SOGIE.

Other relevant sections that address well-being, on the other hand, such as “subjecting persons of groups of persons to harassment” as well as “engaging in public speech that is meant to shame, or normalize discrimination against LGBT” is able to address issues of harassment in the workplace that will and may promote a better sense of safety, and achievement of good well-being for the LGBT.

However, the bill itself does not clearly state how it plans to address issues regarding benefits that heterosexual people enjoy, as well as the issue of being called for hazardous tasks, or tasks beyond official office hours. The bill seems to fail to address or recognize the structures of heteronormativity that assumes that the LGBT, unlike heterosexual employees, do not have families, or partners that equally deserve their time and attention. The bill does not clearly encourage public or private organizations to allot benefits that the LGBT may also want to claim such as parental leaves for those who have legally, or taken responsibility of other younger relatives and act as their parents, or domestic partner benefits such as insurance, and the transfer of benefits of an employee upon death to their partners.

The bill also does not clearly address subjective decisions that will not explicitly state discrimination against the LGBT, but since hiring officers and employers have more power over potential and current employees, the burden of proof of discrimination is in the hands of the LGBT.

The ADB is a strong bill in a sense that it has recognize most of the issues that the UNDP USAID report stated, as well as that of the Isis International's research. It was able to begin recognizing and addressing discriminative processes that the LGBT face in terms of employment and the labor market in a comprehensive way. However, the bill centers its sections strongly on the idea of SOGIE as a whole. It is important to note, after the analysis of findings in this research paper, that sexual orientation does not definitively influence the probability that an LGBT will be exposed to discrimination in the 4 stages or phases of employment of labor demand. It is actually more influenced by their gender identity and expression, which is a crucial and integral part of one's personhood. The bill, and succeeding policies should take this into consideration when nuancing the experiences and the lives of the LGBT.

V. Conclusion

Eversince the movement for LGBT equality in the Philippines has started, many people, organizations, and even policies have tried to address the discrimination, violence and abuse that the LGBT face. These discriminations do not only come in the form of direct attacks or harassments, but even economic discrimination when they are unable to access employment and the labor market as freely as others do. This often puts the LGBT in a state of economic instability where they are either mismatched with the sector that they work in, or they have to sacrifice the performance of their gender identity and expression, in order to avoid discrimination and find a decent way of living. Even so, once they are hired, this does not automatically assume that they are free from emotional, physical, or even economic burdens and discrimination. This has been the narrative and stories of discrimination that the LGBT has faced which many studies and literature has covered. Numerous anecdotes, news, and now, trending online stories, have been shared highlighting the different faces, experiences, and effects that discrimination in employment and the labor market has affected the LGBT in the country. From this, the researcher aimed to analyze specifically the discriminative process the LGBT has faced in the labor market, and in employment, but by supplying statistics or quantitative data to help support and strengthen these stories. The research aimed to both nuance the experiences of discrimination, and at the same time, prove how strong this reality is in the country by presenting both the strengths of the proposed Anti-Discrimination Bill, and its gaps, through quantitative data.

In answering the research questions, the researcher used the theory of labor discrimination as a way to narrate the discriminative process in employment, and in the labor market when it comes to (1) hiring, (2) promotion, and (3) remunerations. Each category was expounded on by listing examples of how discrimination happens in the Philippine setting of employment, and the labor market. This was supplemented by the UNDP USAID report, and the Isis International study, which added a fourth category which is (4) well-being, which highlights the freedom, equity, security, and human dignity of a person

while they are in the workplace. This fourth category was important to add to the existing labor market discrimination categories as the ILO currently promotes this in its numerous studies regarding employment satisfaction and happiness. This fourth category also highlights a reality that the theory does not currently capture, as well as recognizing the hazards that the LGBT face even if they are successfully hired into an organization. The study also highlights the importance of the practice and belief of heteronormativity, as many of the instances of discrimination that were reported in both the UNDP USAID, and Isis International reports, focuses on an employee, or a future employee's performance as a heterosexual, instead of recognizing their capacities through their work and experiences alone.

To answer the research questions, generally, discrimination in employment and in the labor market is not as straightforward as it may seem. Higher incidences of discrimination happen before hiring, and with regards to the LGBT's workplace wellbeing. When it comes to promotion and remuneration, discrimination is not as strongly felt or seen, but it still does occur. Among the lesbians, gays, bisexuals and transsexuals, discrimination is strongly felt by the transsexuals the most, followed by the lesbian, the gays, and lastly the bisexuals. The researcher believes that it is because both the transsexuals and the lesbians are considered and assessed as females, and in the heteronormative sense, as well as in gender hegemonies, women, or those who act femininely are subordinate to those who are male or who act masculinely.

Discrimination in employment and the labor market actually happens as a result of how one performs their gender identity and expressions. It is not entirely because of one's sexual orientation, but more of what is visibly seen that can be categorized against one's biological sex.

This study aims to be case study, or a microcosm or a larger reality that the country is experiencing. However, it is suggested as support to the upcoming Anti-Discrimination bill that there is a need to nuance the process of discrimination further by doing a national or regional level survey recognizing

the gaps in the bill for it to be more effective, also because of the obvious absence of such quantified data, and the apparent need of such data as stated in various literature and reports. In addition, the researcher suggests that further studies regarding the hiring process, as well as well-being be focused on as these are seen to be two outstanding aspects in the current research, as well as differentiating between sexual orientation, and gender identity and expression. These recommendations are important for future policies and research to be conducted for it to be more refined in recognition of various intersections at play.

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