



## LGBTQ+ History Month 2022

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Last year, [Paul Quain](#) wrote an incredibly powerful and informative [article](#) off the back of the award-winning TV show *It's a Sin*, which looked back at cases of sexual orientation discrimination in the workplace and how far we have come since those cases. I can't promise this piece will be as poignant, but I'm willing to give it a good shot and try to live up to the high standards Paul has set.

Rather than rehashing what you might all already know about topics such as workplace harassment, the need for good diversity and inclusion strategies/policies, and anti-discrimination practices; my mind focused in on the word 'history', and I began to think about what areas of legal history I could talk about as a gay man.

So, I thought I would go for a short history on how a tiny subsection of quite a boring piece of local government legislation, and how that subsection geared public life, society, workplaces and more into silence on LGBTQ+ matters. This should then show the importance, now, for why an open and supportive work environment can help retain and foster LGBTQ+ talent.



## The Inception of Section 28

From 1988 to 2003, Section 28 of the Local Government Act was in force, which specified that a local authority couldn't intentionally promote homosexuality, or promote the teaching of the acceptability of homosexuality as a pretended family relationship.

This was waved through Parliament and became law, known shorthand as "Section 28". In essence, it prohibited schools from teaching or acknowledging the existence of gay people, prevented public libraries from having any books on their shelves which were seen to be 'promoting homosexuality', and in practice removed any discourse on LGBTQ+ issues from the public sphere.

## Fast-forward to Today

Whilst Section 28 only had a direct legal impact on local authorities, it fed into attitudes, sadly all too pervasive at the time, that the LGBTQ+ community was not to be spoken of and should be pushed to the margins of society. This likely had an impact on both public and private sector workplaces too, creating a chilling effect that encouraged the silencing and erasure to people who were openly different and evidently homosexual.

More than simply shunning LGBT issues into silence, it also created an atmosphere whereby homophobic bullying and abuse could go unchecked, with a [study](#) finding that 82% of school teachers (in the year 2000) were aware of homophobic verbal bullying, and 56% of those said that section 28's continued existence made dealing with this bullying difficult.

It is no coincidence that the three cases discussed in Paul's aforementioned [article](#) all arose during the time period when Section 28 was in force.

Whilst Section 28 was repealed in 2003, this was, unfortunately, not accompanied with any meaningful counter action to rectify the damage that had been done over the prior two decades. The legacy of Section 28 lingered for years afterwards. Anecdotally, the first time I heard any mention of homosexual relationships or existence in my education would have been in 2010 in the first year of my GCSEs, in the context of religious attitudes towards homosexuality (which, from memory, was not exactly an affirmative or positive lesson to experience).

It was not until 2019 a law was passed in the UK making it mandatory for all schools in England and Wales to teach relationship and sex education, including LGBTQ+ relationships.

## Being Open in the Workplace

The reason for this history lesson is that there is, I believe, an important fable here for employers. Whilst we can assume no employers nowadays have any policies in place which strictly prohibit employees from expressing their sexual orientation (if you do, please immediately seek our legal advice...); many employers may have work to do to ensure they are positively supporting and fostering LGBTQ+ inclusion, mirroring the post-2003 to pre-2019 era in relationship education. Without putting in active work to achieve this, it could lead to a workplace without any diversity and one which could face serious issues, whether intentionally or not, with discrimination. It is far more beneficial in terms of employee wellbeing and productivity, to ensure you're actively harbouring LGBTQ+ talent in your team and ensuring they are properly supported.