Human Rights and Inclusion in the Labor and Educational Context in an Organization in Porto Velho (RO): An Approach from the Perspective of Sexual Diversity

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ABSTRACT
This article makes possible the reflection on the inclusion of the LGBT (lesbian, gay, bisexual, transvestite, transsexual and transgender) follow-up in the labor and educational context, highlighting a struggle for gender equality and softening the prejudice generated by decades. It is of great importance to the portrayed form about the promotion of genres and the historical context in which the work was developed for analysis at the national and international level with the promotion of Human Rights promoted by International entities like the UN, and demonstrating how violence happens and physical, psychological and moral aggressions, making clear the concern about homophobia, but specifically, in the labor and educational context little explored, so this article aims to investigate ways to promote equality of human rights and LGBT inclusion through the empirical method, research bibliographical, interview, and questionnaire, to obtain knowledge through an Institution analyzed in Porto Velho - RO.

Keywords: Gender Equality, Human Rights, LGBT Inclusion, Promotion of Work.

I. INTRODUCTION
As Brazil is a secular country in which the democratic regime prevails, it is necessary to have the diversity of races and nations, as well as education for the promotion of equal rights. However, it cannot be overlooked that from the 1980s onwards, with the acquired immunodeficiency syndrome (AIDS) epidemic, there was a social transformation in which the idea of risk groups was designated, highlighting the prejudice against LGBT people. (Lesbians, gays, bisexuals, transvestites, transsexuals and transgenders) and reinforcing the inequality of rights in the business world, as it could not demonstrate its right to its personal identity, being repressed in the face of its context.

LGBT is an acronym that includes individuals who feel sexual or affective attraction to other people of the same sex, and are classified before society as homosexuals, women who like the same sex called lesbians, men who like the same sex called gays, bisexuals who are people who are attracted to individuals of both sexes. And transvestites and transsexuals who are transgendered, their identity does not align with the sex assigned at birth (Sanchez, 2009).

For a better understanding, it is necessary to remember that in the 1970s, the historical movement began through homosexual men, listing issues of gender and sexuality diversities, highlighting their ability as a political subject to discuss and highlight the struggle for rights and better conditions in a general context, from this moment onwards the movement gained allies who began to assert themselves in society, such as lesbians, transvestites, and transsexuals, not forgetting that there were successions of events over the years until the arrival of the 2000s where bisexuals were present and visible to movement recognition.

Therefore, the research article aims to investigate ways to encourage equal rights and inclusion of LGBT - Lesbians, gays, bisexuals, transvestites, transsexuals, and transgenders within organizations in general, researching the issue of LGBT inclusion in the labor context and education to guarantee their respective rights.

Certainly, when fighting homo-lesbo-transphobia, direct and indirect collective awareness through legal and social...
means is essential. As demonstrated by Nardi (2013), the term homophobia has also been used to define public programs and policies, in addition to assuming a generic meaning that designates all forms of prejudice and discrimination against the LGBT population. 

Humanity in its permanent and broad confrontation must pay attention to a work environment permeated with serenity, safety, and comfort that encourages each and every worker to dedicate the maximum of their ability to the enterprise that ensures their survival and that of their dependents. 

The employer and its representatives at different levels of hierarchy also have a duty to build a healthy organizational climate based fundamentally on merit, and on individual and team development. 

For this reason, the methodology will be a bibliographic review and field research where a structured questionnaire was prepared for teachers, students, and employees, and a questionnaire with open questions for the manager in the format of an interview. 

In this way, the organization will be able to promote lectures, forums, and group dynamics for socialization and team development, seeking interaction with the promotions developed by the International Labor Organization (ILO) to provide strategies within the organization with the intention of minimizing the extrinsic and intrinsic prejudice. 

II. THEORETICAL BACKGROUND

A. Historical Context of Human Rights

In the French declaration, only rights that supported the high bourgeoisie were recognized, these civil and political rights were limited only to men. In 1848, the French Constitution was promulgated, enshrining individual rights such as security, equality, liberty, political rights, property rights, due process of law, and ample defense, among others, it is worth mentioning that in this period several States began to organize and edit constitutions in the interest of guaranteeing rights. 

It is important to remember the classification of human rights through their dimensions the first dimension, where the rights to freedom are listed, with immediate applicability, restricting the power of the State; the second dimension, which is the rights to equality, which was highlighted in the scenario of the Industrial Revolution, where social movements in defense of workers took place, due to the lamentable conditions of working environments that were subjected to the workers and the incessant search to establish better working conditions (Malheiro, 2016). 

The third dimension, on the other hand, is constituted by diffuse and collective rights, being rights of fraternity or solidarity, the right to communication, the environment, the common heritage of humanity, among others; the fourth dimension is the rights of peoples, the right to preserve the human being, involving spheres such as protection against unbridled globalization, the right to democracy and others; and the fifth dimension, being the most desired by nations, the right to peace, a need listed by events of the 21st century, which violate human rights in their entirety (Malheiro, 2016). 

Going back in history around the 19th century, between the years 1914 to 1918 as a result of the 1st World War, there was a concern of the States in relation to social rights, thus giving rise to the constitutions of social and socialist aspects. According to Leite (2014), "the Mexican Constitution of 1917 is the first to establish the social rights of workers as fundamental rights. Shortly after, in 1919, in Germany, the Constitution was promulgated, which consisted of the dualist structure, which one part was destined exclusively for the organization of the State and the other related to fundamental rights and duties. 

Certainly, in the Second World War there were thousands of deaths and unnecessary injuries in various regions of the world, after this sad historical episode, around 1945, the United Nations - UN was created in order to maintain peace between the Nations. 

In response to these attacks carried out during the Second World War against several people in an inhuman and oppressive way, the Universal Declaration of Human Rights – UDHR was promulgated by the Third General Assembly of the UN, through Resolution No. Dignity is inherent to all members of the human family endowed with inalienable rights, fundamental to dignity such as freedom, the right to come, the equality of men and women, among other rights, favoring social progress (Leite, 2014). 

The catalog of human rights provided for in the Universal Declaration through the International Covenant on Civil and Political Rights was expanded, including the right to self-determination, the right of children in relation to the family, society, and the State (art. 24), the right of minorities regarding the maintenance of their identities, languages, cultures, and religions (art. 27) and the right not to be arrested for breach of contractual obligation (art. 11) (Leite, 2014). 

It was only in 1991 with legislative decree nº 226 that Brazil ratified the two pacts (Pact on Civil and Political Rights and Pact on Economic, Social and Cultural Rights) and being promulgated by Decrees 591 and 592, both of July 6, 1992, despite Brazil being one of the richest countries in the world, in the Human and Social Development Index – HDI, it occupies the 73rd place, advancing against social inequality, but insufficient to eradicate the problem once and for all (Leite, 2014). 

It is necessary to remember that at certain moments in history homosexuality was highlighted as a pathology or as a sexual deviation of an individual, often due to ignorance, taboos of irrational beliefs without scientific basis, or even the silence on the subject that generated the lack impediment for further investigations. 

Recalling history, it is essential to consider that many people, even in current times, lived under dictatorial regimes, where they linked erroneous or even perverse beliefs and ideas about homosexuality, they constituted families as parents and grandparents of homosexuals, creating difficulties in accepting and making prejudice evident, preventing their children and grandchildren from demonstrating their sexual orientation (Sanchez, 2009). 

It is worth mentioning that at the time of the dictatorship and until recently, homosexual people were seen by their families as a mistake that contradicted the family project adopted by society, causing their parents not to want it, and they felt guilty, badly, because they believed that the education transmitted to their children was completely
wrong, instead of supporting, understanding and trying to alleviate the suffering imposed by society.

Faced with evolution, it is necessary to differentiate and understand homophobia and biphobia, similar in fear, rejection, fear, and differentiated in their context, because homophobia is fear, it is a rejection that reaches several levels, prejudice against homosexuals, being so strong in some people that they even admit aggression and violence with an elevation of a simple insult to murder (Sanchez, 2009).

In relation to biphobia, it is materialized by the rejection and hostility that individuals have towards bisexuals and even LGBT people who are bisexual, transmitting and evidencing hatred of sexual behavior and culture in relation to gender adversity.

B. Genre Promotion

Each human being is a single person who may or may not have common characteristics, depending on the social environment in which they live, their regional, family, and economic factors that directly and indirectly influence their coexistence in the world. We grew up in a context in which men and women are endowed with rules and norms imposed by society, such as that saying that men don't cry; women are too sensitive; man puts up with everything, on the other hand, polemical forms and attitudes that show the discrimination of his own self in a universal context.

For biological science, sex determination is based on the size of its cells, being large cells: eggs, therefore, female, and small cells: sperm, male, but not defining male or female behavior, as it requires a self-perception of person, as it is expressed in society, thus involving the culture in which the individual is inserted (Jaqueline, 2012).

Realizing the point of view in which globalization moves information quickly, and depending on the social groups inserted in this context, the analysis of prejudice or not is inherent, but with a certainty of the breadth of the subject by the democracy lived in the country, since the sexual diversity it encompasses nations and concerns of organizations such as the International Labor Organization (ILO), the Joint United Nations Program on HIV/AIDS (UNAIDS), among others for the promotion of equal rights with those who are likely to be said to be different in a given society.

For these and other reasons, it is essential that companies that are independent of their professionals hold lectures to raise awareness of the promotion of rights among sexual diversity, carry out research to identify possible prejudices to later outline strategies with other sectors, and make an intervention, if necessary. seek guidance with social and psychological sectors in the interaction of work, thus relating interdisciplinarity with the current real world.

Taking into account that all people are subject to rights and duties and not being reduced to just a nationality, but to a historical and cultural context, many gains have been observed by social movements such as feminism, AIDS, and LGBT, however minimum in relation to a national and international totality and diversity, in which they still experience a situation of limitations and deprivation of opportunity (Uziel, 2011).

It is true that at every moment the ILO in partnership with the United Nations (UN) seeks the interaction of organizations to combat homo-lesbo-phobia among the various social circles.

1) Promotion of Gender, Racial and LGBT Equality: Decent Work Agenda

The promotion of the Decent Work Agenda has been worked on since 2000 by the ILO in Brazil, being a transversal axis, in which it moves reflections on issues such as gender and race equality.

In order to promote decent work equality, the ILO has carried out several broad studies. In Brazil, it has applied precise guidelines to incorporate all diagnoses and technical assistance proposals, with the aim of developing indicators to minimize existing discrimination in the labor market.

According to Abramo (2015), the fight against discrimination and the promotion of gender and racial equality is a constitutive part of the National Agenda for Decent Work (ANTD), of the National Plan for Employment and Decent Work (PNETD), of the Agency National Decent Work for Youth (ANTDJ), and the decent work agendas of the state of Bahia, the Greater ABC Region and Curitiba. Based on the realization of the importance of this theme for the promotion of decent work, and continuing a series of initiatives developed in the country towards the effective incorporation of this dimension into public policies, the ANTD Interministerial Executive Committee was created, in October 2010, the Subcommittee on Combating Racism Promoting Racial Equality and, in December 2011, the Subcommittee on Gender Equality.

It is an initiative that expressed the recognition of social inequalities in the labor market to promote inclusion and the development of equal opportunities for all, especially in terms of gender and race.

Not forgetting that it is essential to clarify that many organizations and educational institutions see adapting and promoting environments that inhibit prejudice and discrimination, as a task that requires dedication over time and that comes up against traditional public or private institutions that do not accept the differences that have occurred in the society, thereby leveraging and bringing barriers to the acceptance of homosexuals without disabilities, imagine those individuals with sexual orientation said to be different from society and with some disability, whether physical or mental.

The disabled have been fighting for decades for better conditions within society and organizational environments, but very little viewed and respected, since regulations and laws are needed to impose on companies and society what should be born.

If for a hearing-impaired person there is prejudice and discrimination visible in the business world, we imagine and take as examples people who are deaf or hearing impaired, accessibility being complex in public offices, private companies, and even in society, due to the lack of education and knowledge of sign language, imagine with the atypical sexual orientation of the popular “normal” sayings.

For this reason, there was a concern to address issues aimed at situations of LGBT people with disabilities, with the campaign being launched on the Dois Terços website for 2017, on the International Day for the Fight against Homophobia – May 17, with the primary objective of highlighting questions about prejudice and discrimination in
relation to the sexual orientation of people with disabilities, whether wheelchair users, amputees, blind people, or deaf people, among others, identifying the need to design and implement precise government programs for certain situations and promoting discussions with existing programs that involve health, accessibility, and issues so-called “controversies” aimed at this audience (Coutinho, 2017).

2) Promotion of Decent Work for LGBT people

One of the main aspects of the Decent Work Agenda is precisely the fight against all forms of discrimination at work, and with the perspective of guaranteeing better conditions for the rights of the LGBT population, the ILO counts on the cooperation of other UN agencies.

In the 1958 ILO Convention n.111, ratified by Brazil in 1965, one of the fundamental principles was the fight against discrimination in employment and occupation, it is worth remembering that one of the objectives to guarantee equal rights is enshrined in the Universal Declaration of Human Rights, which states in its opening: “all human beings are born free and equal in dignity and rights” (Abralo, 2015).

It is worth clarifying that the LGBT population has always been present in the labor field and in the incessant struggle for the promotion of equal rights, however, this theme has recently been focused at the UN with explicit manifestations in 2011, in which the UN Human Rights Council approved a resolution on the matter, expressing strong concern about the violence and discrimination that affect individuals because of their sexual orientation.

Abramo (2015) mentions that on September 26, 2014, the UN adopted a resolution that inquiries about human rights, sexual orientations, and gender identity, obtaining 25 votes in favor and 14 against. Thus, it expressed those acts of violence and discrimination against all which people of sexual orientation and gender identity were committed.

Brazil, one of the member states of the Americas present at the UN Human Rights Council and one of the countries that presented a draft resolution, highlighted that the UN human rights mechanisms had recorded serious violations of people’s rights in relation to sexual orientation, and gender identity in different countries and regions of the world, and emphasized the fight to protect the LGBT population against any type of violence (Abrama, 2015).

It is necessary that countries give priority to the rights of LGBT people on a global level, developing global policies and campaigns to combat homophobic and transphobic violence and discrimination, aiming to raise awareness of organizations for a harmonious environment in favor of social inclusion. In 2013, the UN developed the “Born Free and Equal” campaign, launched in the city of São Paulo with the intention of raising awareness against discrimination.

According to the International Labor Organization – ILO, in March 2013 the Forum of LGBT companies and rights was created, which brings together 31 large companies to commit to the objective of influencing the business environment and society in the promotion of LGBT rights, counting on the support from UN Women, UNAIDS and the UN Free & Equal Campaign (Ilo, 2016).

For the Forum, the issue related to diversity has a decisive and important economic factor, since it involves employees and the organizational climate, directly affecting production, creativity, and their own self-esteem. It periodically holds open meetings to share best practices with society in general, and with the aim of guiding companies in an appropriate way on the subject, it has prepared the “Ten commitments for the promotion of LGBT Rights” (Ilo, 2016).

Faced with a broad and evolving context, it is necessary to understand that human rights encompass international rights known as international treaties and that these must be respected by their signatories.

According to Monteiro (2011), this is how the Constitution of the Republic, in its art. 102, III, b, prescribes that “it is incumbent upon the Federal Supreme Court, primarily, to guard the Constitution, and it is incumbent upon it to judge, by means of an extraordinary appeal, cases decided in the sole or last instance, when the contested decision declares the unconstitutionality of a treaty or federal law”, allowing the inference that, if an international treaty can be declared unconstitutional by the Supreme Court, its hierarchical position is infraconstitutional.

The treaties incorporated prior to constitutional amendment 45/2004 are not equivalent to such amendments, however, with the insertion of §3 to art. 5 becomes equivalent to constitutional amendments with regard to human rights, being subject to constitutionality control as long as their requirements are obeyed.

It is worth noting that according to Oscar Vieira (2006, p. 42), in the case of § 3, the Constitution determines the assimilation to fundamental rights of those rights arising from treaties to which Brazil is a party, provided that they are approved by a quorum of three-fifths of the members of the National Congress - that is, the same quorum required for amendments to the Constitution. This issue does not seem to offer so many doubts about the constitutional reform imposed by Amendment n. 45/2004.

As seen, such statements must comply with the provision of art. 5, §3, emphasizing that the international treaties in force before Constitutional Amendment 45/2004 have purely material requirements, having supraregional status.

The expression “fundamental rights” are rights recognized and guaranteed by positive law, being designated in the internal scope, and in contrast, the expression human rights refer to the rights affirmed in international conventions and declarations, as well as requirements related to dignity, freedom, and equality, of the person in each historical moment, being recognized nationally and internationally by legal systems, the latter in their material sense (Almeida, 2011).

C. Access to Justice

It is noteworthy to emphasize that the guarantee of access to justice is expressly listed in the provisions of article 5, XXXV, of the Magna Carta, which states that “the law shall not exclude injury or threat to the right from the Judiciary’s assessment”, comprising the right to invoke the jurisdictional provision as a fair and effective order (Cianci, 2009).

When citing the manifestation of access to justice, it is relevant to identify the monopoly exercised by the State in relation to the jurisdictional function, where it removes from the individual the possibility of exercising his own action to claim his rights through third parties outside the relationship (Cianci, 2009).
It is true that this position taken by the State in the provision of jurisdiction stems from an interest in the protection of objective law, and its fair and necessary application (Cianci, 2009). Due to the need for better conditions related to gender, human rights experts gathered in the city of Yogyakarta - Indonesia, in their own name without State representatives, developed principles in which they became known as Yogyakarta principles, composing the law in formation and representing paths when interpreting equality and combating discrimination based on sexual orientation (Ramos, 2017).

The application of general rules of rights to specific situations that generate prejudice and discrimination becomes philosophical and pragmatic since there is resistance from some States to participate and elaborate texts such as treaties or other means that encourage sexual orientation and gender identity (Ramos, 2017).

It should be taken into account that the principles invoke rights generically provided for in international human rights treaties, precisely to seek gender equality and reduce discrimination in relation to sexual orientation, among other diverse topics. Through studies evidenced by researchers, sexual orientation is defined as an individual's ability to experience affectionate attraction, whether emotional or sexual, for people of different genders.

Gender identity, on the other hand, is part of an internal perception that the individual has in relation to their own gender, it is often not attributed to the sex of their birth, including or excluding expressions of gender such as the personal feeling of the body and the way of dressing, themselves and communicate (Ramos, 2017). There are 29 (twenty-nine) principles related to sexual dignity and gender identity that prescribe specific guidelines for states with the objective of guaranteeing the integrity of individuals by providing dignity. It is noteworthy that principles 1 and 2 express the universal enjoyment of human rights and equality, in which every individual has the right to enjoy their sexual or gender choices.

In relation to the right to legal capacity, listed in principle 3, it is prohibited to adopt practices that violate any discrimination in relation to sexual orientation, gender identity, integral parts of the personality, self-determination, freedom and individual dignity, recognizing the state's duty for the implementation of programs focused on social support for individuals in a situation of gender change or transition (Ramos, 2017).

All the principles listed in the “Principles” document highlight the State's duties to guarantee the minimum dignity of the person in transition in different spheres, being fundamental to avoid discrimination in the social environment in which the individual is inserted.

It is worth highlighting principles 27, 28, and 29 that concern the right to the promotion of human rights, the right to legal remedies, and the right to respond, which are elements for the effective protection of human rights at the local and international level, including measures that promote activities intended to encourage the defense of the rights of people with different sexual orientation or gender identities; the proper use of legal remedies that repair the violation suffered, among others (Ramos, 2017).

1) Protection of the Rights to Sexual Diversity in the Global System for the Protection of Human Rights

Numerous violations restricted rights that were faced in the legal system from the end of the ‘90s, with the need for movement and legal proceedings to guarantee the minimum of rights for LGBT people, as an example in the year 2002 in which decisions were handed down for the recognition of the rights of transsexuals such as the right to adoption from the year 2008 and the right to marriage being given in the year 2010 (Piovesan, 2016).

It is important to note that in the European system there is a range of jurisprudential repertoires to ensure inherent rights to dignity and sexual orientation, as well as to combat discrimination against homosexual practices. Although there are criminal and extra-penal rules that protect sexual diversity and the fight against homophobia, an intervention is necessary through pedagogical actions that involve the community/school in the search for awareness through public bodies.

It is evident that if awareness starts in the educational institution through parents and students, the school environment will transmit fundamental concepts to alleviate prejudice in relation to sexual orientation through theaters, lectures, and meetings supported by didactic material such as books and handouts, to portray the equality of the subject in a natural way as in heterosexual standards. But there is no point in educating future citizens if there is no education in public offices with public servants and private institutions to adopt ethical conduct and facilitate dialogue and team interaction against the prejudice that radiates society as a whole.

Given this context, it is contradictory to imagine that the Court allowed sex reassignment surgery to be performed by the SUS – Unified Health System, and then denies it the legal implications and fundamental rights that will be attributed to this new stage of its life, as well as the impact on the legal system. A transsexual, post-operated, with new gender identity (female), when claiming social security rights, will probably be denied due to a series of factors, evidencing the need for a broader look at gender diversity in the context and sphere of labor, in social security, in the civil sphere in relation to marriage, pension, among other rights inherent to her new condition, without portraying the embarrassment and humiliation in the face of the difficulty in obtaining new documents and the legal support to claim her rights as a woman.

The International Court argues that exceptions have been allowed for birth registrations as long as they are in adoptions or legitimation of children for transgender people who have undergone a sex-change operation, as it would not put the registration system at risk or harm futures to third parties (Piovesan, 2016). It is necessary to emphasize the States’ duty to guarantee fundamental rights and a dignified environment with the necessary measures to implement human rights that pay attention to cultural changes, involving non-discrimination and the principle of equality, elevated to jus cogens, repudiating any homophobic practice and encouraging the defense of sexual diversity, as well as sexual orientation education. Homophobia can be noticed through jokes and embarrassing words that ridicule and vulgarize homosexual people, and through groups with formed
organizations, intolerant of any type of sexual orientation conceptualized as different in society. It is important to emphasize that these homophobic groups mount strategies to develop subtle or even devastating attacks to the point of killing human beings who fight for respect for their sexual dignity.

With the development through studies, homophobia was analyzed through species, which are: individual - translates into the aversion resulting from the rejection of a sentimental, psychological and affective character to homosexuality; from a social point of view, it is revealed through cultural and cognitive phenomena that translate an abnormal sexual orientation, repudiating any adept or homosexual person, and it can also be expressed in a tenuous way, without open judgments, but condemning them to legal inferiority with a feeling of being a minor dignity (Estefam, 2016).

D. The Right of Homosexuals

In a society extremely full of impositions and rules where there are groups excluded by their sexual option, legal-formal inclusion is evident through the legal-constitutional precepts of protection, but even with such precepts imposed, a sociocultural inclusion involving companies, entities, organizations, and society as a whole.

Ferraz et al. (2013) ask that the Federal Court 2011 recognized the stable union between people of the same sex as a family entity for the purposes of the legal protection of the State. The intention proposed by the Federal Supreme Court (STF) is precisely to remove obstacles, even if minimal, that prevent the exercise of acts of civil life or even that involve the public sphere, allowing the dignity of the exercise of rights. The decision being celebrated by various sectors of society, but being seen by other parts as extravagant, the STF assumed judicial activism (Ferraz et al., 2013). In view of this focus, it is necessary to emphasize that in the Brazilian constitutional scope, the protection of freedom of identity and sexual orientation was built through principles that aim at the integrity of the human being, more precisely the dignity of the human person.

Through a critical and evolutionary construction of the real meaning of the protection of the principle of human dignity, which raised the decision of the Federal Supreme Court in ADPF nº 132 and ADIn nº 4.277, in which it ensures equality in treatment in relation to the constitution of the family – in the specific case, the stable union for same-sex unions, sharing the same reasoning, the Supreme Court of Justice consented to the same rights and even the facilitation of the conversion of the stable union into marriage, listed by art. 226 of the Federal Constitution (Ferraz & Collaborators, 2013).

From the point of view that the law is used as a tool that peacefully achieves social peace, whether it is internal or external, the right of personality guarantees freedom and its expression of identity in society, guaranteeing diversity in relation to individuality, so that it is not violated.

The incessant search for access to justice and the struggle for specific laws related to diversity still come up against social, political, and bureaucratic obstacles to the realization, often of the long-awaited dream of the individual who postulates to acquire his certificate with a change of name and sex, which is responsible for its need to seek the judiciary to resolve issues such as gender identity and inherent rights. It is true that when seeking the judiciary, even so, it will not be certain to obtain this right, since the decision will be based on the objective and subjective understanding of each magistrate (Ferraz, 2015).

However, when the person is born with the opposite sex of their gender identity, it is up to them to have the resulting and logical right to the adequacy, avoiding constraints, prejudices, and, in a certain way, a possible social alienation, making evident the need for the judiciary to intervene in this regard, problematization.

It should be kept in mind that through the right to personal and sexual identity it is valid to work with legal protection protecting transvestites and transsexuals, especially the transsexual who opts for trans genitalization surgery, where their new physical sex with their gender identity will be clear, society no longer having prejudice or even their identification of biological sex.

E. The Right to Free Sexual Orientation

The fundamental rights listed in article 5 of the Federal Constitution provide that everyone is equal before the law, without any distinction in relation to any nature and that guarantees both Brazilians and foreigners in the country rights to life, liberty, equality, security, and property, not these may be violated before the law.

Among such fundamental rights, it is noted that item X of article 5 of the Federal Constitution provides for the protection of private life, intimacy, and honor, thus protecting the individual's self-understanding, his personal and sexual identity, as well as a broad set of relationships that involve society, together with family members. And they should be inhibitors of prejudices that generate labels in individuals such as transsexual, bisexual, and hermaphrodite (Ferraz et al., 2013).


Among the various foundations listed in the Magna Carta, the dignity of the human person, listed in article 1, item III, has an important role, through which social and individual rights are ensured, portrayed at the national level, which is expressed at the international level through the UN Declaration of the Rights of Man and Citizen (1948), which states in its article 1 that all men, in this context the word “men” does not portray their sexuality, but humanity, expressing that all are born free and equal in dignity and rights.

It is noteworthy to clarify that in the Federative Republic of Brazil, fundamental objectives are established, which reflect the construction of a society that is free, fair, and solidary. The eradication of poverty and marginalization, as well as the reduction in relation to social and regional inequalities, where there is a clear need for government support to promote means that enable the promotion of well-being, without prejudice of any kind of discriminatory form. There is a bill nº 5.003/2001, initiated by Federal Deputy Iara Bernardi, being processed in the National Congress, which aims to typify discriminatory and criminal conduct against homosexuals (Santos, 2017).

Unfortunately, in the Brazilian legal system, people from the LGBT group exposed to aggression, discrimination, and prejudice are not legally covered for their criminal defense, once exposed to intolerance and future unwanted reactions.
due to their psychological shock, it is necessary for the legislator to provide adequate measures to incorporate in their future projects the criminal defense of this group that every day fights for equal rights and duties.

F. Guiding Principles on Business and Human Rights

It is true that human rights affect not only the relationships between the State and the individual, which are the vertical effectiveness of human rights but consequently in particular relationships, recognizing the consequence of human rights by companies through the horizontal effectiveness and objective dimension of human rights, in which companies are obliged to acquire a conduct that respects and preserves such rights.

This objective dimension consists, according to the author, of recognizing recognized human rights protection duties. Thus, human rights have a double dimension, namely: the subjective dimension (recognition of faculties) and the objective dimension (imposition of protection duties) (Ramos, 2017).

There are two approaches in the business sphere, the direct approach, which are specific human rights rules that affect them so that they are observed in the conduct of their activities, in certain standards of conduct that are treated with their employees, this related to the internal aspect, and with regard to the external aspect, it is related to relations with the community.

While the indirect approach, these existing human rights norms hold accountable and require the State to hold organizations accountable for pro homine conduct, and for failing to prevent or repress violations, being held accountable (Ramos, 2017).

It is worth noting that the Global Compact is a voluntary initiative involving social networks and companies in collaboration with the UN, and compliance with measures is often unfeasible, as there are no mechanisms for such a procedure directly, only the possibility of excluding organizations from the list of participants.

In this context, the pro homine principle is taken into account, since this principle must be interpreted by the applicator of the law so that the norm, in the specific case, is more favorable to the human being.

It is worth noting that for institutions to develop and encourage projects that include diversity, it is a huge challenge, in the face of taboos and prejudices generated in the work environment itself for people adept to the LGBT segment or who are part of the segment.

Although many companies visualize a competitive advantage and encourage debates through the Business and LGBT Rights Forum, with the objective of creating policies that promote well-being and quality, they still often come across employees who react in a hostile and unacceptable way to the promotion of equal rights in the field of work.

Certainly, the theories raised in the debates through several companies with different segments will be effective from the moment they are put in a concrete, practical, and real way, offering training to managers and including several areas such as Human Resources focused on people management, by encouraging and promoting lectures on moral harassment, constraints in the work environment and their consequences, creating a synergy between sectors in favor of a harmonious and less hostile environment.

Even with this initiative, the support of employees and society is essential in order to demand that companies that do not participate in this inclusion have a commitment and commitment to the promotion of rights with people of gender identity said to be non-conventional by society, seeking ways to promote essential rights in the workplace.

F1. The Universal Declaration of Human Rights of 1948 and the Current Context

The purpose of the universal declaration deals with the dignity of the human person, consecrating basic and necessary values, in which the human being is the exclusive and unique requirement to be the holder of inalienable rights.

Through forty-eight votes to zero and eight abstentions, with repercussion in the Nations, it was approved by Resolution, on December 10, 1948, therefore not being treated and not having the force of law, but being an agreement between Nations to promote universal recognition of fundamental rights, thus strengthening the UN Charter (Piovesan, 2015).

According to Piovesan (2015) the universality of human rights reflects the absolute rupture with the Nazi legacy, which conditioned the ownership of rights to belong to a particular race (the pure Aryan race), evidencing a need through the rights of liberty and equality in search of an attempt to break the excesses of oppression of an extremely absolutist regime that imposed its abuse of power through the fundamental rights of people, thus violating laws and treaties.

Given this context, it is necessary to understand that there is an international process with the objective of raising awareness of companies, communities, and especially schools for a fair education against any type of violence, and remembering that in the military regime, in the past, the power of an extremely rigorous where there was no relationship with groups that until then was said to be invisible by society such as homosexuals, blacks, women, since their rights were non-existent or violated.

In search of a democratic perspective, organizational and educational institutions live an arduous and complex process to make citizens aware of social injustices, providing conditions for citizenship to be evidenced through lectures, and debates, among other means (Bucci, 2012).

Certainly, educational policies should include democratic values in pedagogical projects and in the curriculum, involving the teaching staff in their elaboration in order to articulate means that involve social inclusion for sexual orientation and gender identity, which include families and the community to that there is a Social Welfare.

History in the 16th to 18th centuries portrayed those pirates were considered homosexuals due to factors such as deprivation of female company for long periods, and also reports records of boys who were captured from tribes and castrated to later be sexually abused by different sexes. male (Estefam, 2016).

Therefore, it is evident that educational institutions report facts that occurred during history so that awareness about the subject is not just a way to trivialize something so important and that concerns the dignity of the human person.
Throughout history, there have been advances in relation to the possible inclusion of the LGBT Group in the labor context, since labor rights are equal for all people, rights that are evidenced by laws, but the fact of hiring, selection, and tests is a mere formality of inclusion since the organization is not really prepared to develop inclusion in its entirety.

Developing inclusion is an arduous and necessary task for organizations and educational institutions, whether through citizenship, lectures, seminars, meetings, or classes because prejudice and discrimination are not isolated cases, but clear cases that occur within their own families and the individual's childhood.

As Brazil is a signatory of international Human Rights documents that repress all forms of discrimination and even with external positions against prejudice against sexual orientation, the concern to adopt measures and formulate guidelines for national awareness is evident (Estefam, 2016).

G. Moral Harassment of the LGBT Group in the Work Environment

Bullying is psychological, moral aggression that often happens to inhibit the victim through constraints, psychological terror in the work environment, being manifested by a higher hierarchy than the offended, causing him personal suffering and violating his human dignity.

According to Cunha (2010), there is, therefore, a link between moral harassment and the usurpation of personality rights, freedom, dignity and the exercise of citizenship, as the weakened victim due to the situation, he is not able to have the necessary discernment to have full defense capacity and possible action against the aggressor.

It is well known that bullying can occur in any organization and with any individual, but it is worth noting that LGBT people suffer social discrimination, and consequently in the work environment, because they are said to be “different” and limited by rude words, behaviors of nature that bring shame and that violate their dignity, affect their psychology causing embarrassment and disrespect for their sexual orientation to the point that many go into a state of depression and even try to commit suicide.

According to the Civil Code in its article 932, III, the company's responsibility is objective for the acts practiced by its employees or agents while they are in the exercise of their functions, therefore, in the event of the causal link of the agent's action or omission, the organization will compensate, through compensation for moral damages.

III. METHODOLOGY

Regarding its nature, this work was classified as basic research that, according to Prodanov (2013), aims to generate new and useful knowledge for the advancement of science and the subject, without unforeseen practical application and involves individual, collective and universal truths and interests.

During the methodological process, interviews and questionnaires were used with the managers of the studied institution, in order to identify the perceptions of management regarding the proposed theme.

A. Interview

The interview was conducted with the Academic Director of the Educational Institution. According to the Academic Director, the organization is committed to the promotion of rights, including being a legal issue that the Ministry of Education requires in the curriculum structure within the disciplines, content that addresses and highlights Human Rights.

The Institution, even before the legislation, already highlighted the LGBT legal issue, always taking care of its general target audience. In the labor context, there are employees who are part of the LGBT segment and the Institution has the attitude of evaluating professionals regardless of their sexual orientation, because their competence for work is being evaluated in their hiring, being treated in a natural way, having interaction without any prejudice, including support for promotion based on professional merit.

The Institution counts on the Pedagogical Support Nucleus, if any type of prejudice or an adverse situation arises, the people involved in the fact are referred to a psychologist, and cannot fail to highlight the orientation in the classroom as a form of strategies aimed at Teaching/Learning.

According to the Academic Director, work is also carried out with teachers and collaborators through the psychopedagogy and the psychologist in relation to the professional attitude.

The Institution is open to lectures, giving support to any movement that involves Human Rights in favor of awareness. Also, according to the Academic Director, prejudice against employees has never emerged, but there are actions developed through CIPA to promote awareness of controversial issues in the general context, such as prevention.

As reported, there were no uncomfortable situations generated by discrimination by employees, but there were right at the beginning with a student of the LGBT segment, due to the use of the women's bathroom, having intervention in the classroom through dialogue, and being absolved naturally by the students.

B. Questionnaire: Data Collection and Analysis

Issues focused on commitment and equal rights in the labor and educational context were analyzed, with the intention of witnessing strategies and promotions that alleviate prejudices in the inclusion of the LGBT segment, therefore, the following questions are of great value, and after graphs indicating the percentage of the search.

1. Is the Organization committed to the promotion of LGBT rights?
2. What strategy does the Organization adopt to promote equal opportunities for LGBT people in the workplace?
3. What strategy does the Organization adopt to promote equal opportunities for LGBT people in the teaching/learning context, targeting academies?
4. Does the organization support actions in favor of LGBT rights? Which are?
5. What are the actions developed that the organization promotes with its employees to alleviate prejudices generated against LGBT people, in the labor and educational scope?

6. Have there ever been uncomfortable situations generated by discrimination? If so, how was it resolved?

7. Does the organization promote the professional development of LGBT people?

8. Does the organization’s Advertising and Marketing department develop media incentives to promote equal rights for LGBT people? Could you name a few?

9. Does the organization promote equal rights campaigns?

10. Is any work developed with education professionals for adverse situations in the professional and educational environment? Which are?

Fig. 1 shows the percentages of questions 1 to 5 on the commitment and equality of rights of the LGNT in the labor and educational scope, realizes that question 1, 3, and 5 shows a percentage of 100% of the teachers in which to involve the organizational issue and professional.

It notices that in question 5 there was even zero percentage of knowledge about the actions developed by the organization to alleviate prejudice. So, it has a discrepancy between questions 1 and 5.

Fig. 2 shows the percentages of questions 6 to 10 on the commitment and equality of LGBT rights in the labor and educational spheres. In question 6, in relation to any uncomfortable situation, it is noticed that there is little measurement.

Analyzing the perception of teachers is greater than students and collaborators. It is noticed that teachers have more contact with several classes and in different periods. In question 8, the students’ perception is negative in relation to the institution’s marketing of LGBT rights and equality within the institution, proving the answer to question 9.

The research showed a number of 42 people among employees, students, and teachers, it is valid to portray that the Institution adopts measures against prejudice in general, because within the labor context so far there has been no prejudice with the LGBT follow-up, but preventive measures in general scope focused on Human Rights aimed at society.

IV. CONCLUSION

This article listed a subject that has not been addressed in the labor and educational context that involves the LGBT follow-up with the promotion of equal rights, with the fundamental objective of investigating means that provide inclusion within the organization addressed.

It is extremely important to portray that the organization is concerned with the promotion of Human Rights in general, but not so explored for specific segments, but with a broad vision to develop strategies that alleviate future embarrassing situations in order to guarantee the respective rights of individuals.

Fig. 1. Human Rights and LGBT Inclusion in the Labor and Educational Context of an Organization in Porto Velho – RO: Questions 1 to 5.

Fig. 2. Human Rights and LGBT Inclusion in the Labor and Educational Context of an Organization in Porto Velho – RO: Questions 6 to 11.
It is certainly essential to invest in training, lectures, and qualifications for managers, legal staff, and process teams that involve the recruitment, selection, and development of the human resources sector and employees with the intention of creating a harmonious organizational climate to stimulate critical thinking with controversial issues such as homophobia, in order to demystify beliefs and taboos created in society, thus eliminating barriers in the corporate and educational process.

In this way, it is worth mentioning that the organization has a pedagogical nucleus capable of addressing controversial themes and issues, as well as minimizing or eliminating prejudices with guidelines aimed at employees in general and students of the Institution.

REFERENCES


