

Legal Eyesight

What corporate legal departments can do for LGBT and its allies

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“LGBT” is a term more frequently seen and heard in the last couple of years. LGBT is an initialism for sexual minorities, namely lesbian, gay, bisexual, and transgender persons. While research conducted by the Dentsu Diversity Lab (2015) found that 7.6% of the Japanese population is LGBT, it seems a majority of Japanese people think that this does not apply to the people around them. The reality, however, is that many LGBT persons cannot be identified by appearance or voice, and they simply “cannot come out” due to deeply-rooted societal prejudice.

Here is where “allies” play an important role. The word “ally” originates from Middle English (bond, supporter) and refers to an advocate who understands LGBT and other sexual minorities and thinks about and acts on what he/she can do [for the LGBT community]. With regard to corporations, in addition to tangible measures such as insisting on prohibition of discrimination against LGBT in the ethics code and equal treatment of same-sex partners as spouses under human resource policy, an intangible improvement in the form of allies at work can also relieve anxiety and create a truly worker-friendly workplace. My company has an active internal network in which employees voluntarily participate under the slogan of “Let’s become an ally!” I myself have become an ally and support [LGBT co-workers]. As I was thinking of ways to further contribute to society as a person in charge of legal affairs, I learned of “Lawyers for LGBT and Allies Network (LLAN)” and joined this group in the fall of 2016. LLAN’s previous projects include drafting and submitting the “Foreign Law Report On Equal Marriage” to the Nichibenren [Japan Federation of Bar Associations], presenting at the “Rainbow Law Study Group” held by Tokyo Rainbow Pride in 2017, and holding panel discussions with various guests, networking events, and film screenings. In September of this year, LLAN will also host a “LGBT Rights in the Asia-Pacific” lunch session at the LAWASIA Conference – Tokyo 2017.

As part of its recommendation titled “Toward the Realization of a Diverse and Inclusive Society” published on May 16 of this year, the Keidanren posted the following results of a survey of member companies: “More than 90% of companies recognize the need for efforts on LGBT issues” and “Three-fourths of companies are already carrying out or planning to start measures on LGBT issues.” Given that the response rate to the survey was only 15%, however, there is room here for the Association of Corporate Legal Departments to contribute.

Specifically, collaboration between the group of legal professionals (including LGBT members) who have joined LLAN and the Association of Corporate Legal Departments, comprised of in-house legal experts, can be expected to accelerate efforts by Japanese corporate society, promote work environments where sexual minorities can proactively express their individuality, and let workers in such environment in turn facilitate understanding and acceptance among family members and friends.

Further progress can also be seen overseas, where there are cases of private enterprises uniting to support LGBT persons. For example, at the time of the 2015 landmark Obergefell decision in

[Translation]

which the United States Supreme Court held that prohibition of same-sex marriage is unconstitutional, 379 major corporations and organizations (including 40 of the Fortune 100 companies) submitted a brief essentially stating that the prohibition of same-sex marriage prevents private enterprises from securing highly-qualified employees, and could even hamper economic growth. Japan could be presented with a similar opportunity in the future, and when it is, I believe a collaborative assembly of persons in charge of legal affairs of the 1,200 member companies under the Association of Corporate Legal Departments would provide a significant boost.