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Welcome in words, not in law: rethinking relocation for LGBTIQ+ talent

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Case summary

Elena Bergström, HR Manager at Nortitam, a mid-sized Swedish technology company, faced a difficult decision when relocating a key software architect from Sweden to Lithuania at the beginning of 2023. The employee's same-sex marriage, legally recognised in Sweden and Canada, was not recognised under Lithuanian law. What initially appeared to be a routine international transfer became a test of Nortitam's diversity, equity, and inclusion (DEI) commitments. Working together with Relocation Services, a firm SME contracted to manage the cross-border move, Elena had to navigate tensions between national immigration and family law, EU data protection requirements (GDPR), and the company's stated commitment and reputation to inclusive practice. The case examines how inclusive corporate policies may produce unintended exclusionary outcomes when they intersect with fragmented legal frameworks within the European Union. It highlights the practical, ethical, and reputational challenges that arise in relocation management and invites analysis of how organisations and their service providers address legal asymmetries across jurisdictions that differ in their recognition of LGBTIQ+ rights.

1. Scaling with values: inclusion meets global mobility

Although the European Union has promoted shared principles of equality and free movement, certain areas of law, including family recognition and immigration, have remained under national jurisdiction (European Parliament and Council of the European Union, 2004). As a result,

cross-border employee relocation might have involved navigating differences in how member states regulate residence and family status within a common EU legal framework.

Nortitam,¹ a fast-growing Swedish technology firm headquartered in Stockholm, had recently opened a subsidiary in Vilnius, Lithuania. The company aimed to strengthen its Artificial Intelligence (AI) development capacity, particularly as Vilnius was emerging as a regional AI hub, with the preparations to launch Lithuania's National AI Centre (Lithuania.lt, 2024). To facilitate this strategic expansion, at the beginning of 2023, Nortitam planned to relocate a senior software architect from its Stockholm headquarters to lead the AI implementation initiative in Lithuania.

Elena Bergström,¹ an experienced Human Resources (HR) Manager at Nortitam, had always prioritised an inclusive culture. Despite the firm's rapid growth, she ensured that diversity, equity, and inclusion (DEI) remained core values. Nortitam was actively involved in local tech initiatives that promoted inclusivity, which had garnered attention within the industry.

After a competitive internal recruitment process, Elena selected Thomas Wright¹ as top candidate. Thomas was an experienced software architect with significant leadership experience in cross-border projects in Canada and the United Kingdom. He was recognised for successfully delivering complex AI integration initiatives across distributed teams. His technical expertise and international experience made him a valuable asset for Nortitam's expansion into Lithuania. During early conversations, Thomas told Elena he would be relocating with his partner. In English business communication, the term 'partner' did not specify gender or legal status, and no further clarification was initially sought, as relocation procedures typically focused first on the employee's work authorisation.

To manage the relocation, Nortitam, a medium-sized enterprise with limited HR resources, contracted Relocation Services, a Lithuanian boutique firm specialising in cross-border relocation services. The initial stages of the transfer, including immigration documentation, residence permit formalities, and housing arrangements, progressed smoothly. However, during the documentation review, Relocation Services informed Elena that the relocation package could not be processed as planned due to a legal inconsistency regarding Thomas's family status: Thomas's partner could not be considered a spouse under local law due to

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the family definition. What seemed to be a procedural issue soon became a structural constraint.

2. The legal wall

Relocation Services was a Lithuanian boutique relocation services firm operating across several European jurisdictions, known for its efficient, creative, but compliance-oriented approach. Its consultants strictly followed host-country immigration and family law, ensuring legal certainty for client organisations. During the documentation stage, the Relocation Services' compliance system flagged that Thomas's marriage certificate, issued in Toronto, would not be automatically recognised under Lithuanian law, which did not recognise same-sex marriages (Republic of Lithuania, 1992). Consequently, Alex Morgan,¹ Thomas's partner, could not be processed as a spouse under standard national immigration procedures or included in the relocation package as a legally recognised dependent. While alternative pathways under EU free movement provisions might have existed, such as applying for residence rights as a family member of an EU citizen exercising free movement (European Parliament and Council of the European Union, 2016), these routes would have required additional legal interpretation, documentation, and coordination with local authorities. They fell outside Relocation Services's standardised relocation procedures, introducing legal and administrative uncertainty and extra costs for Nortitam and Thomas.

Elena was surprised at hearing these findings. Nortitam had not gathered information about Thomas's marital status and gender identity during recruitment, in compliance with the GDPR's (General Data Protection Regulation) restrictions on processing special category personal data without explicit consent (European Parliament and Council of the European Union, 2016). This approach, aimed at protecting privacy, seemed to hinder the organisation's ability to anticipate relocation challenges. The relocation package was based on standard assumptions of spousal eligibility, without considering the implications of host-country family law.

So only at this stage did the practical implications become visible. Without recognition of marital status under Lithuanian law, Alex could not be processed as a spouse under standard procedures and faced challenges with residence status and family benefits, such as covered immigration fees, travel expenses, healthcare, housing adjustments, and

insurance coverage for the partner. As a result, several thousand euros in expenses could be borne by the employee. Thomas's response to Elena was gracious but clear:

I appreciate the effort, but relocating without my spouse being legally recognised and protected is not a risk we can take. If your support doesn't include Alex, then this move might not be possible for us.

3. The internal dilemma

For Elena, the situation quickly became more than a legal compliance issue. As HR Manager, she had actively promoted an inclusive workplace and viewed Thomas's recruitment as a reflection of the company's DEI values. The job offer, including relocation support, represented a promise, not just an incentive. Yet the company's carefully designed relocation policy, which extended benefits to the 'employee and legal spouse', had not anticipated legal differences across countries, exposing a gap between inclusive intent and practical implementation.

At the same time, Elena faced conflicting responsibilities. She was required to comply with the company's policy, ensure legal compliance, and treat employees consistently, yet she also recognised that Thomas faced barriers that other employees would not. GDPR restrictions had limited what HR could ask during recruitment and at work, protecting employee privacy, but this lack of information had contributed to the current dilemma. Caught between legal constraints, organisational rules, and her own ethical commitment to inclusion, Elena realised that the decision she made would signal to the employees and external stakeholders what the company's DEI values truly meant in practice.

Elena discussed potential solutions with Relocation Services and also gathered the Nortitam management team to explore what the company could offer to comply with both corporate policy and local legal requirements. The discussion among the management team revealed openness and a willingness to engage, but also the limits of the company's existing procedures.

While Thomas waited for an answer, he appreciated the team's efforts yet remained understandably frustrated that, in 2023, a globally ranked

technology firm had no immediate solution to a challenge affecting many LGBTIQ+ professionals.

4. From policy to practice: a moment of choice

For small- to medium-sized tech firms, international growth increasingly relied on attracting global talent, especially in high-demand fields like AI and cybersecurity (Implement Consulting Group, 2025). In this context, relocation policies functioned as more than administrative arrangements; they served as visible expressions of organisational values that influence talent attraction, retention, and corporate reputation.

Knowing these industry pressures to win the war for talent, Elena found herself at a crossroads. The situation raised difficult questions: how could the company uphold its commitment to inclusion while operating within national legal boundaries? Should relocation policies aim for uniform treatment, or for equitable support that accounts for unequal legal realities across countries?

Nortitam management team was sympathetic but cautious. ‘We can’t challenge national laws,’ the Nortitam General Manager warned. ‘But we can’t afford to lose a professional like Thomas either.’

Elena recognised that the decision would extend beyond this single relocation. How the company responded would shape employee trust, external perceptions of its DEI credibility, and its reputation as an employer of choice in the global technology market. What began as an individual case had become a defining test of whether inclusive values could be translated into practice under legal constraint.

Questions for reflection

1. What legal frameworks are in conflict in this case, and why does this matter for LGBTIQ+ employees? How do these frameworks interact to challenge inclusive relocation policies?
2. What are the unique global mobility and relocation challenges LGBTIQ+ employees face, as seen in this case?
3. How should HR managers balance organisational values with national legal restrictions when managing international relocation cases like Thomas’s?

4. What could Elena and the management team have done differently to prepare relocation policies for diverse employees like Thomas?
5. How does this case affect the company's employer reputation and long-term talent strategy?

Note

1. This case is anonymised and based on a real scenario. While some details have been fictionalised for educational purposes, the core events reflect actual experiences of the organisation. All names and identifying details are fictitious and used solely for educational purposes.

References

- European Parliament and Council of the European Union. (2004). *Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States*. Official Journal of the European Union, L 158, 77–123.
- European Parliament and Council of the European Union. (2016). *Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)*. Official Journal of the European Union, L 119, 1–88. Retrieved February 2, 2026 from: <https://eur-lex.europa.eu/eli/reg/2016/679/oj>
- Implement Consulting Group. (2025, February). *The AI innovation opportunity: How Lithuania can scale innovative digital businesses with AI to close the innovation and competitiveness gap*. Implement Consulting Group. Retrieved February 2, 2026 from: <https://cms.implementconsultinggroup.com/media/uploads/articles/2025/Lithuanias-innovative-digital-businesses/2025-The-AI-innovation-opportunity-Lithuania.pdf>
- Lithuania.lt. (2024). Lithuania launches €130 million National AI Centre (LITAI). Retrieved February 2, 2026 from: <https://lithuania.lt/governance-in-lithuania/lithuania-launches-e130-million-national-ai-centre-litai/>
- Republic of Lithuania. (1992). *Constitution of the Republic of Lithuania*. Article 38. Retrieved February 2, 2026 from <https://licodu.cois.it/?lang=en&p=1218>