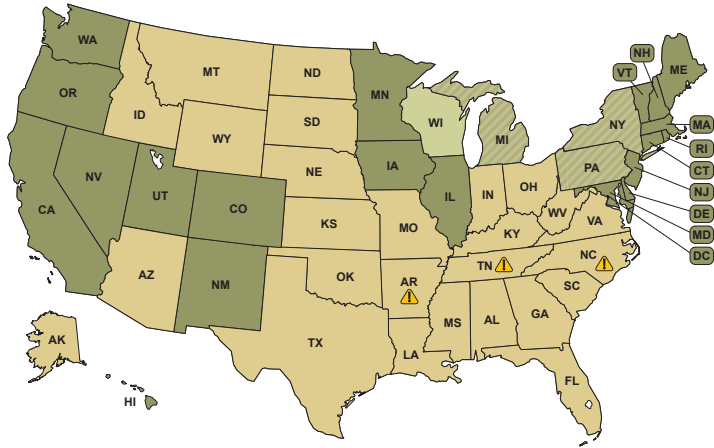


LGBT PEOPLE IN THE WORKPLACE: DEMOGRAPHICS, EXPERIENCES AND PATHWAYS TO EQUITY

THE LEGAL LANDSCAPE: PROTECTIONS FOR LGBT WORKERS

Currently only 20 states and D.C. have laws that explicitly prohibit discrimination based on sexual orientation and gender identity. The Equal Employment Opportunity Commission (EEOC) and a growing number of federal courts have extended protections to include sexual orientation and gender identity—specifically through Title VII’s prohibition on discrimination based on sex.

Despite this patchwork of protections, **LGBT workers still report high rates of discrimination when looking for work and on the job.**



- State law explicitly prohibits discrimination based on sexual orientation and gender identity (20 states + D.C.)
- State explicitly interprets existing prohibition on sex discrimination to include sexual orientation and/or gender identity (3 states)
- State law explicitly prohibits discrimination based on sexual orientation only (2 states)
- No explicit prohibitions for discrimination based on sexual orientation or gender identity in state law (26 states)
- State has law preventing passage or enforcement of local nondiscrimination laws (3 states)

MANY LGBT WORKERS ARE PEOPLE OF COLOR, YOUNGER¹, UNEMPLOYED, UNDOCUMENTED, IN A LOWER INCOME BRACKET, AND EXPERIENCING A LOWER LEVEL OF OVERALL WELL-BEING.⁴

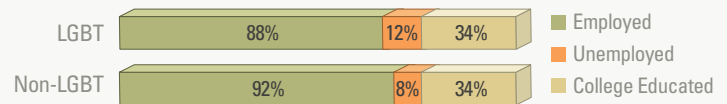
11
MILLION
LGBT PEOPLE

WHO ARE LGBT WORKERS?

In the U.S., 4.5% of the population identifies as lesbian, gay, bisexual, or transgender¹—an estimated **11 million LGBT people**—and 88% are employed.

Figure 1: Employment Status, LGBT and Non-LGBT People

(Source: Williams Institute)

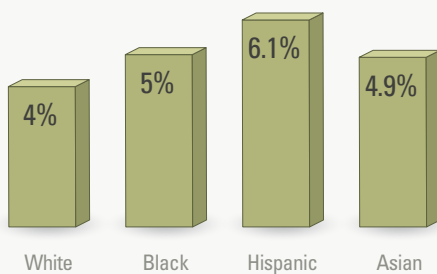


Race

LGBT people are racially diverse—one-third of LGBT people are people of color; and Black, Hispanic, and Asian people are more likely than white people to identify as LGBT.³

Figure 2: Percentage by Racial Category, 2017

(Source: Gallup)



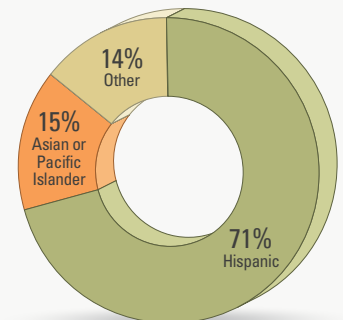
Legal Status

There are approximately **1 million LGBT immigrants in the U.S.**—and 30% are undocumented.²

With harsh immigration policies and lack of nondiscrimination protections, undocumented LGBT workers are at increased risk for discrimination and exploitation.

Figure 3: Percentage of LGBT undocumented U.S. immigrants, by racial category, 2013

(Source: Williams Institute)



¹ Frank Newport, Gallup (2018). In U.S., Estimate of LGBT Population Rises to 4.5%.

² The Williams Institute (2013), LGBT Adult Immigrants in the United States.

³ The Williams Institute (2016), Same-sex Couple and LGBT Demographic Data Interactive. UCLA School of Law.

⁴ Gary Gates, Gallup (2014), LGBT Americans Report Lower Well-Being.

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DEFINING DISCRIMINATION

Sex discrimination in Title VII is not only about biological sex. It needs to include legal safeguards that consider gender norms and how they impact everyday work.

Example: actions taken against a transgender employee because they fail to conform to gender stereotypes in the workplace—including *style of hair or dress*—is also sex discrimination.

25% of LGBT people report experiencing discrimination based on sexual orientation or gender identity in the past year—half of whom said it negatively impacted their work environment



Source: Singh, S. & Durso, L. E. (2017). Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways. Center for American Progress.

BARRIERS FOR LGBT EMPLOYEES

A recent study suggests that nearly 50% of LGBT workers remain closeted at work and fear being stereotyped or jeopardizing professional connections⁵. Anti-LGBT bias is highly prevalent in the workplace and creates massive hurdles in the day-to-day:

Hiring/Firing

- 27% of transgender workers reported being **fired, not hired, or denied promotion** in 2016-2017.⁶
- Applicants may obscure details about sexual orientation or gender identity.⁷

Wages

- Despite comprising 4.5% of adults in the United States, LGBT adults comprise **6.2% of people who earn less than \$36,000 a year**.¹
- 22% of LGBT workers were not paid or promoted at the same rate as colleagues.⁸
- Gay men report higher salaries than lesbian women, but both report **less income than non-LGBT colleagues**.⁹

Benefits

- Only 1 out of 5 U.S. companies offer paid family leave for LGBT employees.¹⁰
- Only **58% of Fortune 500 companies offer transgender-inclusive benefits**.¹¹



THE INTERSECTIONAL DIFFERENCE

Transgender employees and LGBT workers of color experience disproportionately higher levels of discrimination in the workplace:

- More than 25% of trans employees were fired, not hired or not promoted because of gender identity or expression.¹²
- When applying for jobs, LGBT people of color (POC) report 2x more discrimination based on sexual orientation.⁸

ADDED CHALLENGES FOR LGBT WORKERS

Having a Criminal Record

1 LGBT people, particularly people of color, are overrepresented in the criminal justice system.

Among incarcerated adults:¹³

- 2 of 3 adults are POC
- 7.8% are LGBT

2 Reentry issues after conviction:

- Inadequate programs
- Restrictive probation/parole
- Discriminatory family networks
- Difficulty finding a job, pursuing education, or obtaining a name change

Sex Work

1 Trans people face higher risks:

- 69.3% of transgender sex workers reported a previous negative outcome in the traditional workforce.¹²
- Respondents who lost their jobs due to transphobia were 3x more likely to engage in sex work.¹²
- In the U.S., transgender individuals' risk of poverty is 4x higher than the general population.¹⁴

3 A higher minimum wage can benefit workers.

- In the U.S., the minimum wage is \$7.25/hour, or \$15,080 in annual earnings.¹⁴
- Raising the minimum wage to \$15/hour could reduce poverty by up to 50% for same-sex couples.¹⁹
- **POC make up 42% of minimum wage workers in the U.S.**³

Changing Economies

1 Analyzing the 'gig' economy

- Although freelance work is increasing in the U.S., most workers do not generate substantial income.¹⁵
- Workers often enter the gig economy to supplement 'main' jobs,¹⁵ and some may take on multiple gigs¹⁶ to make ends meet.

2 Tipped workers + gig platforms

- In the restaurant industry, women and POC are the lowest paid workers.¹⁷
- 23% of restaurant workers experienced verbal abuse related to sexual orientation.¹⁸
- Lyft drivers are **2X as likely to be LGBT**.²⁰

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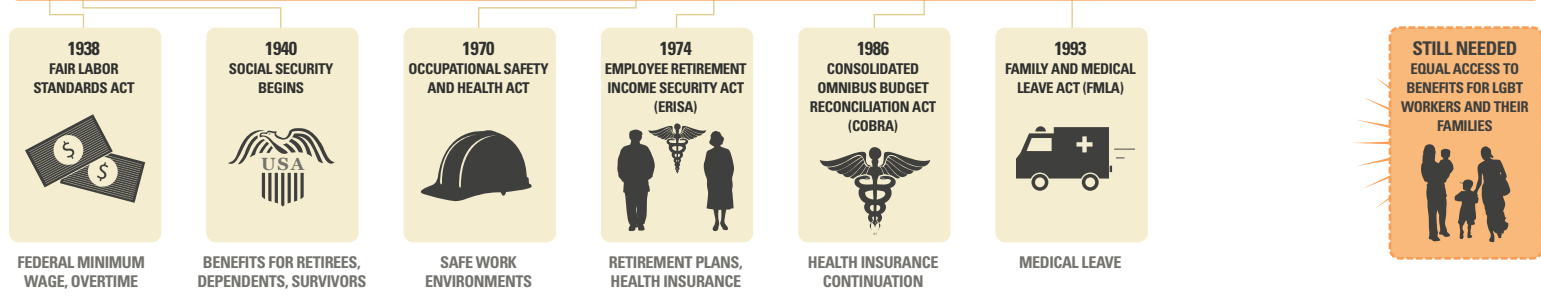
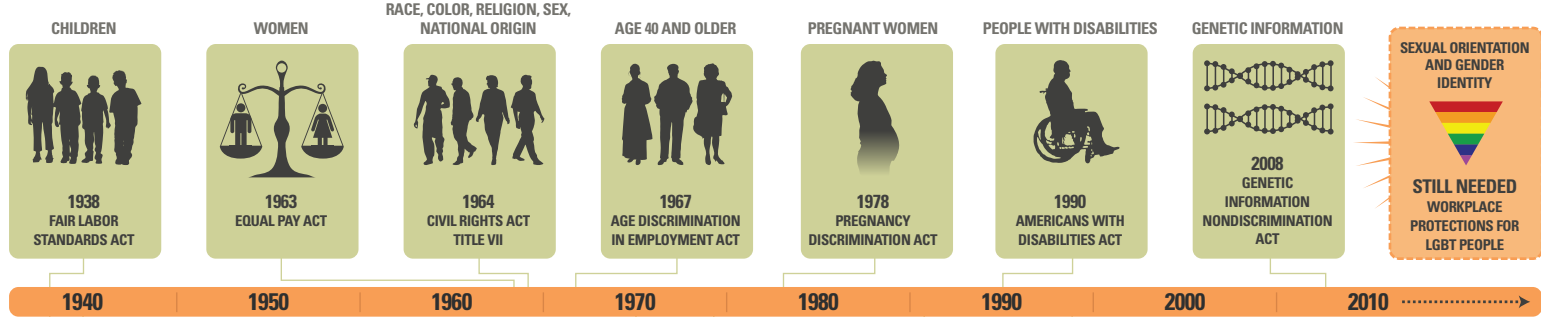


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A TIMELINE OF IMPORTANT FEDERAL WORKPLACE PROTECTIONS

CLASSES OF PROTECTED WORKERS



WORKER RIGHTS & BENEFITS

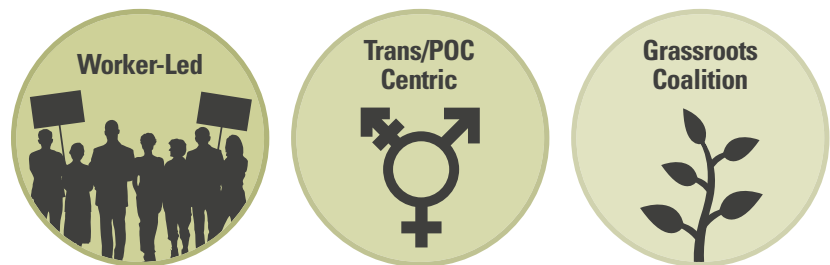
PRIORITIES FOR A POLICY AGENDA

Establishing federal- and state-level LGBT protections is a pathway towards equality, but grassroots campaigns that are led by workers and prioritize workers' rights can accelerate policy change. LGBT policy work should also center on trans and POC workers to adequately solve the discrimination all LGBT people face.

FEDERAL	STATE	LOCAL
<input type="checkbox"/> Update federal laws to prohibit discrimination based on sexual orientation and gender identity. <input type="checkbox"/> Amend the Fair Pay Act to include sexual orientation and gender identity.	<input type="checkbox"/> Pass state laws prohibiting employment discrimination. <input type="checkbox"/> Adopt laws that ensure legal documentation for transgender people.	<input type="checkbox"/> Foster advocacy that engages with municipal and institutional policy. <input type="checkbox"/> Form worker-led coalitions to establish a grassroots platform for LGBT nondiscrimination.

WHAT IS THE NATIONAL LGBTQ WORKERS CENTER AGENDA?

The goal of the National LGBTQ Workers Center is to create a space where workers can go to stand up to workplace discrimination and fight for economic justice. Through issue-based, grassroots organizing and labor education the organization works toward progressive social change with an emphasis on uplifting queer and transgender people of color.



¹ Kari Paul, Market Watch (2018), Why 50% of LGBT Americans are in the closet at work.
² Sandy E. James, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, and Ma'ayan Anafi, National Center for Transgender Equality (2016), The Report of the 2015 U.S. Transgender Survey: p. 148.
³ Sejal Singh and Laura E. Durso, Center for American Progress (2017), Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways.
⁴ National Public Radio, the Robert Wood Johnson Foundation, and The Harvard T.H. Chan School of Public Health (2017), Discrimination in America: Experiences and Views of LGBTQ Americans.
⁵ Prudential (2017), The LGBT Financial Experience.
⁶ Society for Human Resource Management (2017), 2017 Employee Benefits: Remaining Competitive in a Challenging Talent Marketplace: p. 23.
⁷ Human Rights Campaign Foundation (2017), Corporate Equality Index 2018: Rating Workplaces on Lesbian, Gay, Bisexual, Transgender, and Queer Equality.
⁸ Erin Fitzgerald, Sarah Elspeth, Darby Hickey, Cherno Biko, and Harper Jean Tobin, National Center for Transgender Equality (2015), Meaningful Work: Transgender Experiences in the Sex Trade.
⁹ MAP (2016), Unjust: How the Broken Criminal Justice System Fails LGBT People of Color.
¹⁰ The National LGBTQ Task Force (2014), Minimum Wage: LGBT Fact Sheet.
¹¹ EPI (2018), Has self-employment surged? Data on nonemployer establishments confirm other data showing more activity, but not much economic impact.
¹² Elka Torpey and Andrew Hogan, BLS (2016), Working in a gig economy.
¹³ ROC United (2015), Ending Jim Crow in America's Restaurants: Racial and Gender Occupational Segregation in the Restaurant Industry.
¹⁴ Analysis by ROC United of of recently conducted surveys of over 2,000 workers in Houston, Seattle, the San Francisco Bay Area, and Boston.
¹⁵ The Williams Institute (2016), The Impact of a \$15 Minimum Wage Among Same Sex Couples.
¹⁶ Lyft (2017), Lyft Honored with Human Rights Campaign Corporate Equality Award.