

Sexual Orientation Discrimination at the Entrance Gate of Employment: A Case of LGBT in Nigeria

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Summary

This study will investigate the extent to which LGBTs in Nigeria face employment discrimination, particularly during recruitment. Specifically, drawing on the stigma theory, we aim to uncover the degree to which employers and those in charge of recruitment in Nigerian firms are likely to hire LGBTs and if and on what basis sexual orientation discrimination exists in Nigeria. Following the data collection, we aim to present our findings during the BAM conference.

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Introduction

Nowadays, there has been an increase in studies on sexual identity and gender expression, given that they serve as a vital part of an “individual’s sense of self” (Vinney, 2021) and shape every aspect of human lives due to the socio-cultural expectations of people’s sexual identity (Cech and Rothwell, 2020). Some of these studies have also investigated the impact of sexuality in the workplace, especially how lesbian, gay, bisexual, and transgender (LGBT) employees fare in their workplaces, given the discrimination and hostility they face at work (Yılmaz and Göçmen, 2016; Gacilo et al., 2018), as well as the anti-discrimination policies and practices that have been implemented (Hossain et al., 2020). However, most studies tend to concentrate on discrimination in the workplace while less is researched about employer discrimination during the recruitment process, i.e., at the gate of entry (Conti et al. 2022).

Furthermore, unlike some developed countries and regions (e.g., the US, UK, and some parts of Europe), where anti-discriminatory laws prohibit people and employers from discriminating against LGBTs, there are laws that encourage direct discrimination in most parts of Africa (Pichon and Kourchoudian, 2019). According to the International LGBTI Association (ILGA), 33 of the 54 African states have laws that criminalise same-sex marriage, while in most of the remaining 21 countries where same-sex marriages are decriminalised, LGBT people do not

often have full rights (Mendos et al., 2020). Particularly in Nigeria – the study context – there is a very low acceptance rate and zero tolerance for homosexuality. More specifically, there are laws (e.g., Same Sex Marriage (Prohibition) Act 2013 (SSMPA)) that criminalise same-sex marriage in Nigeria. For example, there is a maximum penalty of 14 years in some states, while in others where the Sharia law exists, the maximum penalty is death by stoning (Human Dignity Trust, 2022). Generally, homosexuality is regarded as a ‘taboo’ based on religious, socio-cultural beliefs and political sentiments in Nigeria, leading to systemic discrimination, social exclusion, and adverse health effects for its LGBT community (Oginni et al., 2020; Ogunbajo et al., 2021).

While there has been an increase in the recognition and internalisation of LGBT rights largely due to the international pressure on countries to legitimatise laws that support these protected characteristics (i.e., sexual orientation), there are still overwhelming issues related to the equal rights of LGBT individuals, especially in the workplace (Yılmaz and Göçmen, 2016). Moreover, studies on LGBT rights and equal employment opportunities have been populated in the West, while less is known of the phenomenon in the global South despite the increasing levels of civilisation in the region. Against this backdrop, by using quantitative research methods, this study investigates the extent to which LGBTs in Nigeria face employment discrimination, particularly during recruitment. Consequently, our study aims to make important contributions to the literature. First, it will contribute to the extant literature on LGBT by examining the extent to which LGBTs face employment discrimination in a country (Nigeria) where homosexuality is criminalised, and LGBT rights and protection against discrimination are absent. Second, by contributing to the literature on stigma and workplace discrimination, our study will provide implications for research and policy on LGBT rights and protection.

Theoretical Background and Hypotheses Development

LGBT is a term used to describe the different sexual orientations existing within the gay and gender non-conforming culture. The LGBT movement dates back to the 1960s, and over time, various inclusive forms of initialism have described the different sexual and gender identities (Blakemore, 2021). In most African countries, including Nigeria, homosexuality is heavily criminalised. As the subject of this study, Nigeria has a sentence of up to 14 years imprisonment for individuals found guilty of being gay, and in the northern states where the Sharia law is practised, the maximum penalty is lapidation (Oginni et al., 2020). These discriminatory laws are not restricted to gays alone. ‘Cross-dressers’, gender non-conforming and transgender are not left out. Notably, the Nigerian Federal Penal Code (Northern states) defines a ‘vagabond’ as a man who is publicly dressed like a woman or engages in sodomy as a source of income or vocation, and gives the maximum punishment for these ‘vagabonds’ (Human Dignity Trust, 2022). Consequently, these discriminatory acts significantly impact LGBT disclosure and sexual identity in many countries, especially those with laws prohibiting homosexuality (Lloren and Parini, 2017).

Schmader and Sedikides (2018) posit that when an individual’s sense of self is widely acknowledged and affirmed in their specific environment, they tend to experience a better feeling of social fit, leading to an increase in their interpersonal fluency, i.e. being comfortable in themselves with others. This implies that LGBTs are more likely to disclose their gender and sexual identity when LGBT identity-related issues are widely accepted and validated. Thus, with more LGBT supportive practices in the workplace, more room is created for advanced discussions, further increasing the psychological satisfaction of the employee (Fletcher and Everly, 2021). More so, when recruiters are aware of their existence, laws against sexual orientation discrimination may minimise recruitment bias and prejudice at the gate of

employment (Cook and Glass, 2015). In many countries, asking applicants for their gender and sexual identity details is improper and illegal. However, this practice has still not been absorbed into the Nigerian recruitment culture. While many international firms give the option of picking the response “I prefer not to say”, or alternatively, provide more inclusive options for questions on gender/sex disclosure, most Nigerian firms give no such options or anything similar. Applicants are required to disclose these details whether or not they would prefer to, even though disclosure opens them up to different forms of discrimination and gender policing in the workplace (Immigration and Refugee Board of Canada, 2019).

The Stigma theory articulated by Erving Goffman in 1963 posits that stigma is a socially discrediting attribute that usually leads to the classification of people with certain attributes into undesirable stereotypes. Clair (2018) simplifies stigma as a word that connotes negative stereotypes. Thus, relating the stigma theory to workplace discrimination, this study focuses on the discrimination of LGBTs at the point of recruitment in Nigeria. Stigma and discrimination imply that certain persons are socially excluded based on particular attributes that discredit them from enjoying a ‘normal’ social or relational exchange with others (Nath, 2011). Generally, stigma and discrimination are socially constructed phenomena based on certain beliefs, norms and values found unworthy or undesirable, causing the stigmatised to be disqualified from social acceptance (Flanagan and Lewis, 2019). Consequently, exhibiting undesirable characteristics often leads to stereotypes, which influence the way people perceive and interact with members of disadvantaged groups (or out-groups), creating an in-group/out-group distinction (Stone and Wright, 2013). Thus, LGBTs often find themselves within the disadvantaged or out-groups based on several categorical information that leads to judgements and reactions to situations (Jacobs and Meeusen, 2021).

In Nigeria, attempts to promote protective laws for the rights of LGBT people have been beset with ambiguity, alterations, and outright disregard and neglect that leaves LGBTs unprotected (Oginni et al., 2020). While religion is regarded as the most important component influencing the widespread negative reaction to homosexuality in the country (Brewer, 2014), Ukonu et al. (2021) asserted that despite continued biased opinions about the LGBT community, most people agree that they should be given equal social rights and services. Brewer (2014) and NOI Polls (2017) agreed that the older one is, the more likely they are to hold highly negative views on homosexuality, while younger generations are more open to discussing the subject. The results are similar to a recent Gallup survey of Americans, showing that despite growth in support for same-sex marriage, the support differs across young adults (84%), middle-aged adults (72%) and older adults (60%) (McCarthy, 2021). Therefore, it would make sense to evaluate the disparities in age between those who favour or disapprove of LGBT in Nigeria. Thus, guiding our first hypothesis for the study:

H1: There are age differences in the support for recruiting LGBTs in Nigeria.

Furthermore, studies have examined how gender and support for LGBT rights vary generally. For instance, by collecting data from an IPSOS survey across 23 Western and non-Western countries, Bettinsoli et al. (2020) found that, on average, women were significantly more likely than men to support LGBT rights. Moreover, recent studies have shown that the preferences of recruiters are heavily impacted by a combination of race and gender, indicating that on the bases of expertise, employability, and charisma, men are usually rated higher by recruiters (Eaton et al., 2020), leading us to our second hypothesis:

H2: There are gender differences in the support for recruiting LGBT in Nigeria.

According to the literature on the attitudes and support for sub-groups of the LGBT community, the lesbian and gay communities, which are the most visible and influential sub-groups, are

typically the more accepted and supported compared to transgender people (Norton and Herek, 2013). For instance, in a study of 1020 respondents drawn from a national survey, Lewis et al. (2017) found that public opinions and attitudes towards transgender persons and policies affecting them are much more unfavourable than those towards homosexual men and lesbians and related policies. Specifically, in Nigeria, there appears to be a high preference for lesbians over gay men (Okanlawon, 2017; Olumide et al., 2018), especially among the heterosexual male population, most of whom express a profound bias against gay men. On this basis, we predict that:

H3: At least one of the gender identities (LGBT) faces more employment discrimination than the others in Nigeria.

In their study, Ukonu et al. (2021) examined the ongoing influences of socio-cultural institutions on the formation of opinion and decision-making due to the country's persistent atmosphere of unfavourable views of LGBT people. It addressed the consequences of institutional and political pressures on heterosexism and anti-homosexual prejudice in Nigeria. NOIPolls (2017) reported that 91% of Nigerians give no credence to the scientific or genetic justifications and explanations for sustained homosexual attraction, demonstrating that most Nigerians do not believe people can be born gay; and 83% of the surveyed expressed their unwillingness to accept a family member who claims to be homosexual. Most Nigerians believe that homosexuality is a violation of their culture and religious convictions (Oduah, 2014; Nwaubani, 2017) and, thus, is unacceptable. Ukonu et al. (2021) further revealed that the increased gay rights movement in Nigeria could lead to a legal issue and even cause strained family ties, as some people still continue to hold strong anti-homosexual sentiments. Thus, they predict a high possibility of future violence against the LGBTI community and their allies, advising that Rights activists should keep track of this and develop social media conversations that will aid the community in dealing with the problem. Based on these, we predict that:

H4: Religion, socio-cultural beliefs and political sentiments trigger LGBT discrimination in the workplace in Nigeria.

The Nigerian government's policy to criminalise homosexual partnerships is commonly assumed to be based primarily on deference for traditional cum religious values, but Ehiemua (2020) believes that the only valid reason for restricting fundamental human rights is when it can be proved that harm is caused to others. Ultimately, against this backdrop, this study investigates the extent to which LGBTs in Nigeria face employment discrimination, particularly during recruitment.

Methods

Given that this is a developmental paper, we are currently at the data analysis stage following data collection. Google Forms was used as the survey tool for data collection, and participants were emailed an online link to the survey as well as an informed consent form. We sampled participants across the country using the snowballing sampling technique, relying on the recommendations of our first contacts who were part of our network. A total of 259 participants were recruited from the survey, including 137 men, 116 women and 6 participants who preferred not to identify their gender.

Given that the participants were both employers and employees, we instructed that they all assume a recruiter position tasked with hiring an individual from a pool of job applicants. They were asked to rate their likelihood of hiring an individual based on their sexual orientation in the survey on a 5-point scale, ranging from strongly agree to strongly disagree.

During the conference, we will be able to present the findings of our study.

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