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# Gender Diversity and Inequality of Government Agencies in Thailand

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## Abstract

This article aims to study the gender diversity and inequality that occurs in government agencies in Thailand. This includes refraining from or discriminating against Gender Diversity in the workplace. The issue of discrimination against gender diversity in government agencies in Thailand is an issue that many sectors of Thai society are interested in today because it is an issue related to human rights principles that it is a universal practice that respects differences and non-discrimination as one of the fundamental requirements of equality as human beings, as well as respect for each other's rights. The study found that improving the promotion and support of equality and non-discrimination in government agencies still faces many problems in the areas of knowledge, understanding, and cooperation, which are the main obstacles leading to this leads to discrimination and inequality in government agencies and leads to the problem of inequality and misunderstanding between agencies which violates the fundamental rights of citizenship and human dignity. This is because, in Thai society, acceptance of gender diversity in Thailand is still a new matter which requires all sectors in society to collaborate to create knowledge, understanding, and respecting the rights of gender diversity in Thailand leads to peaceful and non-discriminatory coexistence.

**Keywords:** Government Agencies, Gender Diversity, Inequality, Human Rights

## 1. Introduction

Personnel is considered the heart of effective management strategies and goals, such as the Resource Dependence Theory that human resources are very important to the maintenance of the organization. The existence and development of the organization and the capacity of the organization depend on the capabilities of people (Noknoi, J., 2009). Especially in an age where there is a diversity of human resources. The organization needs to be managed to keep up with the changes in today's dynamic world, as well as take opportunities and diversity of human resources in society without discrimination.

Therefore, the management of diversity (diversity management) of personnel within the organization has become an important strategy in driving the organization to be able to move forward steadily and sustainably. Because the diversity of personnel in the department will create opportunities for the organization in terms of accepting differences that lead to the development of skills in working together and responding to the diversity today.

In today's global society, the new way of managing government agencies is consistent with the concept of non-discrimination and the concept of equality of opportunities for personnel in the organization. In today's organizations, human resources are diverse, so the issue of non-discrimination and equality in the organization is a concern for all sectors. And the world forum has paid great attention to this issue (Bilkis, A., Habib, S. B. & Sharmin, T., 2010).

These are all international issues that are inevitably related to human rights. This affects the image of the country in a holistic manner on human rights, which is an important principle

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that the United Nations General Assembly, consisting of members of various countries, has adopted and promulgated the Universal Declaration of Human Rights. (United Nations, 1948) which countries are obliged to respect the principles of human rights enshrined in this Declaration.

Discrimination has brought about the Equal Opportunity Theory to address injustices in society, thus achieving equal opportunity in the workplace by eliminating the so-called “glass ceiling”, which is a metaphor meaning “Invisible obstacles” (Naff, K. C. & Riccucci, N. M., 2008). that become obstacles to the operation of the organization.

Discrimination and inequality in an organization can occur at various stages of operations, Such as Job Selection. Promotion, Welfare, Salary, Assignment or consideration for dismissal (Naff, K. C., Riccucci, N. M. & Freyss, S. F., 2014).

Regarding the work of government agencies in eliminating inequality against gender diversity people, working in government agencies should be promoted as a mission that everyone can be a part of. In selecting personnel to work, it is forbidden to discriminate. In particular, do not select only the person or group you want. Or cut out the person or group you want by using personal feelings to judge. And in government agencies, personnel must be given the opportunity to work and be treated equally without discrimination. If government agencies are unable to eliminate discrimination among certain groups of personnel, it will affect the overall management of government agencies for development and efficiency. (Kalayanamit, K., Sukmaitree, J. & Vuttivoradit, S. (2022).

## **2. The Concept of Human Rights**

Gender Diversity persons and inequality in the government are directly related to the notion of human rights. The concept of human rights is a fundamental right that comes from the dignity that is inherent in every human being since birth. Human rights are not created by law or legislation and are not created by the state. But human rights are the rights of every individual human being, so states have a duty to respect, protect and fulfill human rights. This can be explained as follows: 1) Obligations to be respected. That is, the state must refrain from violating rights. The state must not take any action that violates the rights of individuals. 2) Obligations to protect that is, states must protect and prevent others from violating their rights; and 3) obligations that must be fulfilled. States must take measures to ensure access to all rights under their laws (Dutta, K., 2008).

The Human Rights Declaration Principles address key issues relating to the right to fair labor in Article 23, with the key principles being: 1) Everyone has the right to work. to choose to work freely on fair conditions and benefits of work and in protection against unemployment. 2) Everyone has the right to equal pay. 3) Everyone who works has the right to a fair and favorable remuneration providing insurance for himself and his family. which is worthy of human dignity and, if necessary, additional means of social protection shall be provided; and 4) Everyone has the right to organize. and to join the labor union for the protection of their interests (Phiang-udon, S., 2015)

Therefore, the concept of human rights based on the principle of equality of all persons is equal. Therefore, it is in line with working in government agencies that must assume that all persons are equal in working with government agencies. It is not possible to discriminate against the job for any reason other than knowledge and competency, which is the personal qualifications of the applicant. This will give all citizens equality in working with government agencies (The Office of the Administrative Courts of Thailand, 2009).

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### **3. The Concept of Gender Diversity**

In the past, when the word “gender” was mentioned, it meant masculine and feminine. but only But it is now generally accepted that gender is a dynamic and fluid social construct (sexual fluidity)

Issues of discrimination against Gender Diversity people in the workplace this is related to the issue of harassment and differential treatment. (Differential treatment) based on people with gender diversity. It was originally referred to as “Sexual Preference” or “Affectional Preference” (Gossett, C. W., 2012) or is now collectively referred to as LGBTQ (lesbian, gay, bisexual, transgender/transsexual, and questioning transgendered persons). This group of people has been exposed to opportunities and discrimination in the workplace since the late 1950s. And nowadays, the definition of LGBTQ has been expanded by adding an “I” to that group, “Intersex,” which means someone born with a different physical appearance. Until the gender cannot be clearly identified, such as having both sexes from birth with abnormal amounts of hormones or sex chromosomes.

Gender Diversity persons have the same rights and liberties in life and physique in the legal system as other peoples when considering provisions or principles such as The Universal Declaration of Sexual Rights, and Yogyakarta Principles, Including the constitution of each country that provides protection consisting of the right to life. It is a fundamental right that shows that human beings are free to determine themselves. As provided for in Article 6 of the International Covenant on Civil and Political Rights. It's the right of every person. Gender Diversity people have the same rights as other people. States should respect and must not commit any acts of abuse against such persons, including discrimination amongst themselves, in violation of this core principle.

In the field of international principles although there is no specific law on the rights of gender diversity. But inequality and non-discrimination on the basis of sex, gender, and sexuality are guaranteed in almost every international law. But because discrimination against people of different sexuality than the mainstream is still common. Therefore making activists Rights activists have come together to draft principles on the application of international human rights law on sexuality and gender identity. Known as the Yogyakarta Principles (Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity), it affirms rights under international human rights law on sexual orientation and gender identity. Gender identity is binding on States parties to fulfill their obligations to ensure equal and equitable protection of Gender Diversity persons.

Discrimination on the grounds of sexual orientation and gender identity (SOGI) has been recognized in international law, and developments in recent years have led to an increased focus on the prevalence of discrimination against Gender Diversity persons around the world. While some countries have adopted legal provisions prohibiting discrimination against gender diversity persons, most countries have not (Suriyasarn, B., 2014).

### **4. Gender Diversity and Inequality in Thailand**

Thai law does not criminalize homosexuality or explicitly ban discrimination on the grounds of sexual orientation and gender identity. However, persons of diverse sexual orientations and gender identities are generally not recognized in the Thai legal system, which strictly and explicitly identifies persons in the law only by the male and female genders.<sup>34</sup> There are as yet no Thai laws that deal directly with persons of diverse sexualities. (Suriyasarn, B., 2014). Although many organizations support and promote the human rights of gender diversity persons for equality, restrictions are still found due to opponents' resistance, and unfair discrimination for reasons of sexual identity. There is a belief in Thai society that gender

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consists of only males and females. As a result, LGBT groups have encountered abuse of human rights in various forms and unfair stigma from society. These actions are considered against the Universal Declaration of Human Rights (Mongkhonsuebsakul, A., 2018)

### **5. Guideline to Support Gender Diversity**

Discrimination against gender diversity persons can use the principles of good governance (good governance) in personnel management, which is a new principle of public administration. Good governance Refers to the principle of governance, management, management, and supervision of the business in accordance with morality, which has the principle of "equality" (equity) as one of the key elements. By receiving equal treatment and service (Office of the Civil Service Commission, 2019). Based on principles of respect for human rights respect for the law respect for differences a combination of policies and practices is essential to help end discrimination in the workplace, especially among gender diversity persons in the organization.

In government agencies, it is considered a workplace where personnel is diverse in various fields, thus treating each other with equality and non-discrimination will help build unity and unity. The same organization is based on the principles of the Constitution of the Kingdom of Thailand, 2017, which stated that "persons shall have equality in law" have rights and liberties, and are equally protected by law Men and women have equal rights. Unfair discrimination against individuals whether for reasons of differences in origin, race, language, age, disability, physical condition or health; person's status economic or social status religious beliefs Education and training, or political opinions which are not contrary to the provisions of the Constitution or any other cause shall not be allowed" (Constitution of the Kingdom of Thailand, 2017).

Effective action against discrimination of gender diversity in the workplace involves responsive laws, policies and mechanisms, responsive human resources and practices, as well as more education and social dialogue towards a better understanding of gender diversity rights and acceptance of gender diversity as full and equal members of society. More cooperation from all key stakeholders is needed to ensure that gender diversity rights are respected and protected (Suriyasarn, B, 2014).

Following are the legislative and policy recommendations for government, employers' and workers' organizations, to promote rights, diversity and equality for workers of diverse sexual orientations and gender identities in employment and occupation in Thailand (Suriyasarn, B, 2014).

### **6. Conclusion**

Although today's world society has driven and come out to demand the rights of people with diverse sexual orientations widely, in the government agencies in Thailand there is no clear provision or law regarding the protection of rights of gender diversity persons.

A study of inequality among gender diversity persons in government agencies in Thailand reveals that government agencies continue to focus on the issue of discrimination and inequality in opportunities. Less work than other areas, such as the strategy to drive the agency. Mission performance implementation of government policies there is little or no mention of or significant provisions related to discrimination against gender diversity persons. This shows that Inequality and discrimination against gender diversity persons are not as important as they should be.

Government Agencies in Thailand must promote acceptance of gender equality and diversity in the workplace by preventing and eliminating a hostile work environment and violence at

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work for people of all sexual orientations and gender identities.

Legislative and policy recommendations for government, employers and workers' organizations, gender diversity organizations, and civil society, to promote rights, diversity, and equality for workers of diverse sexual orientations and gender identities in employment and occupation in Thailand. It requires cooperation from all sectors. whether it is the public sector, the private sector, or the civil society sector in communicating to promote and build knowledge and understanding of living with people of gender diversity equally especially in government agencies All sectors of the organization should contribute to promoting diverse inclusion within the organization and ending unfair and inequitable discrimination within the organization against these groups that is contrary to international principles. And it is an obstacle to driving and operating efficiently.

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