

LGBT Perspective in the Workplace

*Insights into the Lesbian, Gay,
Bisexual, and Transgender community*

Introduction

– Patti Fink



Instructors are LGBT volunteers



Our Purpose Today

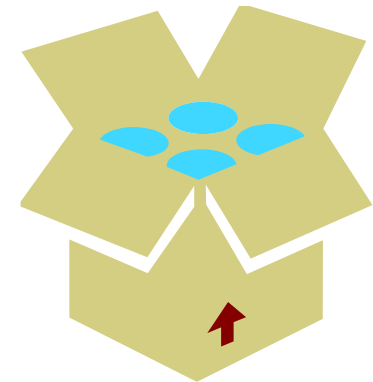
- Understand core issues for lesbian, gay, bisexual, and transgender (LGBT) people in the workplace.
- Learn about protections for LGBT employees – as well as for vendors & customers.
- Learn how best to interact with your LGBT coworkers and others around you.
- Empower you with knowledge about LGBT people to help make the most professional & successful workplace possible.

Objectives

- Introduction to perspectives of the LGBT community
- Terms, Words, and Phrases
- Stereotypes & Facts
- Existing Protections Against Discrimination
 - Federal, State, & Local
- Corporate America Leads
- “Coming Out” and Living Authentic Lives
- Best Practices – Knowledge gained to help your workplace become fully LGBT-inclusive

Words

- Afraid of saying the wrong thing?
- Stereotypes



Appropriate Words/Terms

- Gay
- Lesbian
- Bisexual or Bi
- Trans* or Transgender
- Intersex
- Straight or Heterosexual

Myths about LGBT People

- Think about sex 100% of the time
- LGBT people are only 1-2% of the population
- Have lots of disposable income
- Have no children / Are not parents
- “Who’s the man and who’s the woman?”
- Straight people can always “tell” who’s LGBT
- Trans* people are simply “confused”
- LGBT people “flaunt” who they are, while straight people do not

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FEDERAL Laws – Protections Against Discrimination

- **Matthew Shepard & James Byrd, Jr. Hate Crimes Prevention Act of 2009**
 - Expanded to include crimes motivated by a person's real or perceived sexual orientation, gender, gender identity, or disability
 - Enhanced resources to assist local & state law enforcement in investigation & prosecution
- **Pension Protection Act of 2006 (PPA) & Worker, Retiree and Employer Recovery Act of 2008 (WRERA)**
 - Non-spouse rollover provision, effective January 1, 2010
- **Don't Ask, Don't Tell (DADT) Repeal Act of 2010**
 - Effective September 20, 2011

FEDERAL Laws – Protections Against Discrimination

- NO federal laws that protect LGBT persons from discrimination in:
 - Employment
 - Housing
 - Public Accommodations
 - Health Care
 - Insurance
 - Credit
 - *Relationship Law*
 - *Family Law*
 - *Estate Law*

Significant SCOTUS Rulings

- ***Lawrence v Texas (June 26, 2003)***
 - All state laws criminalizing “homosexual conduct” ruled unconstitutional.
- ***United States v Windsor (June 26, 2013)***
 - Federal DOMA Section 3 ruled unconstitutional
 - Federal government must recognize same-sex marriages as fully equal to opposite-sex marriages.
- ***Obergefell v Hodges (June 26, 2015)***
 - All existing state prohibitions against marriage equality ruled unconstitutional (also struck down federal DOMA Section 2).
 - All 50 states + District of Columbia & U.S. territories must perform *and* recognize all same-sex marriages as fully equal to opposite-sex marriages.

STATE Laws

Workplace Protections Against Discrimination



- It is **LEGAL** to discriminate based upon
 - **sexual orientation** in **29** states.
 - **gender identity** in **35** states.
- The State of Texas has **NO** law providing workplace discrimination protections for LGBT citizens.

STATE Laws – Protections Against Discrimination

Patchwork of
statewide laws & executive orders

- **Anti-Hate Crime Laws:**
 - 12 states (SO/GI), 31 states (SO)
- **Employment Nondiscrimination Laws:**
 - 15 (SO/GI), 21 (SO)
- **Marriage Equality Laws:**
 - 50 states + District of Columbia & Territories

Protection Against Discrimination – States, Counties, Cities



309 million citizens in the U.S. as of 2010 census

~12 million citizens have no protections

NO
Employment Non-Discrimination Protections



STATE of TEXAS Laws

- Anti-Hate Crimes Law
 - Texas hate crimes law explicitly includes "sexual preference." Tex. Code Crim. Proc. art. 42.014 (2002); Tex. Penal Code § 12.47 (2002).
 - No protections based on gender identity or gender expression.
- Marriage Equality (via *Obergefell*)
 - Full adoption & family law equality
- NO employment protections

STATE of TEXAS Laws

- In June 2003, the United States Supreme Court ruled in *Lawrence v Texas* (123 S.Ct. 2472) that **all anti-gay sodomy laws in all states** – including Texas Penal Code Section 21.06, aka the Texas “Homosexual Conduct Law” – **are unconstitutional**.
- While there is a notation in the Texas Penal Code today stating that Section 21.06 was declared unconstitutional by SCOTUS in 2003, the text of the section continues to be printed in currently published copies of the Texas Penal Code.

Protections Against Discrimination – Corporate America

Fortune 500

<i>Non-Discrimination Policy</i>	<i>2002</i>	<i>2008</i>	<i>2013</i>	<i>2014</i>	<i>2016</i>
Sexual Orientation	61%	85%	88%	91%	?%
Gender Identity	3%	25%	57%	66%	?%

Every single company on *Fortune* magazine's list of the “**100 Best Companies to Work For**” includes sexual orientation in its nondiscrimination policy. More than half of these companies include gender identity.

— Center for American Progress, 2012

City of Dallas City Code: Rules of Conduct

- SEC. 34-36. (46) Protection against workplace discrimination for City of Dallas employees based on an individual's **real or perceived sexual orientation** OR an individual's **real or perceived gender identity or expression**.
- Administrative Directive 3-61. Prohibition of Workplace Harassment & Complaint Procedure.
 - Unwelcome conduct

City of Dallas Non-Discrimination Ordinance

- City Code - Chapter 46 (*passed May 8, 2002*)
- Ordinance prohibits discrimination in places of
 - Employment
 - Public Accommodation
 - Housingon the basis of sexual orientation or gender identity or expression
- Penalty - \$500 for each offense, each day constitutes separate offense

Coming Out

- Awareness, openness, honesty, personal integrity
- Risks
- Benefits
- Lifelong process



OCTOBER 11

Coming Out

Benefits	Risks
<ul style="list-style-type: none">• Maintain one's personal integrity• Enlarge one's personal support network• Enhance meaningful personal relationships• Freely access available rights and benefits• Provide leadership/serve as role model• Affirm oneself and/or others; increase LGBT visibility• Peace of mind	<ul style="list-style-type: none">• Fear of potential negative consequences• Social stigma/feelings of shame• Real or potential loss of:<ul style="list-style-type: none">○ Life, health, personal safety○ Job/income○ Housing○ Health Care○ Insurance○ Credit○ Quality/availability of goods or services○ Children/family• Potential loss of personal support network/meaningful relationships

4 Stages of Coming Out

1. Feelings
2. Self
3. Friends, family, others
4. Staying out/living openly

Hello, my name is:

Jamie

LGBT-Inclusive Workplaces

- **Human Resources Staff**

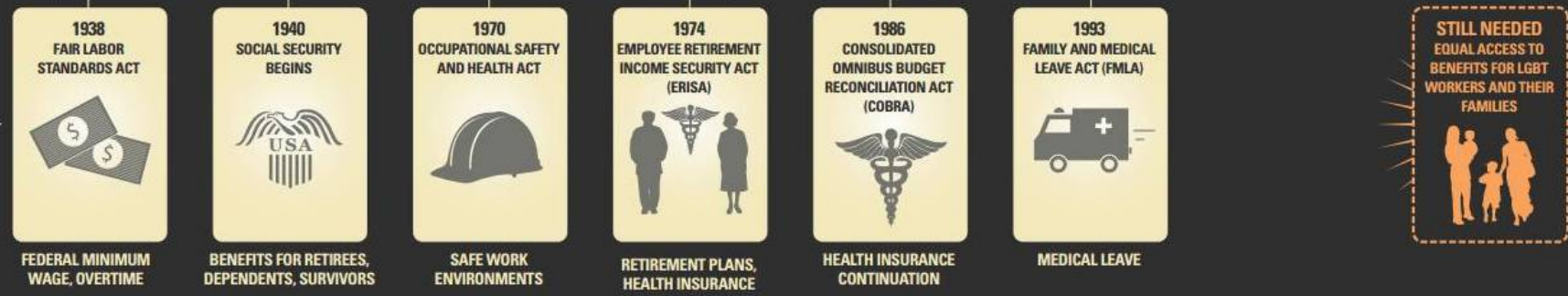
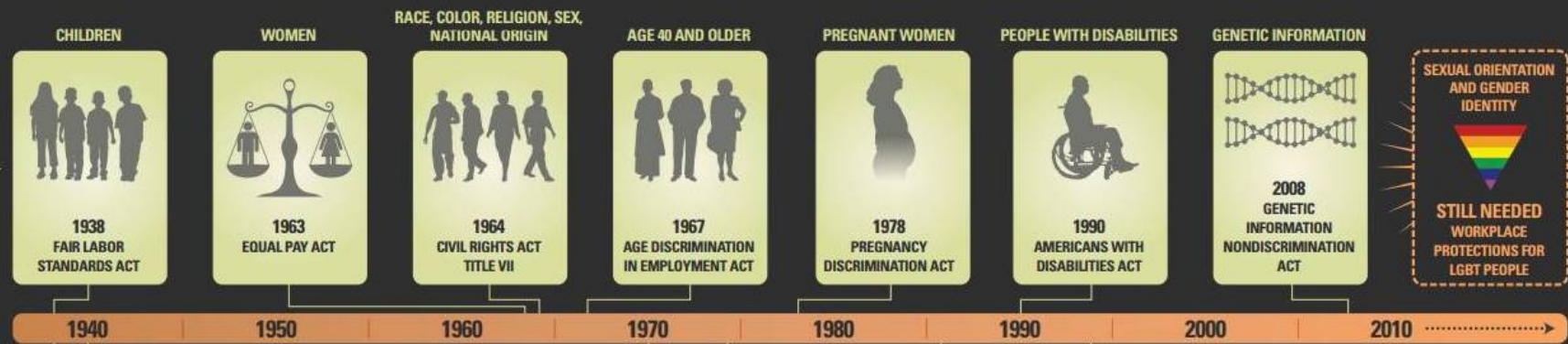
- Educated & aware about LGBT issues & perspective
- Openness to embracing diversity enterprise-wide

- **Pro-Active Diversity Initiative**

- “Diversity” Section on Public Website
- Workplace Policies & Benefits
 - *Non-Discrimination, Bereavement, Medical/Dental, etc.*
- Director of Diversity or other dedicated management position
- Cultural Competency Training
- Documented Protocols for Transgender Transition Support
- LGBT Employee Resource Group
- Annual HRC Workplace Equality Index Score
- Out & Equal: Active Participation & Use of Resources
- Outreach to Larger LGBT Community

A TIMELINE OF IMPORTANT FEDERAL WORKPLACE PROTECTIONS

CLASSES OF PROTECTED WORKERS



WORKER RIGHTS & BENEFITS

Out & Equal Workplace Advocates

www.outandequal.org



Workplace
Advocates

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Shaping the Future of Global
LGBT Workplace Equality and
Inclusion

2016 Workplace Summit

October 4th - 7th
Orlando, Florida

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Give OUT Day

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May 19th, 2016

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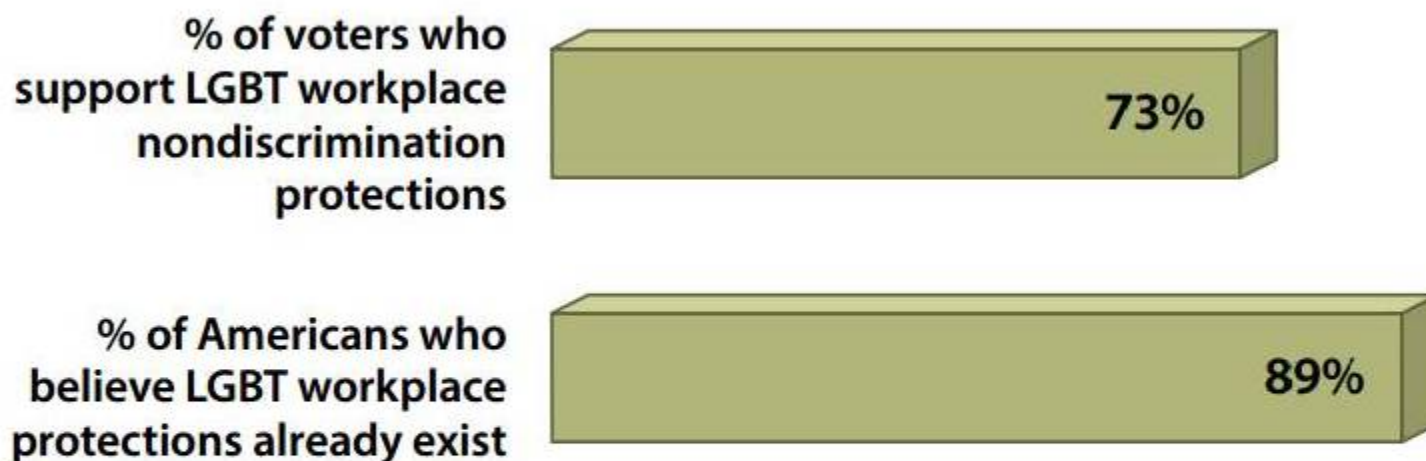
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Americans Overwhelmingly Support LGBT Workplace Protections

Figure 12: Support for LGBT Workplace Protections



Sources: Krehely, Jeff. "Polls Show Huge Public Support for Gay and Transgender Workplace Protections." *Center for American Progress*. June 2, 2011. <http://www.americanprogress.org/issues/lgbt/news/2011/06/02/9716/polls-show-huge-public-support-for-gay-and-transgender-workplace-protections/>

Thank You!

Q & A

DGLA

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