



**JOHN M. BARAC**

**RESEARCH REPORT**

# **MONTENEGRIN COMPANIES & ANTIDISCRIMINATION**

**LGBT FORUM PROGRESS**



*This programme has been conducted with a Global Small Grant from the Human Rights Campaign Foundation.*

## **Montenegrin companies & antidiscrimination**

*John M. Barac*

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## Montenegrin companies & antidiscrimination

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*Research report*

John M. Barac



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## **Preface**

The primary idea of this project is to research (and map) antidiscrimination policy among leading private companies in Montenegro in the context of people who identify with minority sexual orientations and/or gender identities, as well as to measure the climate that exists in the workplace culture and the attitudes towards these social groups. These were also the key goals of the project.

I got the inspiration to conduct this kind of research during 2020, at the virtual Global Innovative Advocacy Summit, where I had the opportunity to get familiar with the Corporate Equality Index and the methodology behind this unique tool. At that time, I learned just how important companies are in shaping public policies in a way that makes them more inclusive for the LGBTI community in a country. It was the work of the Human Rights Campaign, as well as of the Williams Institute UCLA, through collaboration on various initiatives, which directed me towards thinking about the importance of the concept of inclusivity and antidiscrimination perspectives, as well as workplace policies.

I would like to thank Jovan Kojičić, PhD, and Vuk Uskoković, MPhil, for their cooperation and professional support during the preparation of this report and the realisation of this modest research endeavour. I owe special thanks to Human Rights Campaign, which recognized the importance and value of this initiative, and supported it through Global Innovation Small Grants programme.

***John M. Barac***  
Author

## About the author

**John M. Barac** has been the Executive Director of LGBT Forum Progress since 2016. He has considerable experience in activism, as well as in the fields of communications, public relations, and research. For his academic achievements, he was awarded the Global UGRAD scholarship in the United States, where he spent a year at Montclair State University, improving in the field of marketing. He is also an alumnus of Global Innovative Advocacy Summit programme, which is realised by the distinguished American organization Human Rights Campaign.

He is an author and co-author of numerous analyses and data collection publications in the field of hate speech, human rights, elections, and antidiscrimination. He is a member of various expert teams that report internationally on the status of human rights of LGBTI persons in Montenegro, as well as the national Team of Trust between the LGBTI community and the Police Directorate. So far, he has been involved in dozens of national and international projects in the areas in which he is professionally engaged.

At the beginning of his career in the civil society, he actively worked on the promotion of Montenegro's accession to NATO. Through cooperation with OSCE/ODIHR, ILGA-Europe, Atlantic Council of Croatia, Montclair State University, and other international organisations, he had the opportunity to improve his professional knowledge and skills. He also participated in several Model United Nations (MUN) conference in the Western Balkans region.

He is a member of the Council of the Statistical System of Montenegro, the Working group for the preparation and management of negotiations on the accession of Montenegro to the European Union for the area of the acquis of the European Union related to the negotiation chapter 18 – Statistics, and the National Commission for HIV/AIDS. He speaks Montenegrin (native), English (C2) and German (A1) languages.





## Introduction

In Montenegro, there are no data related to sexual orientation and/or gender identity in the context of the business sector. There are also no data about the LGBTI community and LGBTI persons in this regard. The lack of data means that it is practically impossible to know where and to what extent discrimination is present, and what is the attitude of companies towards this group, which suffers multiple marginalisation. In the [Theatre of Justice: the Truth Behind Reality](#), LGBT Forum Progress addressed these topics and pointed out the real problems of the community.

Professor Kojičić emphasises that in Montenegro there is no evidence about the socioeconomic position of LGBTI persons. He points out that it is not possible to monitor or investigate the structural causes of poverty of the LGBTI community, nor to monitor social determinants. Therefore, he indicates that it also manifests itself on the processes in the labour market (Kojičić, 2022, p. 12). Ari Shaw, PhD, especially emphasises that data is of “key importance” in order to understand the degree of exclusion of LGBTI persons in society, and that data should guide and shape public policies so that they are meaningful and aimed at realising their rights (Kojičić, 2022, p. 62).

With the implementation of this pilot research, for the first time in Montenegro, we are seeing these missing data. It should be pointed out, however, that this is only a modest beginning. The perceived problems require much more attention, resources, and further research to pinpoint where the real problems lie, determine their extent, and formulate adequate antidiscrimination policies in response to them. With all the limitations, this study pushes the boundaries and opens space for civil society and decision-makers to notice the weaknesses in the current programmes and policies and to continue advocacy and work on achieving realistic results in this area.

## **Methodology**

This research was carried out using a specially created anonymous online questionnaire, which was distributed via e-mail to a total of 120 private companies registered and operating in Montenegro. It represents the total sample. The companies included in the research were selected based on their total annual revenue at the end of 2021. The focus was on companies with the highest realised revenues, regardless of the sector, i.e., economic branch in which they operate. Given the fact that this is the first time that data is being collected on the topic in question, the research was conceived as anonymous, in order to motivate companies to respond in the greatest number possible. The companies were also presented with the key benefits that they will have through the implementation of this research.

### **Influence factors**

The eliminating factor in the selection of companies was the ownership structure. Companies that are majority or partially owned by the state, municipality or other public company were not included. Although they employ a large number of people, including a proportionally equal number of those who identify with less represented sexual orientations and/or gender identities, the methodology required that these companies not be found among the sample, precisely because of the role that the state, i.e., local governments, have within them.

### **Questionnaire**

Starting from the fact that in Montenegro there is not any, therefore not even representative data that would show a clear relationship between private companies as the most powerful part of the economy in our country towards people of less represented sexual orientations and/or gender identities, the main task of the research was to collect data and indicate key trends in this regard. An anonymous questionnaire was created, based on the model of similar research in the United States and Canada, divided into five logical divisions. The questionnaire was distributed to companies in Montenegro in the period from March 17<sup>th</sup> to 31<sup>st</sup> 2023, while the entire research covered the January—April 2023 period.

### **Logical sections**

The first part served to familiarize the companies, that is, their representatives, with the objectives of the research, the content and structure of the questionnaire itself, as well as relevant information about the researcher.

In the second part, there were questions that collected basic structural data about the companies, i.e., their profile: primary field of activity, annual revenue in 2021, average number of employees in 2021, region of the company headquarters, years of existence of the company and affiliation to a larger group.

In the third part, there was an explanation of all the key concepts within the questionnaire, which are mostly known to different companies and the people who work in them: sexual

orientation, gender identity, discrimination, policy, inclusion, diversity, acceptance, coming out and internal procedures.

The fourth part was related to the mapping of the antidiscrimination policies of the company, in the way that the companies were asked to determine whether they have an antidiscrimination policy in place and, depending on the answer, to explain the same. The companies that responded that they have such policies further explained the claims about it and specifically stated whether the company has an antidiscrimination policy that explicitly mentions sexual orientation and gender identity, and how long such policies have been in place. The companies that answered that they do not have an antidiscrimination policy equally explained the reasons why they do not have it, as well as whether they plan to develop it in the future, and whether there is an alternative that protects the human rights of employees.

The fifth part focused on workplace culture in companies, in the work environment and among the collective. All this in the context of sexual orientation and/or gender identity. The companies first answered whether, according to their best knowledge, they had employees who were out. For those companies that answered that they have, they further stated the number of them, the period since those employees were out, as well as the main reasons for which they think they decided to come out; while among the companies that indicated that they do not have out employees, they stated the reasons for which they believe this to be the case. Furthermore, various internal procedures that exist within the company, which concern antidiscrimination, were mapped, different inclusion programs were listed in relation to which companies could express their interest, as well as collected qualitative data (open answers) in the domain of acceptance in relation to LGBTI people, overall diversity in the company, culture and values within the company, and the perception of the company in relation to LGBTI people. At the very end, companies were asked to indicate whether they had ever publicly supported any of the LGBTI community's activities, and whether they would be willing to do so in the future.

## Results

The research “**Montenegrin companies & antidiscrimination**” included 32 private companies registered and operating in Montenegro. This represents 26.6% of the total sample of companies included in the research. Although the final percentage of the companies included may appear to be insufficiently representative, for now, these are the only data of this kind at the level of Montenegro and as such are of great value and importance for all relevant actors—economic subjects, people who identify themselves with less represented sexual orientations and/or gender identities, the civil society, public policymakers, international partners, etc. However, as will be seen during the analysis of the results, a limited responsiveness does not necessarily mean that the responses are unrepresentative.

### **Social distance**

The percentage of response among the covered companies indicates that in Montenegro there is still a significantly high rate of general distance towards issues concerning human rights and the position of people belonging to less represented sexual orientations and/or gender identities. The fact that the dominant majority, 73.4% of the total number of covered companies, did not take part in the research is indicative of their attitudes and relation towards these repeatedly marginalised and discriminated social groups. Such a suggestion is self-evident, in a social environment where only 5.3% of the population of Montenegro share a positive attitude towards LGBT people (Bešić, 2020, p. 35). The largest number of Montenegrin citizens, 66%, believe that LGBTI persons are sick, mentally disturbed and should be treated (Bešić, 2020, p. 34).

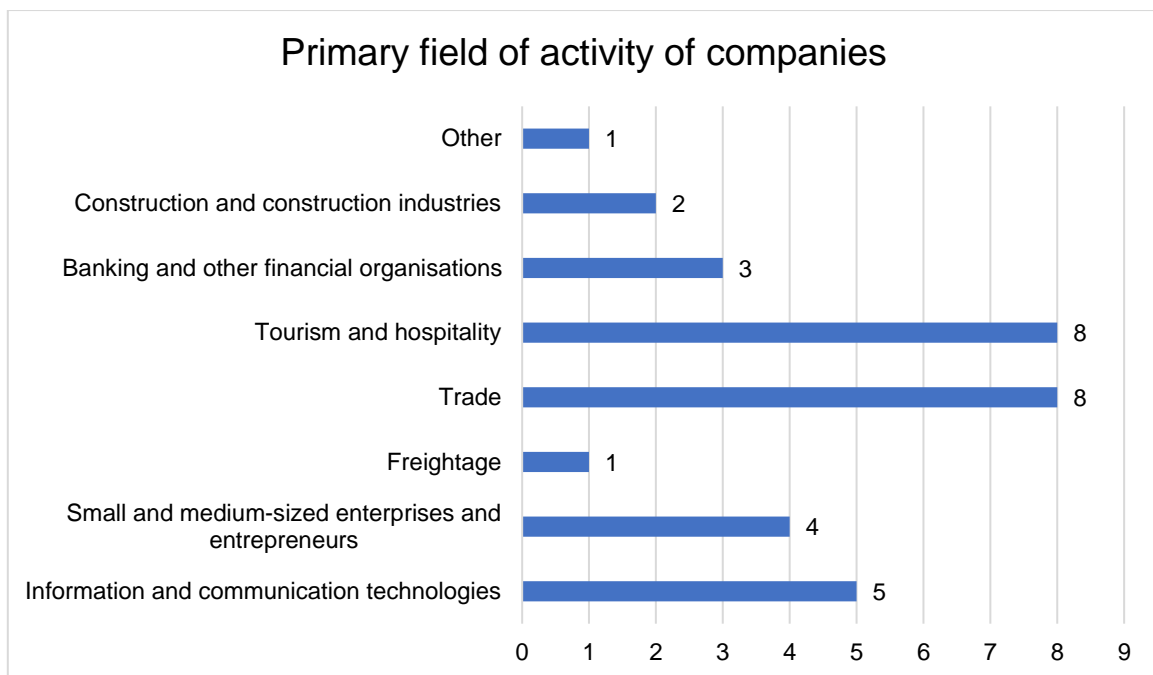
### **Absence of LGBTI-inclusive practices**

Numerous studies indicate the benefits of inclusion of these categories in the corporate context—76% of companies in the US report greater employee engagement due to the existence of LGBTI-inclusive practices, while 71% of them report improvement of the company's brand or reputation (U.S. Chamber of Commerce Foundation, 2019, p. 20). Evidently, in Montenegro, there is still insufficient awareness of the importance of introducing and implementing such policies and practices.

In the following, the profiles of the companies that participated in the research, the results of the process of mapping their antidiscrimination policies and the overview of the results in the field of workplace culture and the collected indicators are analysed. The presentation of the results is followed by the author's considerations.

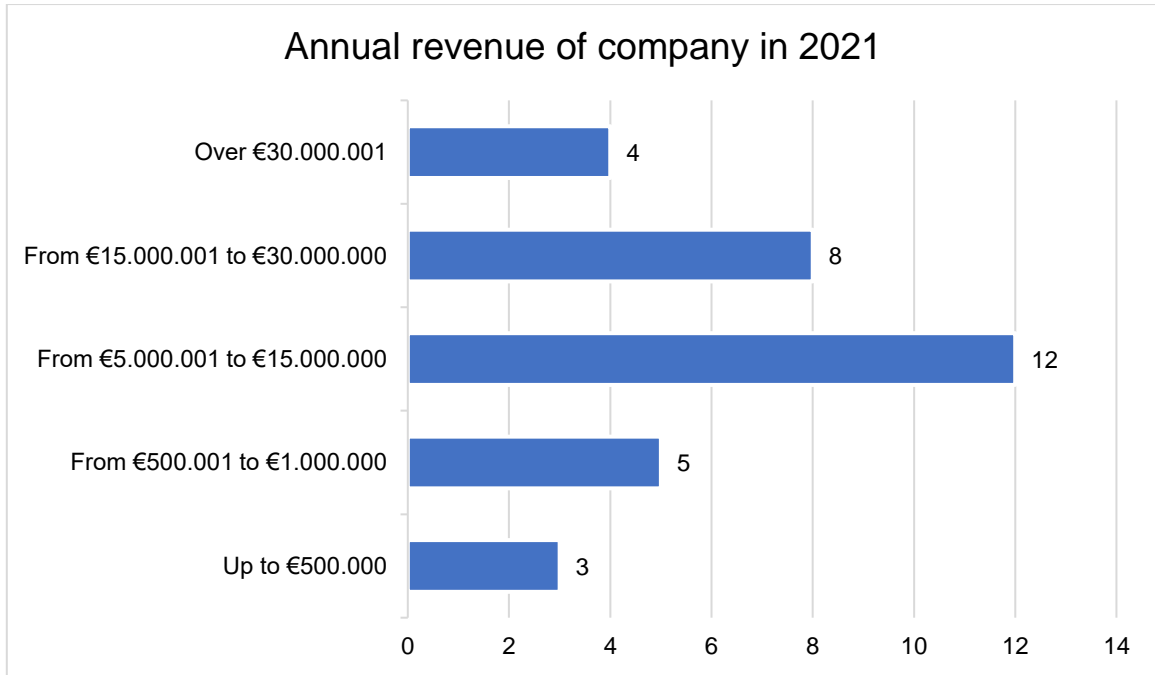
## Company profiles

In terms of structure, it is quite broad-spectrum and provides an insight into the policies and practices of different profiles of private companies. In relation to the area of primary activity, the structure is as follows—15.6% of companies indicated that they operate in the field of information and communication technologies, 12.5% are small and medium-sized enterprises and entrepreneurs, 3.1% are engaged in freightage, 25% are engaged in trade as a primary activity, as well as 25% of companies engaged in tourism and hospitality, then 9.4% of them operate in the field of banking and other financial organisations, 6.3% in construction and construction industries, while 3.1% stated “other” as the area of primary activity. See: *Graph 1 – Structure of companies by primary field of activity.*



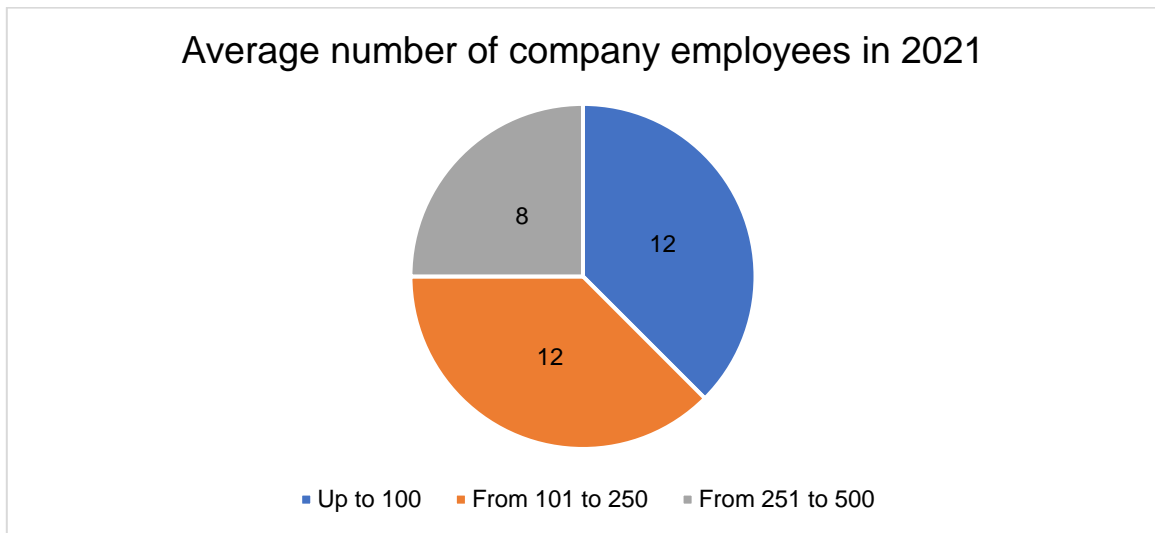
*Chart 1 – Structure of companies by primary field of activity*

When we look at the structure of companies in relation to annual revenue in 2021, we get the following structure—9.4% of companies stated that they had revenues up to half a million euros, 15.6% stated that they had revenues from half a million to one million euros, 37.5% of them had revenues from five to fifteen million, 25% had revenues from fifteen to thirty million euros, while 12.5% of companies stated that they had revenues over thirty million euros. See: *Chart 2 - Structure of companies by revenue.*



*Chart 2 – Structure of companies by revenue*

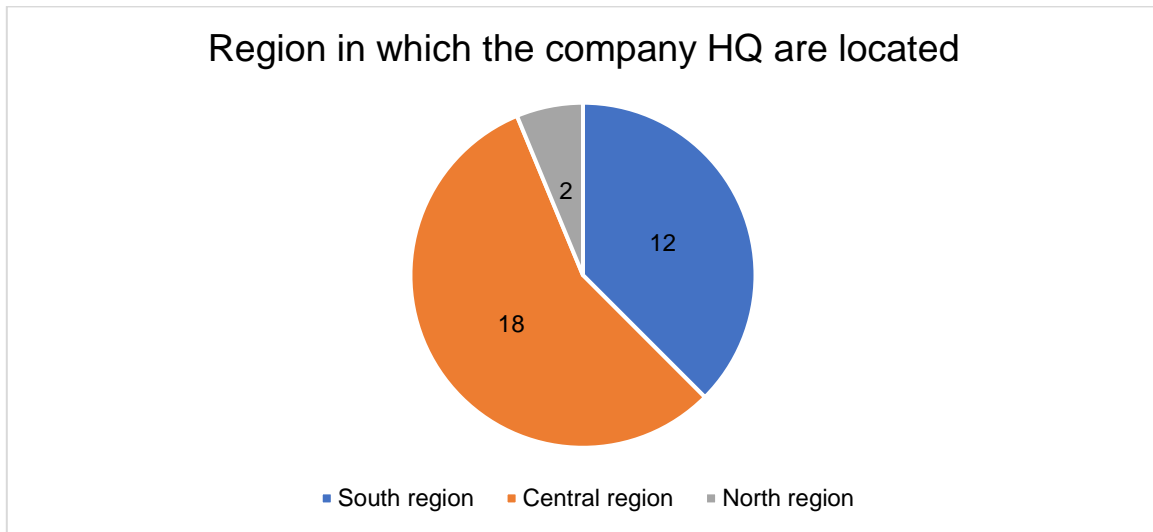
In relation to the average number of employees in 2021, the structure of companies looks like this—37.5% of companies stated that they have up to one hundred employees, 37.5% that they have between one hundred and two hundred and fifty employees, while 25% of companies stated that has from two hundred and fifty to five hundred employees. See: *Chart 3 – Structure of companies by number of employees.*



*Chart 3 – Structure of companies by number of employees*

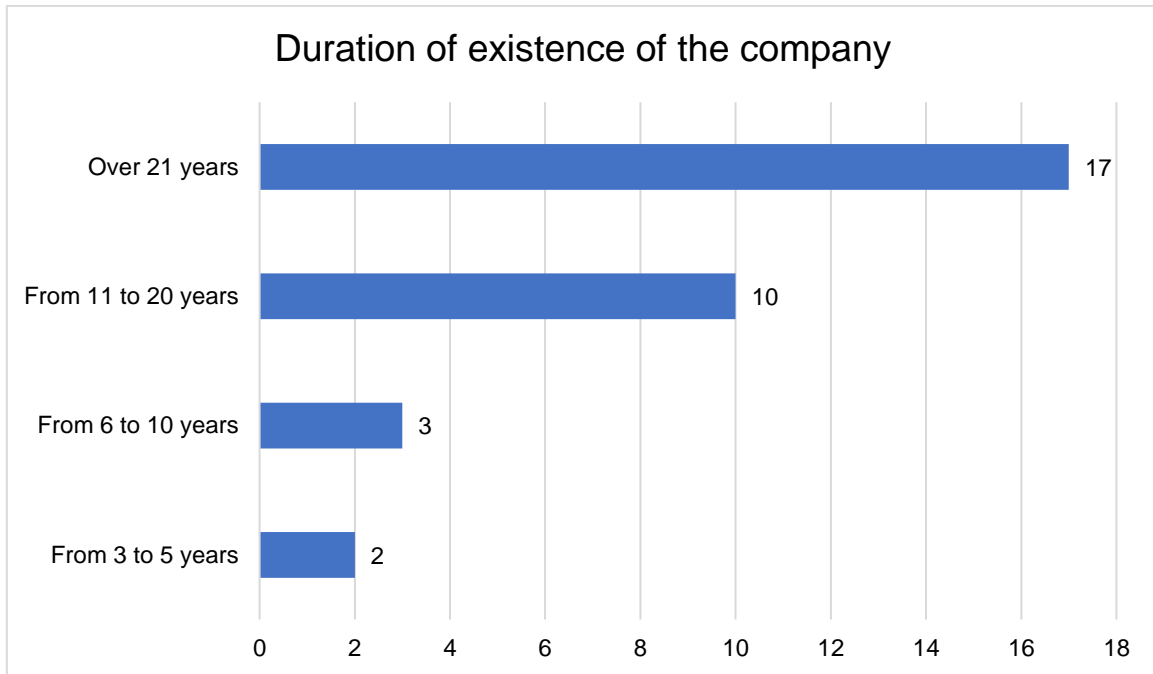
When we look at the regional distribution of companies, we get the following structure—37.5% of companies are located in the southern region, 56.25% in the central region, while only 6.25% are in the northern region. See: *Chart 4 – Region of company headquarters.*





*Chart 4 – Region of company headquarters*

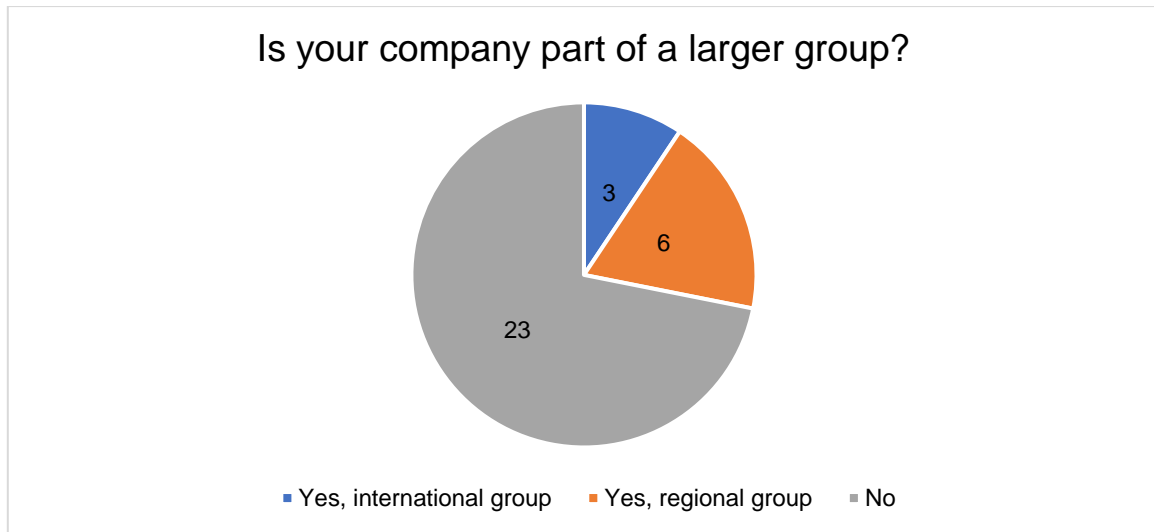
Analysing the period of existence of the companies that took part in the research, we get the following structure—6.3% indicated that they had existed for three to five years, 9.4% that they had existed for six to ten years, 31.3% that they had existed for eleven to twenty years, while 53% of companies stated that they have been in existence for over twenty-one years. See: *Chart 5 – Age structure of companies.*



*Chart 5 – Age structure of companies*

In relation to the affiliation of companies with a larger group, the following data were collected—9.3% of companies belong to a larger, international group, 18.8% of companies

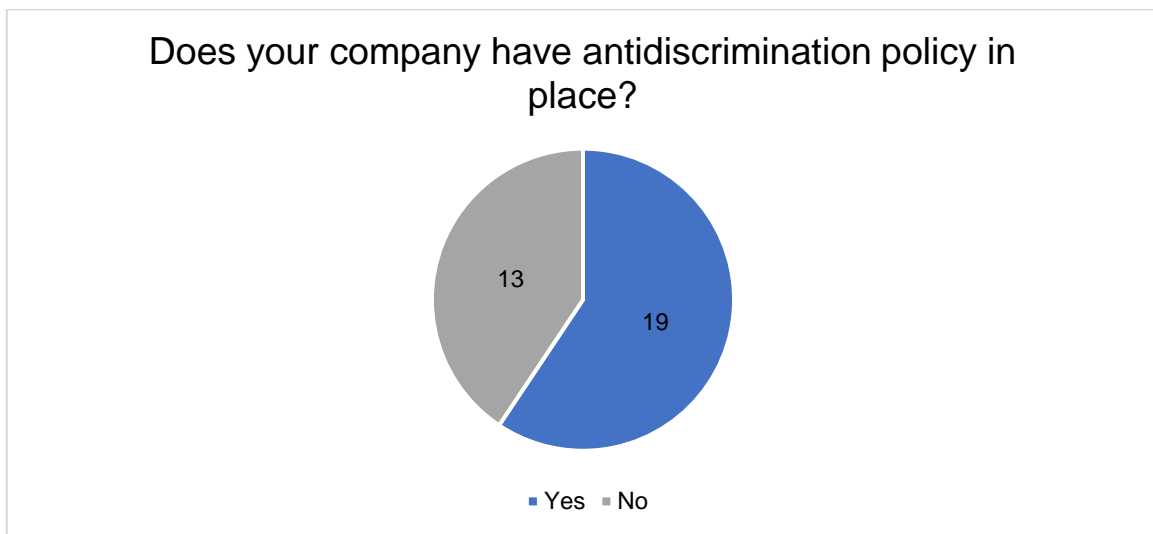
belong to a larger, regional group, and 71.9% of companies do not belong to any larger group. See: *Chart 6 – Belonging to a larger group.*



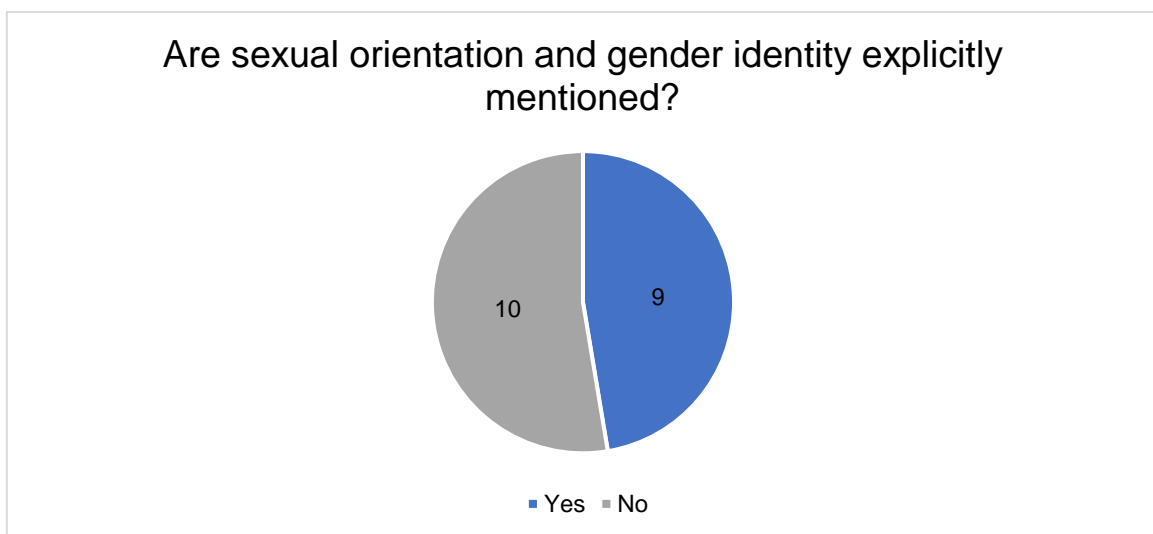
*Chart 6 – Belonging to a larger group*

## Mapping of antidiscrimination policies

The data collected in relation to the mapping of antidiscrimination policies, especially in relation to the representation of topics related to minority sexual orientations and/or gender identities, indicate key trends and problems that need to be solved in the long term through broader social action. In relation to the companies that participated in the research, nineteen of them stated that they have an antidiscrimination policy in place (59.4%), while thirteen of them stated that there is no such policy (40.6%). **Of the part of companies that gave a positive response, almost half of them (47.4%) state that their company's antidiscrimination policy explicitly mentions sexual orientation and gender identity.** See: *Chart 7 – Antidiscrimination policy* and *Chart 8 – Representation of sexual orientation and gender identity*.



*Chart 7 – Antidiscrimination policy*



*Chart 8 – Representation of sexual orientation and gender identity*

When asked to tick off all the **claims that apply to their company** from the list offered, companies that have antidiscrimination policies in place gave the following answers:

- ◆ The largest number of companies (94.7%) agreed with the statement that their company “informs new employees about the existence of an antidiscrimination policy” and the statement that “the antidiscrimination policy is used in practice as a means of protecting our employees from discrimination.”
- ◆ 78.9% of companies agreed with the statement that their “employees are aware of the existence of an antidiscrimination policy” and the statement that they believe “that our antidiscrimination policy is inclusive.”
- ◆ As many as 63.2% of companies stated that their antidiscrimination policy is “fully compliant with the Law on Prohibition of Discrimination,” while 47.4% of companies stated that they updated their antidiscrimination policy “at least once in the past 3 years”.
- ◆ 31.6% of companies agreed with the statement that their employees “referred to the antidiscrimination policy when solving internal problems at least once in the past 3 years”, and only 15.8% of companies stated that their “antidiscrimination policy is clearly displayed on the web company page”.

Finally, when we look only at those **companies that stated that they do not have an active antidiscrimination policy**, the following were the most common reasons for such a situation:

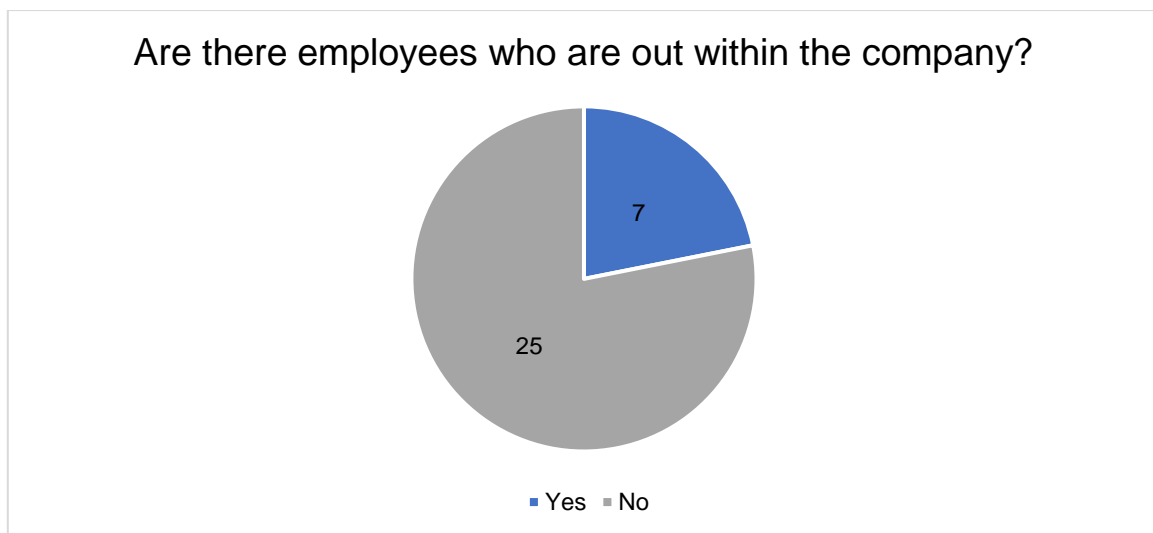
- ◆ 69% of them cite the fact that they have never thought about it, as well as the fact that they have not formally identified problems related to discrimination so far.
- ◆ 46% of them state that they promote “a culture of inclusion and acceptance in other ways”, as well as that they believe that “the existing legal framework provides sufficient protection against discrimination”.
- ◆ None of the companies cited as reasons the lack of resources or skills they would need to develop an antidiscrimination campaign, as well as “not believing that antidiscrimination policy is important to our company.”

Of these companies, almost half of them (46%) stated that they plan to develop an antidiscrimination policy within their company in the next three years, while the rest (54%) stated that they do not plan to do so. Finally, the majority of these companies (77%) stated that they have some other type of policy that protects the human rights of their employees.

## Workplace culture

Observing and analysing the culture at the workplace of private Montenegrin companies included several logical sections, which targeted various aspects of the culture at the workplace and among the company's collective, in order to obtain the most complete picture. As the narrower focus of the overall research was on the issues of less represented identities in the context of sexual orientation and/or gender identity, the first part of this section referred to whether the company, according to its own best knowledge, has employees who are out<sup>1</sup> among the company's collective.

In relation to this question, the answers of the companies were as follows—**only 22% of companies stated that they have employees who are out within the company level, while 78% of them stated that this is not the case in their company.** See: *Chart 9 – Out employees.*

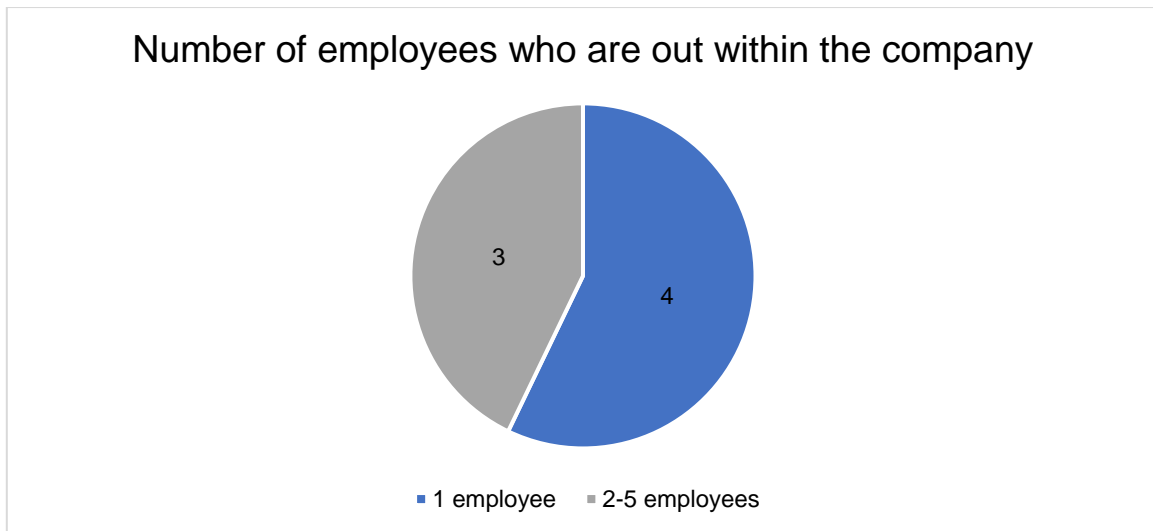


*Chart 9 – Out employees*

Those companies that answered that they have out employees among the company collective further provided information about the number of employees, the period since the first employee came out, as well as the reasons they see as crucial that their company has employees who are out among the collective. **The collected data show that the largest number of these companies have only one employee who is out (57%), while the others have between two and five employees (43%).** See: *Chart 10 – Number of out employees.*

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<sup>1</sup> Coming out is a process in which an individual communicates their sexual orientation and/or gender identity to their environment. It comes from the term “coming out of the closet”.



*Chart 10 – Number of out employees*

When we look at the period that the companies indicated has passed since the first employee came out, then in 100% of cases the answer is “from 2 to 5 years”.

When asked to mark all **the claims related to their company** from the list offered, the companies that have out employees gave the following answers:

- ◆ As many as 86% of them believe that the human factor is the main reason they have employees who are out among the collective.
- ◆ 57% of them cite a supportive workplace culture as the reason.
- ◆ 43% of companies cite as reasons strong internal procedures for protection against discrimination, followed by long-term inclusive policies of the company, as well as openness to diversity.

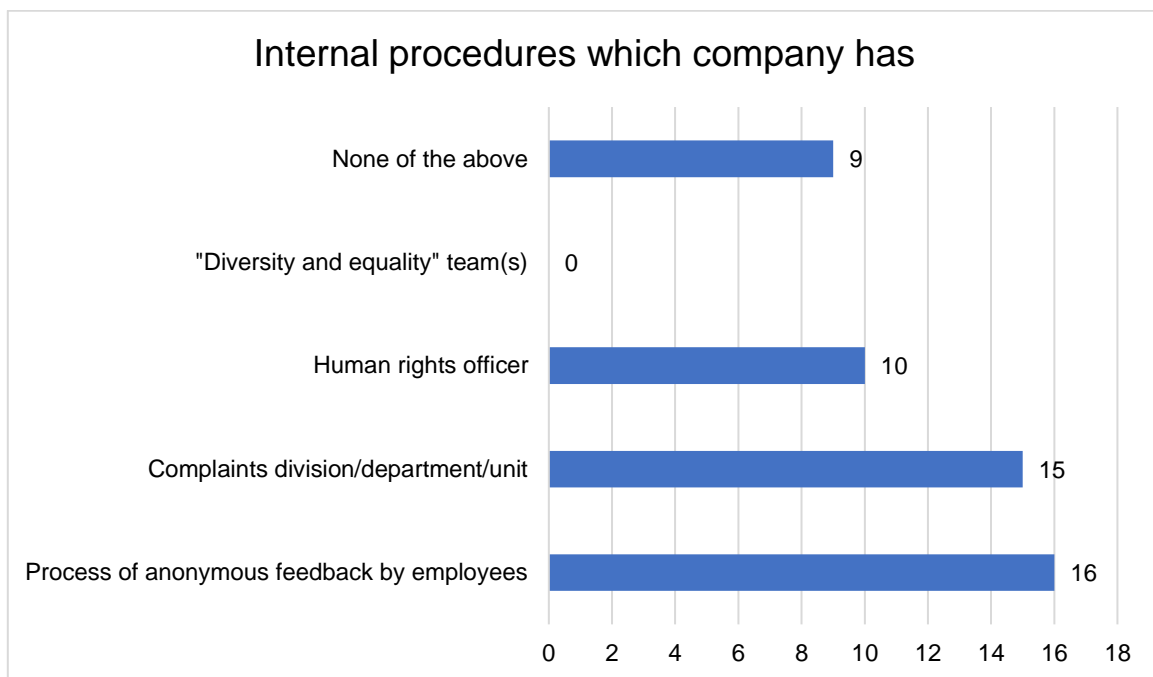
On the other hand, when we look at those **companies that do not have out employees among their collectives**, the following are the main reasons for such a situation:

- ◆ The largest number of companies, 72% of them, cite the overall social climate in Montenegro as the main reason.
- ◆ As many as 60% of companies cite the human factor as the reason, while almost a quarter of them (24%) cite the fear of negative consequences for business and brand image.
- ◆ 20% of companies cite an unsupportive workplace culture as the reason, and 12% of them state that it is the lack of strong internal procedures for protection against discrimination, as well as the nature of the company's operations.

The second part of this section included a series of qualitative questions, the aim of which was to establish different internal procedures within the companies, programs that would be of interest and importance to the companies themselves in the future, as well as a set of characterizations concerning acceptance and perception in relation to LGBTI people, diversity at the company level, as well as the culture and values that the company holds.



Of those provided, companies identified **three key internal procedures** they have in place—50% of companies have a process for anonymous employee feedback, 47% of companies have a complaints division/department/unit, while 31% of companies have a human rights officer. It is important to note that not a single company stated that it has “diversity and equality” team(s), and that as many as 28% of companies do not have any of the total internal procedures offered. See: *Chart 11 – Internal procedures*.

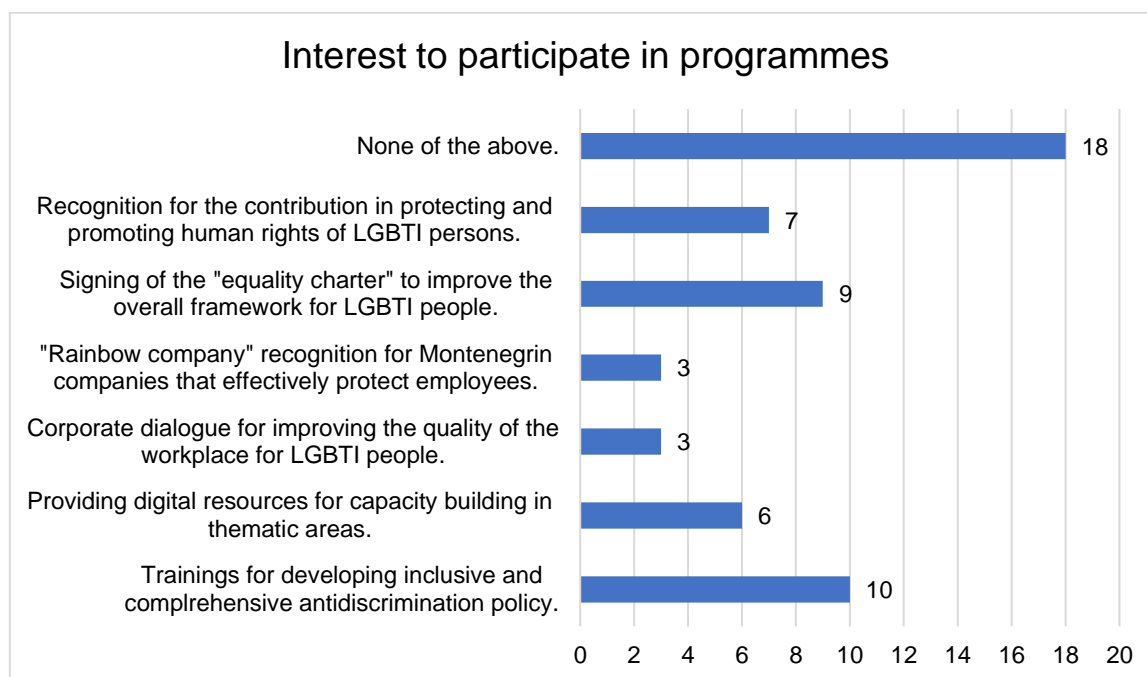


*Chart 11 – Internal procedures*

When we look at **the programs offered to companies**, with the possibility of their potential participation in the future, we get the following results:

- ◆ The majority of companies, 56% of them, are not interested in participating in programs of this type.
- ◆ 31% of companies are interested in training for the development of an inclusive and comprehensive antidiscrimination policy.
- ◆ 28% of companies are interested in signing an “equality charter” to improve the overall framework for LGBTI people in the workplace.
- ◆ 22% of companies are interested in receiving recognition for their contribution to the protection and promotion of the human rights of LGBTI persons within their companies.
- ◆ 19% of companies are interested in being provided with digital resources for capacity development in thematic areas of sexual orientation and gender identity.
- ◆ Only 9% of companies are interested in conducting a corporate dialogue to improve the quality of the workplace for LGBTI persons, as well as to receive the “Rainbow company” recognition as a Montenegrin company that effectively protects its LGBTI employees.

See: *Chart 12 – Offered programmes.*



*Chart 12 – Offered programmes*

When asked to describe **the overall acceptance of LGBTI persons** within their company, primarily by management and employees, the companies gave different answers. The dominant number of responses had a neutral-affirmative tone, i.e., the companies stated that they are open, that they accept differences, and that there are no prejudices, but there was also a part of the responses that went in the direction that such things are a private matter of the employees and that they are not significant in any context. Rarely did a company explain its practices in more detail through examples, but those that did gave very meaningful statements, so the following comment from one of the companies stood out: *"...among employees there are different attitudes and I think that not all employees are equally accepting towards any kind of diversity, ... but we insist that everyone must treat each other with respect at all times, sexist, racist, homophobic and similar jokes are strictly prohibited... We try to work with a lot of compassion on education and raising awareness. We believe that this is our responsibility, not only to the employees, but also to the society in which we live and that successful companies have the power to contribute to change;"* which clearly shows the existence of (corporate) awareness and conscience when it comes to these topics.

Asked to describe **the overall diversity**<sup>2</sup> in the context of their work, companies generally took the position that they do not differentiate on any basis when it comes to their employees and the possibility of their inclusion and action in the context of decision-making, career advancement, etc. The term most frequently used by the responses in this section was

<sup>2</sup> "Diversity" in this context means the inclusion of people from different socio-economic backgrounds in all processes, on an equal basis, with equal opportunity to make decisions and influence company policies.

“equality”, followed by “freedom” and “respect”. One of the companies stated that they “*classify employees exclusively as high-quality or low-quality*”, which could be taken as a faithful summary of the wider trend in responses to the question of diversity. Only one of the companies, in this part of the questionnaire, took a negative attitude towards the concept of diversity.

Asked to describe **the culture and values** held by their company, the companies mostly relied on existing policies that define values, norms, culture, and general business principles, from which it could be concluded that most companies, at least nominally, understand the importance of corporate culture and values in their work. Some of the terms that were mentioned most often in this section are “equality”, “teamwork”, “respect”, “communication”, “openness”, “European” and the like. One of the companies also noticed a wider problem at the level of the state and society, which is then further reflected on their culture and values, and which is depicted through the following statement: “*...the overall climate at the state level is such that people cannot publicly to declare it [sexuality] without some kind of consequences for them, and it certainly has an impact on the freedom of expression in the collective itself*”.

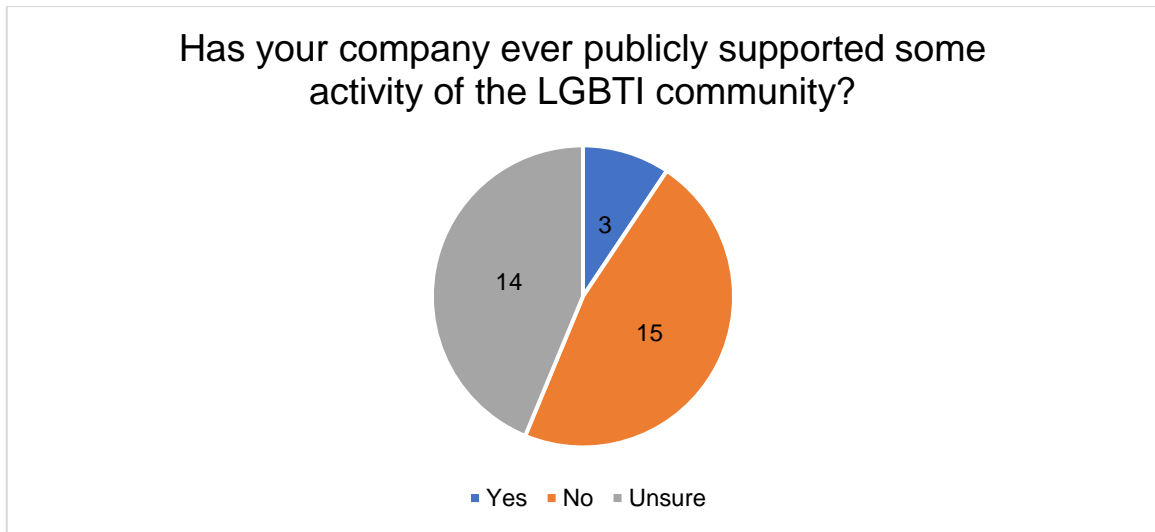
Finally, when asked to describe **the overall perception of LGBTI persons** within their company, primarily by management and employees, the companies also had significantly different observations and statements. The largest number of companies took a “neutral” position, that is, stated that no one asks questions of this kind and that these topics are generally not discussed, while they actively work to suppress negative phenomena such as malicious comments, mockery, etc. Part of the companies noticed that this perception really depends on the profile of the company's activities and that the greater the diversity among the employees, the more difficult it is to clearly define this perception. There were very few companies that stated that they (pro)actively promote the inclusion and acceptance of minority communities, including LGBTI persons, among the collective already working or just coming to the company. It is encouraging that a part of the companies, although not a large one, recognized that among the collective there are people who have a negative view of LGBTI persons, as well as that among the collective there are LGBTI persons themselves who are not out, and that they are trying to ensure that this first group does not have any negative impact on the second.

The last, third part of this section dealt with the public support of companies in relation to the activities of the LGBTI community<sup>3</sup> and the potential willingness of companies to support them in the future. In this regard, **almost half of the companies (47%) indicated that they had never publicly supported an activity of the LGBTI community, while 44% of them were not sure if they had ever done so. Only 9% of companies indicated that they have done so publicly so far.** See: *Chart 13 – Support of companies so far*. On the other hand, as many as 66% of companies indicated that they would be ready to publicly support some

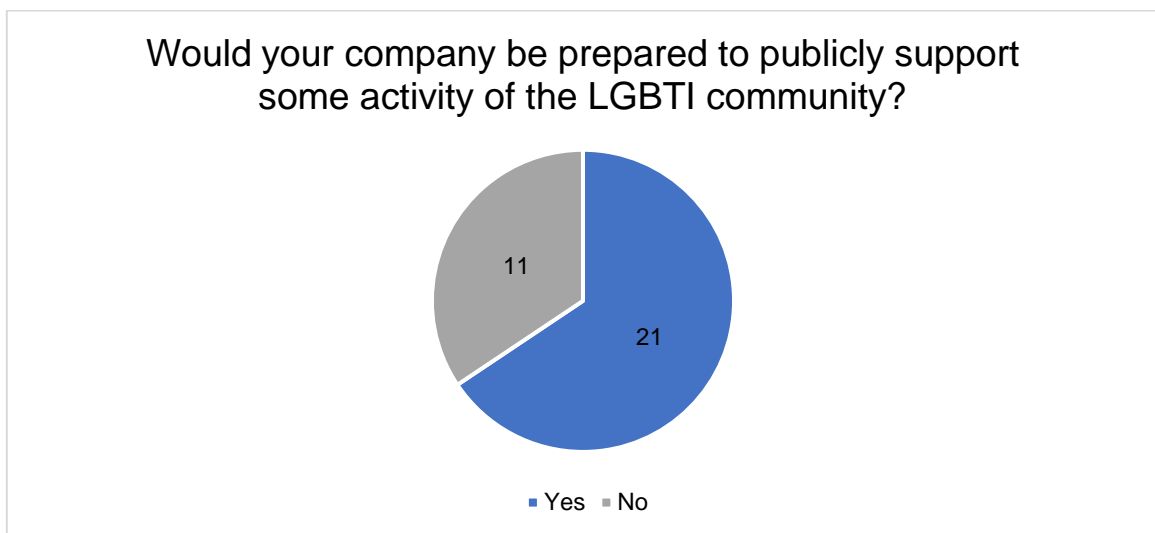
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<sup>3</sup> “LGBTI activities” can be pride parades, various thematic gatherings, support programs for LGBTI people (shelters, counseling centers, etc.), projects, programs, etc.

activity of the LGBTI community in the future, against 34% of them who would not be ready to do so. See: *Chart 14 – Future support from companies.*



*Chart 13 – Support of companies so far*



*Chart 14 – Future support from companies*

## Considerations

The data collected by this research open numerous questions and lead to different conclusions, both in the context of the activities of companies in Montenegro, and in the context of the human rights of people belonging to minority sexual orientations and/or gender identities. First, it is an interesting observation that almost two thirds of companies (59.4%) reported that they have an antidiscrimination policy in place. However, it is not at all encouraging that in the amount shown, the antidiscrimination policy includes sexual orientation and gender identity in less than half of the reported cases (47.4%). At the same time, it should be recalled that in the total sample of companies included in the research, there are **only** 28.1% of those whose anti-discrimination policy includes sexual orientation and gender identity. Although anonymous, the dominant majority, that is, 73.4% of the total number of covered companies, according to the described methodological sample, did not participate in the research at all.

### Research

Research from the United States clearly indicates that the trend of discrimination among LGBTI employees is significant, so “one third (33.8%) of gay and lesbian employees reported that they had experienced at least one form of employment discrimination (being fired or not hired) because of their LGB status at some point in their lives, compared to one-quarter (24.4%) of bisexual employees” (Mallory, Sears, & Flores, 2021, p. 7). In literature there is generally a consensus that LGBTI people face numerous problems and challenges in the work environment, from exclusion and concealment of their own sexuality to dismissal from work (Kojičić, 2022, p. 25).

More recent research also points to significant problems that LGBTI people face daily in the workplace. Two-thirds (67.5%) of LGBTI employees reported hearing negative comments, insults, or jokes about LGBTI people at work. Many LGBTI people report that they have been referred to or heard terms such as “f\*\*\*\*t”, ... “tranny” at their workplace (Sears, Mallory, Flores, & Conron, 2022, p. 3). Such phenomena are significantly present in Montenegro, and according to the latest research, almost 84% of the respondents have personally experienced hate speech, and 43% of the researched sample reported that they were employed (Bracanović, 2023, pp. 7, 11). It directly suggests a relationship about discriminatory situations and opportunities for LGBTI people in the workplace.

It should also be kept in mind that in many countries, LGBTI people predominantly work in the informal sector, relying on daily wages and surviving without job protections, making them especially vulnerable to economic slowdowns (Bishop, 2020, p. 7), as well as other factors associated with discrimination. Related analyses in the United States show that nearly one in ten LGBTI people are unemployed and are more likely to live in poverty than straight and cisgender people (Human Rights Campaign Foundation, 2020, p. 2).

### **Positivism**

Although, on the one hand, the statements of companies that have an antidiscrimination policy in place about its role and importance are positively motivating (see page 13), it is **important** to note that it is necessary to analyse with special attention the reasons why companies do not have this type of policy. This is especially the case with companies that stated that they “never thought about it”, as well as companies that do not plan to develop an antidiscrimination policy at all or do not have other mechanisms to protect the human rights of their employees. This certainly leaves a lot of room for acting with legal mechanisms in relation to company policies, when there is a violation of human rights.

### **Business “closets”**

A particularly indicative segment in the overall survey was related to the existence of employees who are out within the company itself, where the majority of companies, almost four fifths, stated that, according to the best knowledge, there are no such employees (78%). It is safe to say that for the Montenegrin economy, and Montenegrin society in general, it is completely devastating that only slightly more than a fifth, that is, 22% of companies (out of 26.6% of the total sample of companies included in the research) have such an environment where employees can be free and, as such, out within the company or collective.

If we know that “the vast majority of LGBT+ respondents indicate that their employer’s approach to LGBT+ inclusion has had a positive impact on their current role, with 72% indicating that they are more likely to remain with the organization because of that approach” (Deloitte, 2022, p. 8), and that decades of research on the mental health of LGBTI people, especially in the workplace, indicate that a climate that is negative, filled with discrimination, hatred, prejudice, and stigma, in the long term has multiple negative consequences for the well-being of the individual, but also for the success of the company itself, then it is clearly shown that the problems of the LGBTI community, including workplace policies, must finally be approached substantively, seriously and systematically—and that is not the case today. The existence of LGBTI-supportive policies in the workplace is associated with reduced incidence of discrimination, and less discrimination is associated with better psychological health and increased job satisfaction among LGBTI employees (Badgett, Durso, Kastanis, & Mallory, 2013, p. 26).

### **Heterosexism or the absence of will**

In the end, it is not encouraging to know that slightly more than half of Montenegrin companies which responded to the questionnaire are not interested in participating in any programme, from the wide range offered, that would improve their capacities and generally the quality of business (short and long term). This suggests that the same is the result of entrenched assumptions, stereotypes, and strong structural sexual stigma, heterosexism and subtle heterosexism that prevail in all aspects of Montenegrin society, including the economy. Even in cases when people manage to overcome these barriers, they are systematically subjected to discrimination in employment, are bullied or harassed for being LGBTI, receive reduced work-related benefits, and may even be dismissed simply for being who they are (Du Plessis & Galil, 2020).

However, companies in Montenegro have numerous positive examples that they could (and should) follow, and in this regard, the positive fact is that two thirds of them (66%—out of 26.6% of the total sample of companies included in the research) stated that it would be ready to publicly support some activity of the LGBTI community in some way. Although small, slow, and insufficient compared to the decade-long effort of the state in treating LGBTI issues, it still leaves room for hope and possible (faster) changes with more substantive, meaningful, and effective public policies that will respect the real facts (on the ground).

### **Inefficiency as an obstacle**

For the sake of illustration, it is also interesting to note that in Montenegro, at a certain moment, even 25% of hotels were ready to accept the label “gay friendly”, especially those with 4 or 5 stars. However, at the same time, the companies then correctly recognised the “insufficient awareness and unwillingness of certain tourism service providers to even start creating a tourist offer intended for LGBTI tourists”. This was due to the traditionalist and negative attitudes of a significant part of the Montenegrin public towards the LGBTI community, and that this may represent an obstacle in the development of this tourist niche. In addition, the issue of the safety of LGBTI tourists appeared as an obstacle, and it must be put first in any tourist market, even in the case of the LGBTI community (Jokić, 2019, pp. 33, 35).

### **Standards of corporate inclusion**

The Office of the United Nations High Commissioner for Human Rights (OHCHR), in cooperation with a wide range of actors from the civil society and the corporate world, has developed five Standards for the conduct of companies in the fight against discrimination of LGBTI persons.

1. Respect for human rights at all times, through a) commitment to inclusive policies, b) due diligence to identification, prevention, mitigation, and responsibility for potential negative impacts and c) (legal) remedy for all negative impacts.
2. Eliminating discrimination in the workplace, through a) employment policies, b) prevention, protection from, and elimination of harassment and discrimination, c) raising awareness of diversity, d) providing benefits and e) respecting privacy.
3. Providing workplace support to all LGBTI employees.
4. Prevention of other forms of human rights violations in the market, in the context of the LGBTI community and their human rights.
5. Acting in the public sphere at the level of the local community.

The aim of these Standards is to provide a set of benchmarks for assessing the role of business in tackling discrimination and related human rights abuses affecting LGBTI people, and to support good practice by companies (United Nations Human Rights, Office of the High Commissioner, 2017, pp. 6, 9-12).

### **Corporate Equality Index**

Human Rights Campaign, which has been creating and publishing Corporate Equality Index (CEI) for over twenty years, which is currently the key mechanism for ranking leading

companies in the United States in relation to policies and practices related to LGBTI persons, has published a series of data that clearly indicate the trends that exist in an economy that takes seriously and understands the importance of human rights, especially of LGBTI employees. So, for example, 2022 Corporate Equality Index finds that 99.8% of companies (1,269 out of 1,271) have documented that they include “sexual orientation” in their antidiscrimination policy at work, while 99.7% of those companies also include “gender identity”. Furthermore, 77% of these companies indicated that they had managers/supervisors who attended training that included gender identity and sexual orientation as “discreet topics”, and an additional 59% of firms had LGBTI-specific advertising or marketing content or sponsored LGBTI- inclusive events like Pride (Human Rights Campaign Foundation, 2022).



## Instead of a conclusion

Observing Montenegrin companies through the prism of international frameworks, it is clearly seen that they do not have policies and standards that would be in line with what are relevant international recommendations or practices. This is complicated by the fact that the rate of employees who feel free to be out in the workplace is very low, and that companies do not have the appropriate impusions of the state and public policies to support them to develop in accordance with the necessary standards for the welfare of employees and society. In this sense, it is clearly observed that the Montenegrin state LGBTI policy is not standardised and has no functional purpose.

This means that, in addition to numerous examples in other sectors—i.e., social, health, or environmental policies, the state LGBTI policy in its necessary (law-prescribed) solutions does not lead or direct activities towards the corporate sector, nor does it determine the content and characteristics of necessary activities in accordance with corporate activity, freedoms, and management. This is clearly visible in the presented report, which in this example also confirms the hypothesis that society lacks a functional concept of “public policies”. And the functionality of policies implies that they should fulfil the tasks and jobs designed by law and perform social functions and coordination in society—and not be letters on paper.

Based on the results presented in this report, those companies that recognized the importance of the concept of inclusivity for LGBTI people should be commended. Also, one should distinguish their criteria and good intentions from the absence of a state LGBTI policy to help them—that is, one should distinguish their internal and positive criteria from the lack of substantive features of the state's LGBTI policy and arbitrary criteria about it. In this way, we come to determine the essence, which is the **dysfunctionality** of the Montenegrin state LGBTI policy, which is not capable of standardising some general rules on inclusivity in the workplace and helping the corporate sector and thus direct social development in the direction of “conquering” real (law-prescribed) standards. This is the only way to move the boundaries and bring the expected changes, which not only have benefits for employees in companies, but also benefits for the success and profitability of the companies themselves, which will determine the final result and goal. All this simply does not exist, and the state of Montenegro has not developed instruments and criteria to ensure corporate development in accordance with the expected standards of protection of the human rights of LGBTI persons in the workplace, nor for the culture of non-discrimination to become a corporate or social norm.

This report therefore represents “unrealised expectations”, that is, indicates the unfulfilled mandate of the state from which action is (again) demanded. First of all, this report points to the necessity of a serious review and necessary reform of the existing, that is, “really non-existent” state LGBTI policy, which must be determined and defined by real legal (and not

arbitrary) standards, but also by factual expectations to meet (such) standards. In such a long-awaited and never realised cooperation, based on the division of responsibilities and roles, there is realistically a mixture of (sometimes) different expectations of the state on the one hand, the private sector on the other, and the LGBTI community on the third. Only a set of these expectations can determine the result and only a collection of responsibilities understood in this way can determine the intensity and real will of the state to face the discrimination of LGBTI persons in society. And that has been absent for years, continuously, since 2018, because the state does not appreciate the reality of social, health, labour, ecological, legal, and other problems of the LGBTI community, as well as the need for these problems to be in the focus of public policies.

Therefore, in this discussion, the dimension of the state's responsibility to face the real problems of the LGBTI community is essential. Understanding LGBTI policy as “letters on paper” is no longer enough even for the state. Actual problems indicate that the state does not achieve its imagined social goals and thus does not help inclusiveness, LGBTI persons, and the development of society. According to this understanding, the existence of an LGBTI policy is not enough in itself to ensure human rights, democracy, and social development for LGBTI people. In this sense, such an LGBTI policy that does not respect the real needs of the community can no longer be presented as an “instrument” sufficient by itself, but the state is expected to truly take care of the well-being of its own citizens, not leaving out LGBTI persons. It is expected to turn the “instruments” (letters on paper) into real actions and thus perform real, that is, the functional role of management that will direct social processes and bring (real) development and opportunities for LGBTI people.

Instead of all that, strongly expressed negative social attitudes in relation to the LGBTI community in Montenegro contribute to the fact that companies do not have adequate actions and antidiscrimination policies, and that they actually “choose” to obey such (real or assumed) negative social pressures. In the end, if there is no research to show what the relationship is between business and, for example, open support for LGBTI people, then it is certain that companies are “aiming in the dark” when making decisions on related topics that concern the LGBTI community or any other marginalized groups. The theory articulates that every rational decision in business must be supported by data and indicators that can support it and sustain it in the long term. Effectively, companies are tacitly siding with the 66% of citizens who are against LGBTI persons, thus passively feeding their prejudices and attitudes. All this, together, represents a segment of the problem for LGBTI people in Montenegro which would have to become the collective consciousness.

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