



We the People

LGBT Americans and the Workplace

By Sarah McBride March 10, 2015

A steady, livable wage is integral to a family’s financial stability, economic mobility, and the ability to secure basic necessities to live and thrive. Yet across the country, lesbian, gay, bisexual, and transgender, or LGBT, workers lack enumerated protections in most states and unacceptably high levels of discrimination in the workplace. The lack of protections and widespread discrimination undermine LGBT workers chance at achieving the American dream.

Examples of discrimination

Employment discrimination against LGBT people occurs in all aspects of employment, including hiring, firing, promotions, and pay.

- 1 in 10 lesbian, gay, and bisexual, or LGB, workers report having been fired from a job in the previous five years because of their sexual orientation.¹ Between 11 percent and 28 percent of LGB workers report being denied or passed over for a promotion because of whom they love.² As many as 47 percent of transgender people reported being fired, not hired, or denied a promotion because of their gender identity.³ More than one in four transgender people reported being fired from a job simply because of their gender identity.⁴
- A study in Texas found an 11 percent drop in callbacks when applicants applying at a booth in an urban Texas mall wore clothing that suggested they were gay.⁵ Similarly, in another survey, applicants with a “gay organization” versus a “progressive organization” on their resume were 40 percent less likely to be interviewed.⁶
- Gay and bisexual men make 10 percent to 32 percent less than straight men working similar jobs with comparable backgrounds.⁷ Transgender women experience a significant pay decrease—as much as one-third—after transitioning from male to female.⁸ Such factors cause disproportionate rates of poverty in the transgender community, with transgender people four times more likely to report household incomes of less than \$10,000 per year when compared to the general population.⁹

Current protections

Title VII of the Civil Rights Act of 1964 bans employment discrimination based on race, color, national origin, religion, and sex. Title I of the Americans with Disabilities Act, the Age Discrimination in Employment Act of 1967, and the Genetic Information Nondiscrimination Act of 2008 ban workplace discrimination based on disability, age, and genetic information, respectively. In 2014, President Barack Obama expanded nondiscrimination protections for employees of federal contractors to include sexual orientation and gender identity. Several courts and the Equal Employment Opportunity Commission, or EEOC, have ruled that Title VII's ban on sex discrimination includes discrimination based on gender identity. But until the Supreme Court rules on the issue, this interpretation is not binding on all courts. A similar effort to include sexual orientation in Title VII's ban on sex discrimination is in an earlier, preliminary phase. Eighteen states currently explicitly ban discrimination based on sexual orientation and gender identity in employment.¹⁰

Recommendations

- Congress should pass a comprehensive nondiscrimination bill banning discrimination based on sexual orientation and gender identity in employment, public accommodations, housing, credit, and federal funding.
- Congress and state legislatures should appropriate necessary funds for full enforcement of nondiscrimination protections.
- Updating the law to protect LGBT people from discrimination in employment will provide the necessary clarity and uniformity for employees and employers alike, while ensuring that all people are treated fairly in their pursuit of the American dream.

Sarah McBride is a Research Associate on the LGBT Research and Communications Project at American Progress.

Endnotes

1 Lee M.V. Badgett and others, "Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination" (Los Angeles: The Williams Institute, 2007), available at http://web.stanford.edu/group/scspi/_media/pdf/key_issues/sexual_policy.pdf.

2 Ibid

3 Jaime Grant, Lisa Mottet, and Justin Tanis, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey" (Washington: National Center for Transgender Equality and the National Gay and Lesbian Task Force, 2011), available at http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf.

4 Ibid.

5 Michelle R. Hebl and others, "Formal and Interpersonal Discrimination: A Field Study of Bias Toward Homosexual Applicants," *Personal and Social Psychology Bulletin* 28 (815) (2002), available at <http://www.sagepub.com/newman8e/study/articles/12/Hebl%20et%20al.pdf>.

6 Andras Tilcsik, "Pride and Prejudice: Employment Discrimination against Openly Gay Men in the United States," *American Journal of Sociology* 117 (2) (2011), available at <http://www.jstor.org/stable/10.1086/661653>.

7 Brad Sears and Christy Mallory, "Documented Evidence of Employment Discrimination & Its Effects on LGBT People" (Los Angeles: The Williams Institute, 2011), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf>.

8 Kristen Schilt and Matthew Wiswall, "Before and After: Gender Transitions, Human Capital, and Workplace Experiences," *The B.E. Journal of Economic Analysis & Policy* (2006), available at http://www.econ.nyu.edu/user/wiswall/research/schilt_wiswall_transsexual.pdf.

9 Grant, Mottet, and Tanis, "Injustice at Every Turn."

10 Movement Advancement Project, "Non-Discrimination Laws," available at http://www.lgbtmap.org/equality-maps/non_discrimination_laws (last accessed March 2015).

This document was compiled from material in Chapter 3 of the CAP report, "We The People: Why Congress and the U.S. States Must Pass Comprehensive Nondiscrimination Protections."