



## NON-HIRING AS A DISCRIMINATION OF GENDER DIVERSITIES (LGBTI), IN THE WORKPLACE

### LA NO CONTRATACIÓN COMO DISCRIMINACIÓN DE LAS DIVERSIDADES DE GÉNERO (LGBTI), EN EL ÁMBITO LABORAL

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#### ABSTRACT:

Over the years, studies at the gender level and the different contributions of social scientists have had an impact on society worldwide, this has managed to identify heterosexuality as a tradition; part of the discoveries that have been made is to make visible those men and women who, due to their sexual orientation, are considered inferior; this is how this study mentions lesbians, gays, bisexuals, trans and intersex as focal points. At present it is known that a large number of LGTBI people hide their gender identity, and even more in the workplace due to the possible rejection that they could have, despite the constitutional and legal protection that exists in Ecuador, where it clearly describes that there will be no discrimination based on ethnicity, gender, sex, religion, etc. In this case the barriers are even more noticeable if their condition is made public. This study aims to make the potential of each one of them visible in such a way that they are supported in the execution of their rights by contributing to a public policy that changes the cultural and educational at all levels, it should be mentioned that despite the rejection that have received from society, have been able to get ahead, build families, businesses, and an identity within the community where they live, setting precedents for professionalism, capacity, and knowledge to which are added skills and values that are important in a formal job.

**Keywords:** Gender, LGTBI, Sexuality, Labor Environment, Discrimination, Rejection, Work, Inclusion.

#### RESUMEN:

Con el paso de los años los estudios a nivel de género y los diferentes aportes de las y los científicos sociales han incidido en la sociedad a nivel mundial, esto ha logrado que se identifique a la heterosexuality como una tradición; parte de los descubrimientos que se ha tenido es el visibilizar aquellos hombres y mujeres que por su orientación sexual son considerados inferiores, es así como el presente estudio menciona a las lesbianas, gays, bisexuales, trans e intersexuales como punto focal. En la actualidad se conoce que una gran cantidad de personas LGTBI, esconden su identidad de género, y aún más en el ámbito laboral debido al posible rechazo que podrían tener, pese a la protección constitucional y jurídica que existe en el Ecuador, donde claramente describe que no existirá discriminación de etnia, género sexo, religión, etc. En este caso las barreras son más notorias aún si llegan hacer pública su condición. Este estudio se encamina a visibilizar las potencialidades de cada uno de ellos de tal manera que se les apoye en la ejecución de sus derechos contribuyendo a una política pública que cambie lo cultural y lo educativo a todo nivel, se debe mencionar que pese al rechazo que han recibido por parte de la sociedad, han podido salir a delante, construir familias, negocios, y una identidad dentro de la comunidad donde viven, sentando precedentes de profesionalismo, capacidad, y conocimientos a los cuales se suman habilidades y valores que son importantes en un empleo formal.

**Palabras Clave:** Género, LGTBI, Sexualidad, Ámbito Laboral, Discriminación, Rechazo, Trabajo, Inclusión.

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## 1. INTRODUCTION

**The social perception of homosexuality.-** In society there are changes in aspects that interfere in people's lives and that can be accepted or rejected depending on religion, culture, political ideology, beliefs, among other factors that determine the behavior of each human being. In this sense, an issue that has created controversy in society is homosexuality, since despite the fact that in 1990 the WHO (2018) eliminated this from its list of mental disorders, there are still aspects of discrimination considering that it is a disease and that for that reason it could be contagious. In other words, as Carvajal (2013) indicates, "sexual minorities are groups that share a common element and that fight for equal treatment" (p. 125), taking into account that this equality wishes to be obtained in the contexts health, education, family, work, with the intention of obtaining a notorious participation in society, emphasizing that they have feelings, emotions, capacities and competences like other citizens. (Mayorga, 2020)

In accordance with the aforementioned, it is necessary to highlight that discrimination generates conflict in the participants, both by who discriminates and by who is

discriminated against, taking into account that according to the INEC (2013) cited by Zapata (2016, p.12), There is discrimination when, due to sexual conditions, the recognition of the rights that guarantee equal participation is annulled or underestimated, knowing that there are social constructions regarding this category. That is why this case study aims to show whether there is rejection or some type of discrimination towards LGBTI, mainly in the labor field, given that the right to work is embedded in the social and cultural rights that allow access to health, food, housing, education and quality of life (Rivas, 2017, p. 71),

**Respect and tolerance for sexual diversity.-** According to a case study carried out by the INEC (2013, p. 13), reconsiders that the gender perspective is the aspect that helps to determine why discrimination occurs against those who are in another type of sexual condition, trying to understand how another sexual preference different from heterosexual is a reason for discrimination by not adjusting to identity gender male / male - female / female. In this sense, it is important to recognize that homosexuality is



a social representation that has been created according to evolution and development, which is why they have become present in society, which implies that when acquiring behaviors or attitudes different from the common ones, there is social uproar, however respect is reflected in those people who have an open mind and who accept or simply tolerate this group of people without necessarily belonging to it, LGBTI while they are subject to clearly recognized rights, ordinances or public policies. However, there are institutions with power as mentioned by Pérez (2013) cited by Vinueza (2015, p. 5), which seek to silence LGBTI groups, with the excuse of safeguarding the nation, considering that they are in danger by showing the emergence of people with different sexual preferences, being that their only claim is to seek to respect the rights of those involved as citizens and human beings.

**The LGBTI population and their rights as citizens in Ecuador.-** Ecuador makes homosexuality visible while trying to combat homophobia in a society that is still considered ancestral, and that seeks to achieve equal rights in diversity. (Mayorga, 2020). Several livelihoods within the nation

protect homosexuality even more when in 1998, Ecuador became the first country in the Americas to include sexual orientation as one of the themes protected against discrimination within the constitution. In the Constitution of the Republic of Ecuador, both sexual orientation and gender identity were included within the protected topics, referring to the fact that all people are equal and will enjoy the same opportunities, therefore:

*No one may be discriminated against for reasons of ethnicity, place of birth, age, sex, gender identity, cultural identity, marital status ... The law will sanction all forms of discrimination (Const., 2008, art. 11).*

Mayorga (2020), cites that in 2012, President Rafael Correa elected Carina Vance Mafla, a lesbian activist, as the country's Minister of Health, so obviously tolerance is increasingly present, especially in the new generations. Bernarda Freire, from the group Igualdad de Derechos Ya, carried out an investigation where it was shown that:

*In 2013 the rates of discrimination, violence and exclusion for gays, lesbians and transsexuals in the workplace, ranged*



from 22% to 43%. (Freire, Soria, and Herrera, 2013).

These statistics are the ones that cause the alarming news that, in the workplace, there is a large percentage of discrimination and rejection, which for no reason should occur considering that the Ministry of Labor issued regulations to eradicate discrimination in public and public areas. taking into account that it defines discrimination as:

Discrimination will be understood as any unequal treatment, exclusion or preference towards a person, based on gender identity, sexual orientation, age, disability ... or any other, which has the effect of nullifying, altering or preventing the full exercise of individual rights or collectives, in the selection processes and during the existence of the employment relationship (Ministerial Agreement, 2017, Art. 2).

## 2. MATERIALS AND METHODS

According to the aforementioned, the question that was posed for the preparation of this scientific research was: In what way is discrimination against LGBTI evident in the personnel selection processes in the workplace ?, taking into account that with

the change of time and the appearance of paradigms, the rejection of sexual diversity is present in the work area and not only in this but also in social, family and even cultural aspects, however the work focused on extracting information regarding the employment discrimination clearly, in view of the fact that society still keeps its mind closed regarding the acceptance of the different sexual orientations that exist in today's society.

For this reason, in order to obtain the necessary information regarding the aforementioned topic, in terms of the type of research, the qualitative and quantitative approach was applied since the study was considered in a holistic way. In addition, in a focal way, the data collection method was carried out through an online survey sent to the LGBTI population belonging to the Latacunga and Ambato groups, in order to obtain such real data and accurate information including numerical measurement , which makes it possible to show what has been subjectively observed regarding the discrimination that LGBTI people receive in the personnel selection processes in the workplace, at the same time interviews were conducted with activists of



hierarchical power belonging to LGBTI groups.

As for the beneficiaries of the investigation, it is emphasized that the investigated population was made up of 20 people belonging to the LGTBI Organization of the city of Latacunga and 33 people belonging to the Vision and Diversity Organization of the city of Ambato, being a total of 53 respondents who completed the online

survey, and 5 people interviewed, so this information will be presented as real cases of LGBTI lives.

### 3. RESULTS

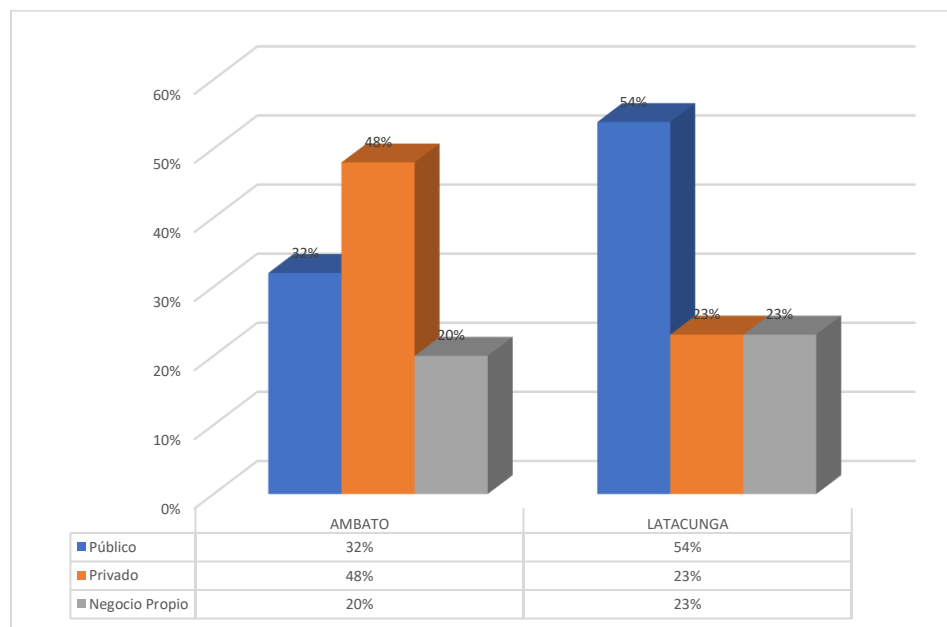
According to the online survey applied to 53 people, corresponding to 20 from the Latacunga LGTBI Organization and 33 from the Vision and Diversity Organization of Ambato, the results were as follows:

#### 1.- If you are working, indicate your workspace:

Table 1. Labor Relationship.

ALTERNATIVE	AMBATO	PERCENTAGE	LATACUNGA	PERCENTAGE
Public	8	32%	7	54%
Private	12	48%	3	2. 3%
Own business	5	20%	3	2. 3%
Total	25	100%	13	100%

Source: Survey Prepared by: Researcher.



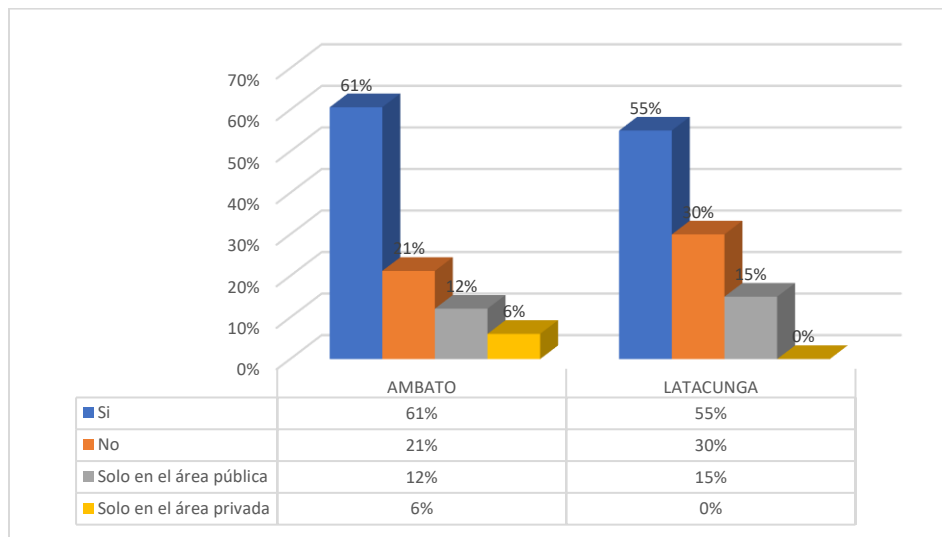


**2.- Have you been discriminated against in the workplace for belonging to the LGBTI community?**

**Table 2. Labor Discrimination.**

ALTERNATIVE	AMBATO	PERCENTAGE	LATACUNGA	PERCENTAGE
Yes	20	61%	11	55%
No	7	21%	6	30%
Only in the public area	4	12%	3	15%
Only in the private area	2	6%	0	0%
Total	33	100%	20	100%

Source: Survey Prepared by: Researcher.

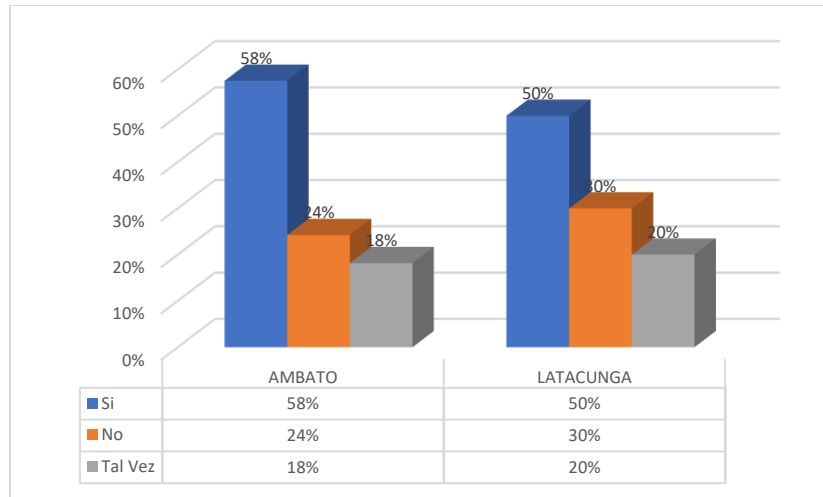


**3.- Do you consider that the selection processes are discriminatory when requesting the photo on the resume?**

**Table 3. Selection Processes.**

ALTERNATIVE	AMBATO	PERCENTAGE	LATACUNGA	PERCENTAGE
Yes	19	58%	10	50%
No	8	24%	6	30%
Maybe	6	18%	4	20%
Total	33	100%	20	100%

Source: Survey Prepared by: Researcher.

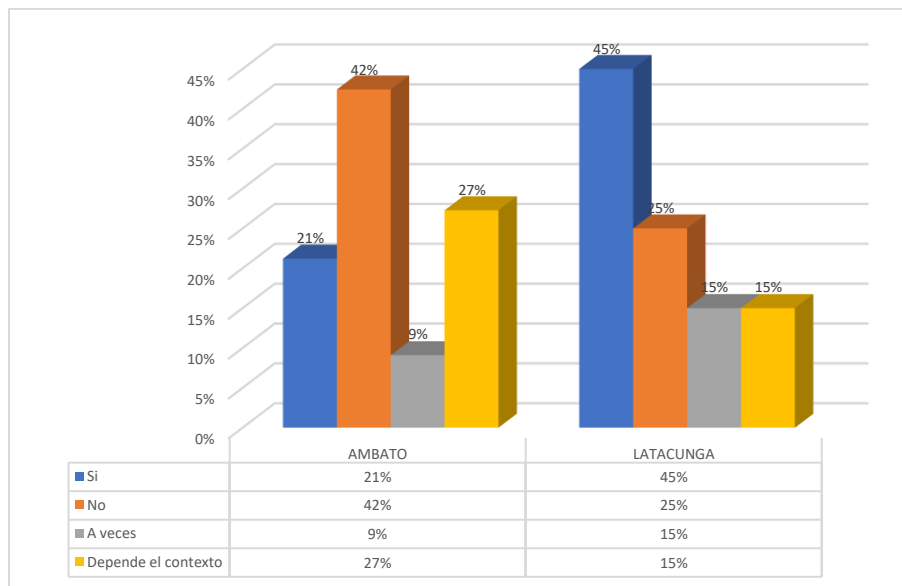


**4.- Do you freely recognize your sexual orientation during the interview in the selection processes?**

**Table 4. Recognition of sexual orientation.**

ALTERNATIVE	AMBATO	PERCENTAGE	LATACUNGA	PERCENTAGE
Yes	7	21%	9	45%
No	14	42%	5	25%
Sometimes	3	9%	3	15%
It depends on the context	9	27%	3	15%
<b>Total</b>	<b>33</b>	<b>100%</b>	<b>20</b>	<b>100%</b>

Source: Survey Prepared by: Researcher.



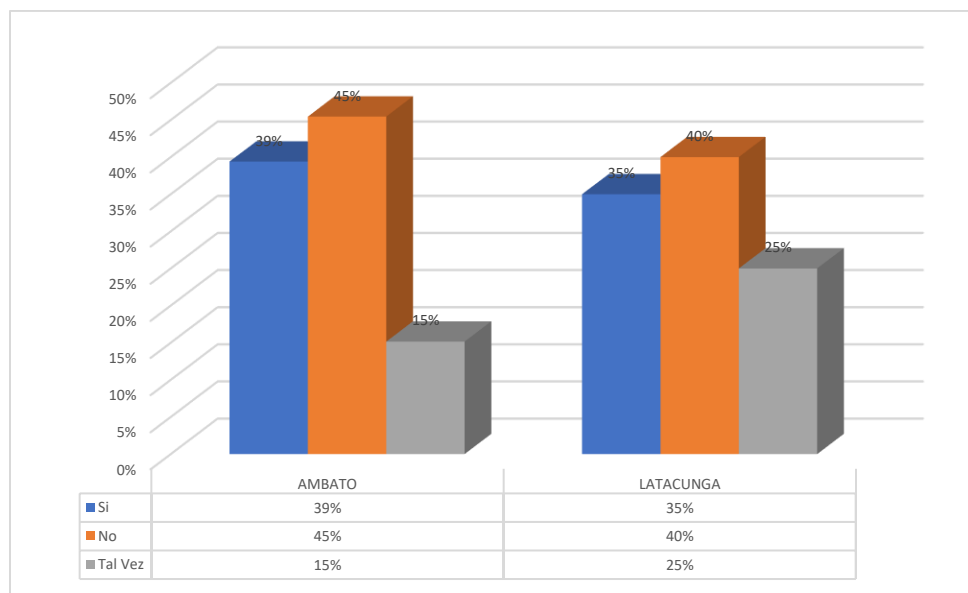


**5.- Would you hide your sexual orientation to be hired in a labor entity?**

**Table 5.** Hide sexual identity to work.

ALTERNATIVE	AMBATO	PERCENTAGE	LATACUNGA	PERCENTAGE
Yes	13	39%	7	35%
No	15	45%	8	40%
Maybe	5	16%	5	25%
Total	33	100%	20	100%

**Source:** Survey Prepared by: Researcher.



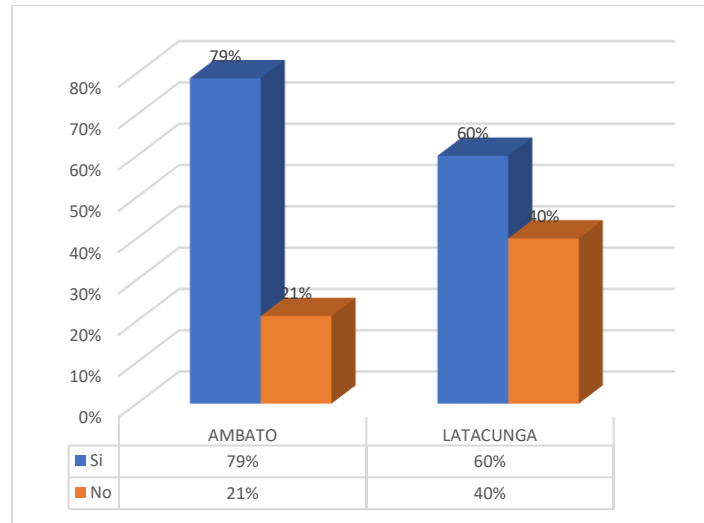
**6.- Do you think that labor discrimination towards LGBTI is an impediment to professional improvement and fulfillment?**

**Table 6.** Discrimination against LGBTI is an impediment to professional improvement

ALTERNATIVE	AMBATO	PERCENTAGE	LATACUNGA	PERCENTAGE
Yes	26	79%	12	60%
No	7	21%	8	40%
Total	33	100%	20	100%

**Source:** Survey Prepared by: Researcher





**Human rights.-** According to the interviews conducted, it was determined that LGBTI people know about human rights, including their history and creation, this because they state that in order to claim inclusion and non-discrimination in the various spaces to which they are supposed They should have freedom of access, it is necessary that they become involved in this issue. Sandoval (2018), emphasizes that he is currently a member of the IACHR and the Ibero-American Court of Human Rights, in the sense of its main objective, which is to learn about this issue that it expresses is universal, since in the education and training process they do not teach them or provide them with the necessary knowledge regarding what human rights are, who they govern and what happens if they are

violated. In addition, the information obtained shows that they are aware that the Constitution of the Republic of Ecuador protects all people without any type of distinction, sex, ethnicity, gender identity, sexual orientation, political ideology, religion, among other aspects by which in no way under this foundation should in no way deprive LGBTIs in the free exercise of their rights as citizens, relying on those organizations, entities and federations that in one way or another provide their collaboration in the process of acceptance and respect. towards LGBTI. Salambay cited by (Mayorga, 2020).

**Problems and areas of discrimination.-** It was possible to show that there is a concordance in what is related to the family and religious context, taking into account



that both are aspects that are part of the inherited culture and what is considered "conservative". In this sense, Almeida (2018) states that the main conflict is self-acceptance and, after that, the acceptance of the family when facing criticism, anger, and even fights with those who maintain blood ties in view of the fact that many times they find it difficult to accept their sexual orientation, so this can affect the emotional state of the person, reaching a depression so critical that it can even be placed in the thought that death is the best way to avoid family rejection. In turn Hernández (2018), highlights that religion is still present in the impediment of the acceptance of diversities, for the reason of being situated in the context that the family is made up of men and women, that is, by people of different sex, but not by those of the same sex. This thought is supported and agreed by the people interviewed, considering that it is these same causes that cause discrimination in the workplace, education, politics and all those aspects and factors in which society participates. (Mayorga, 2020)

**Bonding in society.**- Cerón (2018), current Director of the House of Ecuadorian Culture Núcleo de Tungurahua, Sociologist and

activist of the Vision and Diversity Organization of Ambato, expresses that so that people from the LGBTI community have acceptance in public and work spaces, in First, they must learn to accept themselves, that is, recognize their sexual orientation, so that in this way society begins to accept and respect them, only then can they achieve the inclusion they request, and secondly, they must access education or self-education in such a way that it can train and reinforce their skills and competencies, which give them openness in the labor field, demonstrating that training is what matters when working. Despite this, Salambay (2018), He states that there are places in which they do open up to work, naturally accepting their sexual diversity, he also emphasizes that these places are usually private entities. However, Sandoval (2018) intervenes objectively and manifests that labor discrimination is most evident in trans people, that is, in those people who are visibly distinguished by their sexual diversity, that is why most of these people are without work or are forced to resort to hairdressing jobs or as sex workers in order to obtain their economic income, which causes frustration in trans people, especially in those who have



an academic and they cannot exercise it, (Mayorga, 2020)

**Equality or inequality?.-** LGBTI people maintain their firm fight to achieve equality, trying to reduce the discrimination that is generated around them, in such a way that they consider that the main source to try to reduce the rejection they face is education from children and to current generations on issues regarding sexuality, which allow opening people's minds to new trends in sex and gender, taking into account that it is not a disease, much less something abnormal as Salambay (2018) expresses, but rather on the contrary, they are modern social representations, which society must learn to adapt and grant the necessary openness for LGBTI people to show that they are equal to other people by the simple naturalness of being human beings. In this sense, Kahn (2018), technology, communication and others that could contribute to the change that the country needs. Pazmiño (2018), emphasizes that labor discrimination is illegal, like other laws that exist in the country but that are weak when enforcing them, therefore impunity is latent for the rights of LGBTI people, However, it states that the professional contribution that they

can give to the country should be valued and welcomed under equal conditions. On the other hand, the people interviewed keep alive the hope that in the not too distant future they will be able to achieve the equality that they so desire, as well as the acceptance of their sexual preference so that their rights are not violated and, on the contrary, they can live peacefully without any type of stigmatization, as Salazar (2018) highlights, (Mayorga, 2020).

#### **4. DISCUSSION**

Human Rights are universal and inalienable, which is why all people must have access to them without any kind of distinction either by ethnicity, gender, sex, religion, culture, sexual orientation, among other social representations that occur in modern life. In this sense, said definition is clear in the conception of LGBTI people, regardless of their age, profession or sexual orientation. That said, it is inconceivable to show that there is discrimination against lesbians, gays, bisexuals, trans and intersex people, taking into account that despite their sexual difference, they are still human beings, and for the same reason they are subject to demand the fulfillment of their rights. in the



different areas of social life. However LGBTI people, They face several problems that are obviously related to the cultural and religious context and the patterns inherited by the family, for this reason they fear recognizing their sexual orientation in a public way, because they receive attacks and criticism regarding their physical appearance or social condition , being that this aspect is more influenced in the workplace, in such a way that being in front of the closed door of the workplace, causes frustration and even depression by not being able to exercise the profession that many manage to achieve, being forced to choose other forms of work or in turn resigning themselves to being unemployed. Unfortunately, the stigma of this community is still latent in the social context in the measure of the privatization that they impose on LGBTI in different aspects, however, People who belong to these groups are firmly on the path and construction towards labor inclusion and other areas in which it is difficult for them to be accepted, such as education and even the family. Therefore, the LGBTI emphasize that the focal point to be able to demand acceptance is that they first learn to accept and recognize themselves in the face of the

reality to which they are exposed, in order to set up their objectives that are directed towards inclusion, respect, tolerance and the fulfillment of rights freely as indicated by law. Hence, to achieve these objectives, it is necessary a citizenry that participates and proposes, that is organized and demands the exercise of their rights, in addition to the need for authorities that speak about these sexuality issues.

## **5. CONCLUSIONS**

Discrimination is present in the workplace, due to ancestral culture, inherited traditions and even the religious aspect, which continues to have weight in modern society, which is why the closed minds of people who seek to hire new personnel for their companies, prevent expanding the context of society and the sexual diversity that it presents, in such a way that they put a stop to lesbian, gay, bisexual, trans and intersex people from the moment in which their sexual preference is visibly evident or at the same time in which they recognize or accept it in front of people of human talent.

The selection processes for the entire population that participates in a job offer, are hard for reasons of professional



competence, despite this they become a cruel and disqualifying environment for LGBTI people, who despite the vast knowledge and preparation that they can have in the professions they have acquired, are undervalued during the hiring process for reasons of business culture in which they indicate that people who have a sexual condition other than heterosexual should not be accepted as this could damage the prestige of the organization, or, in turn, cause a dislocation in the organizational climate of the same, for this reason, during the selection process, they prefer to make excuses or obstacles in front of the LGBTI so as not to eliminate them from the roots in the hiring process.

The rejection, discrimination and stigmatization that LGBTI people receive in the workplace, generates frustration and even depression in this group of people, by showing the impediment that this generates in their personal and professional fulfillment and improvement, as seen in the Obligation to seek spaces in which they are accepted even if they are not related to their knowledge, or in turn they choose to start their own businesses or even the most degrading have to remain unemployed, this

in a framework in which society shows ignorance by not accepting that the current context presents another reality in which there are different sexual orientations, which must be learned to accept, respect and tolerate, in order to guarantee the free exercise of the rights to which LGBTIs are also subject as human beings.

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