



Gay and Transgender People Face High Rates of Workplace Discrimination and Harassment

Data Demonstrate Need for Federal Law

Crosby Burns and Jeff Krehely | May 2011

Gay and transgender individuals continue to face widespread discrimination in the workplace.* Studies show that anywhere from 15 percent to 43 percent of gay people have experienced some form of discrimination and harassment at the workplace. Moreover, a staggering 90 percent of transgender workers report some form of harassment or mistreatment on the job. These workplace abuses pose a real and immediate threat to the economic security of gay and transgender workers.

Congress should work quickly to pass the Employment Non-Discrimination Act, or ENDA, to ensure that all Americans are judged in the workplace based on their skills, qualifications, and the quality of their work. Right now, too many of our country's gay and transgender workers are being judged on their sexual orientation and gender identity—factors that have no impact on how well a person performs their job.

The numbers

The Williams Institute on Sexual Orientation Law and Public Policy aggregated a number of surveys to determine the extent to which gay and transgender workers experience discrimination and harassment in the workplace. Their findings illustrate that discrimination and harassment are pervasive:

- **Fifteen percent to 43 percent of gay and transgender workers have experienced some form of discrimination on the job.**
- Eight percent to 17 percent of gay and transgender workers report being passed over for a job or fired because of their sexual orientation or gender identity.
- Ten percent to 28 percent received a negative performance evaluation or were passed over for a promotion because they were gay or transgender.
- Seven percent to 41 percent of gay and transgender workers were verbally or physically abused or had their workplace vandalized.

* In this column, the term gay is used as an umbrella term for people who identify as lesbian, gay, or bisexual.

Straight coworkers also attest to the presence of discrimination and harassment against LGBT workers. The Williams Institute's report found that 12 percent to 30 percent of straight workers witnessed discrimination in the workforce based on sexual orientation.

Controlled experiments have found consistent evidence of workplace discrimination as well. When researchers send two sets of matched resumes to major employers, and one indicates the applicant is gay, employers warmly receive "gay" resumes far less often than "straight" resumes. Seven out of eight of these studies confirmed the existence of antigay employment discrimination.

Transgender individuals encounter workplace discrimination and harassment at even higher rates than gays and lesbians. Earlier this year, the National Center for Transgender Equality and the National Gay and Lesbian Task Force [released](#) a comprehensive study on transgender discrimination that revealed near universal problems at the workplace:

- **Ninety percent of transgender individuals have encountered some form of harassment or mistreatment on the job.**
- Forty-seven percent of workers have experienced an adverse job outcome because they are transgender. This includes:
 - Forty-four percent who were passed over for a job
 - Twenty-three percent who were denied a promotion
 - And 26 percent who were fired because they were transgender

The stories behind the numbers

Behind these statistics are the heartbreaking stories of everyday Americans losing their jobs based on characteristics that have nothing to do with their job performance.

Vandy Beth Glenn [lost her job](#) with the Georgia General Assembly when her boss fired her because she was transgender:

[My boss] told me I would make other people uncomfortable, just by being myself. He told me that my transition was unacceptable. And over and over, he told me it was inappropriate. Then he fired me. I was escorted back to my desk, told to clean it out, then marched out of the building... I was devastated.

Brook Waits was gainfully employed in Dallas, Texas until her manager [fired her](#) immediately after she saw a picture on Brook's cell phone of Brook and her girlfriend kissing on New Year's Eve:

I didn't lose my job because I was lazy, incompetent, or unprofessional. Quite the contrary, I worked hard and did my job very well. However that was all discarded when my boss discovered I am a lesbian. In a single afternoon, I went from being a highly praised employee, to out of a job.

And officer Michael Carney was denied reinstatement as a police officer in Springfield, Massachusetts because he told his supervisors that he was gay:

I'm a good cop. But I've lost two and a half years of employment fighting to get that job back because I'm gay... I'm proud to be Irish-American. I'm proud to be gay, and I'm proud to be a cop in Springfield, MA.

The economic consequences of discrimination

Gay and transgender individuals suffer from socioeconomic inequalities in large part due to pervasive discrimination in the workplace. Discrimination directly causes job instability and high turnover, resulting in greater unemployment and poverty rates for gay and transgender people, as well as the wage gap between gay and straight workers.

Consider that gay men earn 10 percent to 32 percent less than similarly qualified heterosexual males. Older gay and lesbian adults experience higher poverty rates than their heterosexual counterparts. And transgender individuals are twice as likely to be unemployed and are four times as likely to live in poverty. Nearly 20 percent have been or are currently homeless.

Companies should care about these numbers if they are in the business of boosting profits. Time and again, researchers have demonstrated that discrimination diminishes productivity, job satisfaction, and the mental and physical health of all employees.

Enacting legislation that provides real protection

Gay and transgender individuals' legal and social standing is improving despite their unfair and unequal treatment in the workplace. An increasing number of states, municipalities, and businesses have adopted nondiscrimination protections that prohibit discrimination based on sexual orientation and gender identity.

The public, too, has increasingly voiced support for employment protections and workplace fairness for gay and transgender workers. And more and more gay workers are coming out at the workplace, a sign that workplace climates have become more accepting or at least tolerant overall.

Nevertheless, gay and transgender people continue to lack full workplace protections afforded to women, people of color, veterans, seniors, and the disabled. Under federal law it is still legal to fire someone for being gay or transgender. Where state or local laws exist, gay and transgender workers file discrimination complaints at comparable rates and in some case higher rates than other protected classes such as gender and race. But Congress has thus far failed to incorporate gay and transgender workers into employment laws that shield these and other groups from workplace discrimination nationwide.

Lawmakers in both chambers of the 112th Congress recently introduced ENDA, which would finally bring full workplace protections to nearly all of our nation's workforce. If passed, gay and transgender workers would have similar protections that were afforded to other minority groups with the passage of the Civil Rights Act of 1964 and the Americans with Disabilities Act. And while comprehensive in scope, ENDA explicitly exempts religious organizations and small businesses with less than 15 employees, prohibits preferential treatment for gay and transgender workers, and does not require employers to offer domestic partner benefits to employees' same-sex partners.

ENDA's premise is simple: All Americans deserve equal treatment in the workplace regardless of sexual orientation or gender identity. Lawmakers should swiftly enact ENDA to level the playing field for all American workers, gay or straight, transgender or not.

Gay and transgender individuals comprise a significant part of the American labor force. Every day, they go to work to make an honest living to support themselves and their families, and help our economy grow along the way. But far too many go to work with the fear that they will lose their job based on factors that have nothing to do with their job performance and ability.

Discrimination has no place in our society or in our workplaces. Our nation can and should do better for all our workers.

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