

Contemporary Human Resources Issues for the Modern LGBT+ Adult

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### Abstract

Individuals within the lesbian, gay, bisexual, and transgender plus (LGBT+) community have been discriminated against in employment and related factors since the early 20<sup>th</sup> century. Discrimination has appeared in subtle and implicit forms such as same-sex partners not receiving their spouse's employer-sponsored healthcare benefits to explicit forms such as transgender individuals being outright banned from serving in the military. These biases and forms of discrimination are the results of historic political and social events that either reinforced or did not challenge negative stereotypes about the LGBT+ community. Negative biases towards the LGBT+ community have created systemic underemployment for LGBT+ adults compared to unemployment for the general American society. To mitigate this, some corporations have made their workplaces LGBT+ friendly. As a direct result of potentially indirect action, firms who are labeled as LGBT+ friendly are better positioned to reap additional economic benefits from this status from both LGBT+-identifying individuals and all Americans.

### Contemporary Human Resources Issues for the Modern LGBT+ Adult

Human resources, at its broadest point, encompasses a variety of functions within an organization that can include but certainly are not limited to recruitment, selection, payroll, benefits, and employee relations. As the United States has grown in size and in diversity, so, too, has the workforce. Human resources has been challenged to keep up with the ever-changing tide of diversity so as best to maximize employee performance and efficiency. The United States of America's history with accepting individuals different than the "traditional" American has resembled a pendulum: swinging from intolerance to acceptance and back to intolerance. This pendulum is influenced by individuals in power; the values and beliefs held by its public; and those advocating for social change. Human resources has not been exempt from feeling the effects of these pendulum swings and has faced its own issues as human resources has struggled to accommodate a more diverse workforce.

Human resources, as a profession, is also closely linked to organizational behavior and social psychology. By applying social theories to the field of human resources, it is possible to gain a greater understanding of the systemic issues that LGBT+ Americans face as they seek to gain employment and the issues that they face once they gain employment. Through combining social theories and LGBT+ social and labor history, it is possible to begin to explore the contemporary human resources issues that modern LGBT+ adults must navigate which include but are not limited to employment disenfranchisement as a result of direct and indirect discrimination methods and the resulting economic effects and possibilities for firms that engage with LGBT+ individuals.

The systemic oppression of LGBT+ individuals in employment can begin to be explained using Harro's Cycle of Socialization. Harro (2000) writes that the beginning of the cycle starts

when an individual is born into a world where structures exist that allow discrimination to occur. An example of such a structure is the Lavender Scare that took place in the United States from the 1940s to the 1960s. According to *These People Are Scared to Death* by Judith Adkins (2016), the Lavender Scare began in the 1940s and ended in the 1960s and was an era in which thousands of gay employees were removed from the federal workforce because they were gay. These structures influence and shape our thoughts and opinions much like the individuals who raise us. Further following the cycle, we learn the thoughts and opinions of those who raise us and we sometimes internalize them as our own thoughts and opinions. As individuals, we are then socialized by the institutions and cultures in place. If there is a prevalent anti-LGBT+ culture in place because of permitted discrimination, this becomes institutional oppression which will be perpetuated if not disrupted. If you are an LGBT+ person in this cycle, you will be punished because of the structures that are in place; if you are a non-LGBT+ person in this cycle, you will not be harmed because there are not any structures in place to hurt you. This results in the oppressed group, LGBT+ individuals, continuing to fall behind in society while non-LGBT+ individuals continue to advance because there are not systems in place that prohibit their growth.

This cycle is only interrupted when a person questions the structures that are currently in place and attempts to undo them. The continued disruption of a harmful cycle is what eventually breaks down the negative opinions towards the oppressed group. Wide-spread changes in opinions are not facilitated overnight, however, and often span the course of generations of society. Not only do socialization cycles and systems of oppression exist at a societal level, they also trickle down to individuals and turn into implicit biases. The Kirwin Institute (2015) defines an implicit bias as, “the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.” Since implicit biases occur at the subconscious level,

individuals are not aware of them until they are called out. Implicit biases have the ability to continue undisturbed for years, if not lifetimes, and directly and negatively affect the subject of that implicit bias.

LGBT+ individuals are often the subject of both implicit and explicit negative implicit biases. Examples of explicit negative biases against LGBT+ individuals include laws, regulations, and physical acts of violence. These are readily seen and are thought of the most often when people think about how to promote LGBT+ rights. The implicit biases, since they are not seen, are much more difficult to break and reform to promote LGBT+ equity and rights. In a report by Miller and Grollman (2015), it was found that perceived gender conformity significantly contributes to discrimination against transgender individuals. Based on access to goods like clothes and makeup or services like hormone replacement therapy or different gender confirmation surgeries, it is not always possible for transgender individuals to conform to the perceptions of what their identified gender should look like.

Harro's Cycle of Socialization directly feeds into the creation of an oppressive system. The Arcus Center at Kalamazoo College (n.d.) writes that an oppressive system is, "built around the ideology of superiority of some groups and inferiority of others." If an individual travels through Harro's Cycle of Socialization and becomes socialized that anti-LGBT+ sentiments are acceptable, they will go on to create and/or perpetuate an oppressive system where LGBT+ individuals suffer. Societal change is usually best affected by individuals in places of prominent power, typically in the government. If an individual in power subscribes to the harmful beliefs and structures that oppress a group, the individual in power will continue to perpetuate oppressive systems and make it easier for the negative socialization cycle to be perpetuated at a societal level. If the individual in power does not subscribe to the harmful beliefs and structures

that oppress a group, they have the ability to disrupt the oppressive systems and socialization cycle at a societal level.

Positive change is created when systems of oppression that are in place are removed. It is possible, however, for a barrier to be removed but the oppressed group still suffer disparate impact. According to Mitchell and Gamlem (2017), disparate impact, “generally occurs when a neutral policy inadvertently discriminates or has a discriminatory affect...on a group of people.” A prominent example of LGBT+ individuals experiencing disparate impact in employment is when President Bill Clinton introduced the Don’t Ask, Don’t Tell policy. From the Editors of Encyclopaedia of Britannica (2018), President Clinton’s policy permitted homosexual military members to continue to serve as long as they did not openly declare their sexual orientation. If they openly identified themselves as a homosexual, then they could be removed from service. Since the entire negative barrier, homosexual military individuals not being able to openly identify as homosexual, was not removed, homosexual military members were still subject to discrimination via disparate treatment. Requiring homosexual military members to hide their sexuality, lest they jeopardize their career, furthered the cycle of socialization for young LGBT+ individuals that they should hide their identities and that they would be punished if they were open about who they were.

LGBT+ discrimination at the societal level must be examined to understand how different attitudes can bleed into the professional realm. The Civil Rights Act of 1964 was a landmark piece of legislation as it prohibited discrimination in all employment decisions on the basis of several different demographic identities. However, there were three identities that were left out the protected classes created by the Civil Rights Act: gender identity, gender expression, and sexual orientation. While the Civil Rights Act began mitigating the effects of discrimination for

those who hold the identity or identities that the act protects, individuals who identify within the LGBT+ community continued to face the effects of discrimination in the workplace. All of the identities that make up the LGBT+ community are not equally accepted, however. Subsections of the LGBT+, specifically individuals who identify as transgender, face greater discrimination than the rest of the community. The availability of employment and unemployment statistics between those who identify within the LGBT+ population have greatly differed from those of the general population because of biases against the community. Explicit negative biases such as Don't Ask, Don't Tell, or negative implicit biases such as hatred of LGBT+ people have appeared in multiple ways across recent history and actively prevented LGBT+-identifying adults from becoming employed. Despite this, corporations have recently begun openly supporting the LGBT+ community, which has the possibility to affect the corporation's gains and losses.

President Obama's support of the Supreme Court's decision to legalize homosexual marriage can be regarded as the apex of the LGBT+ community's efforts to gain equality with heterosexual Americans. Despite this monumental accomplishment, there is still a lot of work that could be done to secure equality and justice for members of the LGBT+ community, especially people of color within the community. Much like the Civil Rights Movement can trace its history back to one or two defining moments where the effects of the events are still felt today, the LGBT+ rights movement has also had its share of defining moments with similar effects. The Stonewall Riots of 1969 is regarded as the start of the gay rights movement while the transgender rights movement can be credited to the Tenderloin Uprising at Compton's Cafeteria in 1966.

While sexual orientations and gender identities housed under the blanket term LGBT+ have slowly grown in acceptance in America and around the world, it would be remiss to not acknowledge the long and arduous battles that these individuals have fought for the rights that they do have. It is also important to acknowledge that these rights are not widespread and, especially for transgender individuals, have the ability to vary from state-to-state or even city-to-city. Actions that the United States government has taken in the past have either implicitly or explicitly sanctioned anti-transgender and anti-LGBT+ violence and sentiments. Certain state legislatures have taken proactive measures to extend rights and protections to members of the LGBT+ community, far beyond that which the federal government offers. However, past actions and missed opportunities for actions have allowed negative sentiments and subsequent actions to permeate society and create new challenges for members of the LGBT+ community.

Today, many members of the LGBT+ community annually flock to New York City, New York for the Pride Parade. Little do many of the younger members of the community know that New York City did not always accept the community as the city does today and that the first Pride Parade was a riot. Each year, the LGBT+ community celebrates Pride to commemorate the individuals who have come before them in fighting for the rights of LGBT+ individuals and to express themselves in ways in which they used to not have the ability to. Sherry Wolf (2009) mentions in her book *Sexuality and Socialism* that,

Most states had laws barring homosexuals from receiving professional licenses, which could also be revoked upon discovery... and California's Atascadero State Hospital was compared with a Nazi concentration camp and known as a 'Dachau for queers' for performing electroshock and other 'draconian' therapies on gays and lesbians. (p. 117)



Wolf's accounts highlight the debilitating events that LGBT+ adults could be subject to if they openly identified as such. These anti-LGBT+ sentiments, laws, and practices served as the foundations for discrimination against those in the community. Along with these sentiments came fear, hatred, and distrust for those both inside of and outside of the community and worked well together to set a stage for a riot.

The Stonewall Riots were a series of riots that began on June 27, 1969 and lasted six nights at the Stonewall Inn in New York City, New York. (Wolf, 2009) Anti-LGBT+ sentiments were running rampant and the police raiding gay bars was commonplace. In the article *Stonewall: The People, the Place, and the Lasting Significance of "Where Pride Began,"* author Meredith Worthen records that the riot began because, "...plainclothes police officers invaded The Stonewall Inn on Friday, June 27, 1969 and...things turned violent after a few LGBT people were arrested on questionable charges, handcuffed, and very publicly forced into police cars on the streets of NYC." (Worthen, 2017). The LGBT+ community was tired of being punished for existing and it was their time to make their resistance known.

While Marsha P. Johnson, an African American transgender woman, was noted by Worthen (2017) for being pivotal in kickstarting the LGBT+ Civil Rights Movement with the Stonewall Riots, the Stonewall Riots were not the only instance of members of the LGBT+ community resisting oppression. Several years earlier, in San Francisco, transgender women had their own resistance. In 1966, at Gene Compton's Cafeteria in San Francisco, California, Pasulka (2015) writes that the, "first known instance of collective militant queer resistance to police harassment in the United States history," occurred when a drag queen threw a cup of coffee in a police officer's face. Tensions had been running high in the area between the police and the LGBT+ individuals who frequented Compton's Cafeteria. Compton's Cafeteria had become

almost a safe space for LGBT+ people who engaged in sex work because of Compton's close proximity to popular San Francisco bars, local stores who provided drag supplies, and its high population of homeless LGBT+ youth (Pasulka 2015). Those who were engaged in sex work came into contact more often with the police because sex work was, and still is, criminalized. Additionally, at this time in San Francisco, it was still possible to be arrested for "impersonating" a woman. These factors made police hyperaware of Compton's Cafeteria and made it a prime target for harassment.

Both the Stonewall Riots and the Compton's Cafeteria were the first prominent incidents in America that began to break the negative cycles of socialization and the negative implicit biases towards LGBT+ individuals. These two incidents brought LGBT+ individuals to the forefront of the public eye and meant that America had to address these individuals. The Stonewall Riots could be attributed to the beginning of breaking the cycle of socialization that perpetuates negative attitudes towards LGBT+ people. From here, society seems to have travelling in a circular cycle of LGBT+ acceptance to LGBT+ oppression back to LGBT+ acceptance. The incident at Compton's Cafeteria also began breaking negative socialization cycles surrounding LGBT+ individuals but at a local level.

The incidents harassment and discrimination that transgender individuals faced at Compton's Cafeteria and the Stonewall Inn were not isolated incidents and this harassment only continued to garner widespread attention. In 1976, a transgender tennis player by the name of Renée Richards was banned from competing in the US Open because she refused to complete a chromosome test that was mandatory for women to take before competitions (Briggs, 2018). Richards would have failed the test because despite undergoing sexual reassignment surgery in 1975 her chromosomes would still read XY – as a male (Briggs, 2018). In order to compete in

the US Opens, Richards sued the United States Tennis Association under the testimony that, in the eyes of the New York law, she is a woman. Judge Alfred Ascione ruled in Richards' favor, noting that the number of athletes in Richards' position is disparagingly small (Briggs, 2018). This ruling set a precedent that would see use in the near future and one that continues today: that a person's chromosomes are not the end-all, be-all for their identity. This decision continued to break down barriers for LGBT+ to enjoy large-scale, everyday activities. Judge Ascione's decision also set a positive precedent for including LGBT+ individuals. Despite the political climate that was unfavorable towards LGBT+ people, Judge Ascione's decision in a social setting was planting the seeds to begin creating favorable LGBT+ impressions.

The implications from Richards' court ruling were not fully realized again until 1993 when Minnesota amended their Human Rights Act, Minnesota Statute, Chapter 363. Minnesota was the first state in the United States of America to make sexual orientation a protected class for antidiscrimination purposes and to classify being transgender as a sexual orientation (363A.03 Definitions, 1993). Since Minnesota in 1993, an additional 18 states have gone on to pass state-wide laws that provide protections to transgender individuals. According to the American Civil Liberties Union (n.d.), an additional 200 cities or counties, apart from the existing 19 states with protections for transgender people, have passed local laws or ordinances that provide protections to transgender people). Minnesota was a trailblazer in providing legal protections to LGBT+ citizens and as such, explicitly sent a message to LGBT+ and non-LGBT+ individuals alike that LGBT+ individuals were welcome in Minnesota. For Minnesotan citizens, this action signaled a shift towards viewing LGBT+ citizens positively and removed barriers to LGBT+ success.

For many LGBT+ individuals, specifically transgender individuals, laws that aim to protect them often come too late, or they do not come at all. One such example of this is with

Brandon Teena. Brandon Teena was a transgender man who was raped and murdered by two friends when Brandon was 21-years-old (Hidalgo, 2018). Teena's biological identity was discovered when he was brought to court for check fraud and the court notice had been printed in a local Humboldt, Nebraska newspaper (Hidalgo, 2018). According to the American Civil Liberties Union (n.d.), Nebraska currently does not have any laws that extend protections to LGBT+ adults, transgender or otherwise. The additional 30 states that still do not have protections for transgender individuals, and LGBT+ people broadly, continue to implicitly support the harassment and murder of their non-heterosexual and non-cisgender citizens.

Despite the number of reported transgender individuals who have been killed in the United States numbering at least 20 per year according to different articles from the Human Rights Campaign (n.d.) starting 2015, transgender individuals continue to live their day-to-day lives despite knowing that it could be their last day. Each year, the transgender community celebrates Transgender Day of Remembrance on November 20 to remember those who have lost their lives to anti-transgender violence (GLAAD, n.d.). An article written by Samantha Allen (2015) notes how Nancy Nangeroni organized the first Transgender Day of Remembrance vigil to honor the death of Rita Hester. Rita Hester was an African American transgender woman who was stabbed 20 times in her chest on November 28, 1998 (Allen, 2015). Hester was a well-known and well-loved figure within her community.

News of Hester's murder slowly spread across the country. Gwendolyn Ann Smith had heard of Hester's murder and decided that she was going to organize an observance ceremony for all those transgender individuals who lost their lives due to anti-transgender violence. This was primarily spurred by the misrepresentation of Hester in her murder trial. Many news outlets who covered the story committed microaggressions against Hester by using male pronouns to

refer to her or putting the name Rita in quotation marks. Further in Allen's article, it is mentioned that word of the event spread via the Internet as Smith created an event in San Francisco and Penny Ashe Matz coordinated an event in Boston (Allen, 2018). Since Nangeroni's initial vigil in 1998 for Hester, there have been 20 Transgender Day of Remembrances celebrated around the world.

Social activists around the United States have been much more proactive than the federal government in terms of advocating for the rights of transgender individuals, especially after they have died. Many times, the murderers have not been brought to justice. The federal government has also not made any sort of statements formally addressing the number of transgender individuals murdered every year nor passed any sort of protective statutes for transgender individuals. During each Transgender Day of Remembrance, political figures voice their support for protecting transgender individuals, but the current presidential administration have not made any moves in this direction. The lack of actual action on behalf of the federal government further reinforces the attitudes that transgender individuals are not worth protecting and further perpetuates negative stereotypes.

In addition to poor representation within the media, transgender and other LGBT+ individuals have historically been discriminated against within the United States legal system. In the case of *Littleton vs. Prange*, the state courts of Texas ruled that Christie Lee Littleton was a male, and thus her marriage to her husband was invalid under Texas state law at the time, despite taking female hormones and having undergone sexual reassignment surgery (Hardeberger, Angelini, & Lopez, 1999). Littleton's birth certificate contained her name, Christie Lee Littleton, and her sex marker indicated that she was a female. However, on the grounds that she still has male chromosomes present in her body, the courts ruled that she was still a male (Hardeberger et

al., 1999). This decision highlights a fundamental discrepancy between law and application, however. If Littleton was able to change her sex marker on her birth certificate under Texas law, why was she then determined to still be a male by the state courts of Texas?

Discrepancies between the applications of the law and the lived reality of transgender people is something that still implicitly affects the community today. In 2002, the California court system saw the of the trans panic legal defense. Gwen Araujo, a pre-operative transgender woman, was brutally murdered by four men at a house party in Newark, California (Fraley, 2016). In their paper, *Heteronormativity and/as Violence: The 'Sexing' of Gwen Araujo*, author Moya Lloyd explores the use of the trans panic legal defense by Araujo's killers in their trials. Lloyd mentions, "His [Thorman's] client, Noonan claimed, had 'had sex with a person who he thought was somebody else' (cited in St. John 2004b); he had been duped. It was the discovery of this 'deception' that provoked the emotional reactions..."(Lloyd, 2012). These emotional reactions lead to Araujo's death by being, "kneed...in the face, slapped, kicked, and choked..., beat...with a can and a metal skillet, wrestled...to the ground, tied...her wrists and ankles, strangled... with a rope, and hit...over the head with a shovel" (Lloyd, 2012). While all four of Araujo's killers were convicted, transgender individuals still have fewer legal protections than their cisgender counterparts.

What behavior or behaviors are justified by being "duped," though? Does being "duped" justify murder? According to the James, Herman, Rankin, Keisling, Mottet, and Anafi (2016) for the National Center for Transgender Equity, 47% of the 27,715 survey respondents had been sexually assaulted at some point in their life. One of the most prominent legal defenses for transgender individuals came in 2006 when Arnold Schwarzenegger approved the Assembly Bill No. 1160, more commonly known as the Gwen Araujo Justice for Victims Act. The Gwen

Araujo Justice for Victims Act is one of the most prominent statements protecting transgender individuals in court cases. However, California is the only state who has adopted this exact statement. The statement, as written by Lieber, Jones, Korretz, and Torrico (2006) reads that, “This bill, the Gwen Araujo Justice for Victims Act, would state legislative findings and declarations regarding the influence of a defendant’s bias against the victim upon the trier of fact in a criminal proceeding and defendants’ use of panic strategies based upon discovery or knowledge of an actual or perceived characteristic of their victim to decrease criminal culpability for crime.”

Inconsistencies in protections for transgender individuals and LGBT+ individuals as a whole have created, in effect, LGBT+ bubbles. LGBT+ individuals often try to move towards large cities like New York City, Los Angeles, and San Francisco because they know that the political climate there is favorable for them. The favorable political and social climates of these areas contributes to an air of overall safety for LGBT+ individuals. This safety, combined with the lack of explicit negative biases towards LGBT+ individuals, should serve as a model for states and the federal government on how to create healthy spaces for LGBT+-identifying individuals.

The legal protections that are extended to LGBT+ individuals, especially transgender individuals, also widely varies between presidential administrations. Transgender individuals gained considerably more protections under President Obama’s eight-year administration than they have with any other president. However, with conservative presidents like Donald Trump, these protections are at risk every day. In late 2018, the Green, Benner, and Pear (2018) wrote an article for the New York Times where they had found a memo where the Trump administration was considering narrowing the definition of gender. According to the Merriam Webster (2019)

dictionary, gender is defined as, “the behavioral, cultural, or psychological traits typically associated with one sex.”

Contrastingly, as reported in Green et al. New York Times article “*Transgender*” *Could be Defined Out of Existence Under Trump Administration* (2018), the Trump administration is considering narrowing the definition of gender to, “a biological, immutable condition determined by genitalia at birth.” The definition that has been proposed by the Trump administration would unnecessarily rigidify the term gender because the proposed definition aligns so closely with sex.

The fundamental difference between these two definitions of gender is the association of traits. In the Merriam Webster definition of gender, Merriam Webster uses the words “typically associated with,” which expresses that gender is fluid and is able to be redefined person by person. If the definition proposed by the Trump administration is adopted, it ignores that sex is also not as fixed as it is made out to be. There are several elective procedures, such as phalloplasty and vaginoplasty, that fall under the umbrella of sexual reassignment surgeries. When a person undergoes sexual reassignment surgery, their genitalia is altered, and since most definitions of sex rely on a person’s external genitalia, a person who has completed sexual reassignment surgery has effectively changed sex. This is why these surgeries are often shortened to sex-change surgeries.

Further, the definition of sex that was proposed by the Trump administration does not consider all individuals in its wording. The intersex community, often housed under the LGBT+ umbrella acronym, is comprised of a group of individuals with, “reproductive or sexual anatomy that doesn’t seem to fit the typical definitions of female or male” (Intersex Society of North America, n.d.). Intersex people are not often discussed because, also according to the Intersex Society of North America (n.d.), a birth resulting in an intersex person only occurs



approximately 1 in 1,500 births, and an individual may not show signs of being intersex until they reach puberty age. Since an intersex person, by definition, does not possess genitalia that conforms to typical male or female genitalia, they would not be able to be properly classified on their birth certificate. This especially would be the case for individuals whose genitalia may change as they go through puberty.

Unnecessarily limiting a person's ability to update their biographical information to reflect their living situation has caused and will continue to cause issues for transgender and intersex individuals in their personal and their professional lives, which has often resulted in brutal beatings or death. Extending beyond transgender and intersex individuals, the broader LGBT+ population still faces employment issues in modern American society due to negative biases that have been created and perpetuated by individuals in power.

History is repeating itself today as LGBT+ Americans face similar aggressions to those already outlined in this paper in addition to facing the effects of institutionalized anti-LGBT+ sentiments. Every time an individual in power permits something negative, actively or passively, to happen to the LGBT+-community, negative implicit biases are created or reinforced within an individual. As individuals rise into positions of power, society or business, which is also a large part of society, this individual and their peers have the ability to further freeze the negative stigmas into place. Culture is a direct product of the structures that are in place and culture can be difficult to disrupt, change, and refreeze into its improved state. This further highlights the need to actively promote the positive well-being and inclusion of the LGBT+ community in American society.

A way that LGBT+ people still face employment discrimination is being banned outright from working. Public sector America has had a track record of discriminating against LGBT+

Americans which dates back to the early 1940s. In 1942, a ban on homosexuals serving in military service was instituted because homosexuality could render a man unable to fight, reminisces Manegold (1993). This ban primarily affected homosexual men because the military was still primarily composed of men and the number of men serving in the military was only compounded by the use of the draft. Also at this time, homosexual males were barred from holding professional licenses, and could have their licenses revoked if it was discovered that they were a homosexual. Explicitly preventing homosexual males from serving in the military have set the stage for future discriminatory acts against LGBT+ individuals, primarily where government and not-for-profit employment are concerned.

As previously mentioned, it is also possible for individuals in positions of power to perpetuate or to restart negative socialization cycles. For LGBT+ individuals, especially those who are interested in working for the public or not-for-profit sector, their employment possibilities have been like a tennis match. In the last eight years, the two different presidential administrations have greatly expanded and contracted the employment opportunities available to LGBT+ individuals. On July 21, 2014, President Obama signed an executive order that prohibits federal contractors and subcontractors from discriminating against employees on the grounds of sexual orientation and gender identity (Perez, 2015). This was a paramount milestone in the employment struggle for LGBT+ individuals. Private sector employers are able to construct their own anti-discrimination policies that can extend beyond the letter of the law. The public sector, however, is bound exclusively by what has been established via laws, policies, and regulations.

According to *Public Sector Jobs* by Sauter (2018), 15.2% of individuals in the United States are government employees. Here, the term “government employees” is inclusive of individuals who work for local governments, state governments, and the federal government.

According to data that was generated by the Bureau of Labor Statistics (2018) and adjusted for seasonal employees, there are currently 22,498,000 government employees in the United States. It is not possible to separate the number of LGBT+-identifying individuals and the number of non-LGBT+-identifying individuals from the 22,498,000 government employees. Valens (2018) reports for the Daily Dot that 12% of the United States population identifies as part of the LGBT+ community and that between 0.58% and 3% of the population, depending on the study that is referenced, can identify as transgender. The United States Census Bureau (2019) estimates that there will be 327,167,434 people in the United States as of July 1, 2018. If Valens' estimates are applied to the United States Census Bureau's population estimates, it is possible for 39,260,093 (all numbers rounded to the next whole person) overall to identify within the LGBT+ community and for a range of 1,897,572 to 9,815,024 individuals to identify as transgender. If the federal government added sexual orientation and gender identity to the list of protected classes under amendments such as the Civil Rights Act and the Americans with Disabilities Acts, the number of government employees could, at maximum, increase by over 150%. This is assuming that all individuals who identify as transgender would and could work for the government because their identity is now legally protected.

Despite President Obama expanding the ability for LGBT+ individuals to work for the federal government via banning discrimination by federal contractors and subcontractors, President Trump has undermined LGBT+ acceptance in the public sector with his ban on transgender military members serving in the army. The Supreme Court allowed President Trump's ban on transgender military members serving in the army to go into effect in early January, 2019, according to de Vogue and Cohen (2019). Further in their same article, de Vogue and Cohen (2019) mention that this ban currently affects the approximately 9,000 current

members who identify as transgender. Pulling in the transgender population estimates mentioned earlier, it is possible that millions of transgender individuals could be affected by this ban in both the short-term and the long-term, if the ban is to stay in place.

LGBT+ individuals, however, will more than likely gravitate towards working in the private sector. The private sector has much more freedom in creating its antidiscrimination policies and more freedoms in terms of providing benefits that will attract LGBT+ individuals. If a LGBT+ adult, who worked for the public sector, was unable to secure healthcare benefits for their same-sex partner, that could be a deterrent for working in the public sector. If a LGBT+ individual worked for an organization or found an organization that provides healthcare coverage for same-sex partners, that would be a strong motivation to work for the private-sector firm. Private sector firms sometimes utilize à-la-carte benefits and health insurance plans (Dolezar, 2016). These plans can become especially attractive to prospective transgender workers because they are able to select and pay for a healthcare plan that covers items such as hormone replacement therapy and sexual reassignment surgery, items that are often considered pivotal in treating gender dysphoria and not always covered by public sector health plans. The public sector will continue to lose talented and intelligent LGBT+ workers to the private sector unless the public sector is able to make itself more appealing for transgender and other LGBT+ individuals to work in the public sector.

Since working for the public sector is not always an option for LGBT+ individuals and LGBT+-individuals still face implicit and explicit forms of discrimination, LGBT+ individuals can also be unemployed at a higher rate than the general American population. In a report completed by James et al. for the National Center for Transgender Equality (2016), it is reported that of the 27,715 transgender individuals who were surveyed, only 50% of the respondents were

employed full-time at the time of completing the survey. The remainder of those who answered the survey were employed part time, were employed in the underground economy, or their form of employment was not listed. Further in the same report, it was found that the unemployment rate among transgender individuals was 15%, compared to the 5% national unemployment rate.

Employment for LGBT+ individuals in both the public sector and the private sector have become even more complicated as all states have adopted at-will employment policies. Berman, Bowman, West, and Van Wart (2016) signify that at-will employment, in its simplest form, means that, “if the parties [the employee and the employer] do not specify the duration of employment-and most do not-either party may terminate the employment at any time, for any reason.” At-will employment contracts and states are unfriendly for LGBT+-identifying workers because LGBT+-identifying workers can be fired for essentially existing in their workplace. In the same report created by James et al. for the National Center for Transgender Equality (2016) shows that 30% of respondents who have ever lost a job lost their job due to their gender identity or expression and 13% of respondents lost their job because of their sexual orientation. These statistics capture the effects of both private-sector and public-sector employees. If the government dictated that sexual orientation and gender identity as protected employment classes under the law, then LGBT+ individuals would have similar employment security to their cisgender and/or heterosexual coworkers.

Unfortunately, estimates of populations and estimations of impacts are the best data that is available to the public. Questions about gender identity, gender expression, and sexual orientation, the three categories that would allow the most appropriate data collection for LGBT+ individuals, is not currently asked about on the United States census. The burden of gathering and digesting this information is pushed onto smaller independent organizations that have much

smaller budgets and smaller staffs than organizations like the United States Census Bureau. These organizations do not have the same reach as the United States Census Bureau and also limits the ability to collect the amount of information that would create a more representative view of the LGBT+ and the transgender community's employment struggles. Additionally, not every LGBT+ individual is able to be reached by the surveys that organizations like the National Center for Transgender Equality attempts to complete because of other factors like homelessness.

An employment issue that affects both the LGBT+ population and the non-LGBT+ population is individuals who are forced to work in the underground economy. The underground economy, as defined by James et al. in the National Center for Transgender Equality (2016) report, includes doing sex work or selling drugs. These forms of work are currently criminalized by the federal government and therefore are not counted when creating employment statistics. Since working in the underground economy is not recognized by the government as a form of work, it can overinflate the unemployment statistics for LGBT+ adults and underrepresent the number of employed LGBT+ adults.

Whether firms realize it or not, being a LGBT+ friendly workplace will have a positive impact on their bottom line. Grace Donnelly (2017) reported survey results from Ogilvy that found that 64% of individuals who identify as an ally to the LGBT+ community are more likely to spend their money on items from brands that they, the customers, perceived to be LGBT+ friendly. The same report called out companies like Apple, Microsoft, and Google for receiving praise for being LGBT+ friendly for acts such as supporting the resistance to anti-LGBT+ legislation or for having LGBT+ individuals in prominent leadership positions. By logical extension, it can also be assumed that individuals who identify as LGBT+ would support the

brands that advocate for them or are run by other LGBT+ individuals and shy away from those brands that actively work against the LGBT+ community. These brands are promoting positive representation of LGBT+ individuals and are gradually contributing to society's acceptance of LGBT+ individuals.

A contrasting effect to the brands mentioned above is felt for brands who are perceived as anti-LGBT+. In Donnelly's (2017) article, it was mentioned that, "nearly half of Americans and a majority of allies said they would avoid purchasing products and services from companies they perceived as not supporting the LGBT community." This claim is further substantiated by recent experiences that famous fast-food restaurant Chick-Fil-A has had. Gaby Del Valle (2019) reminds that there was a nationwide boycott of Chick-Fil-A in the early 2010's after Chick-Fil-A's CEO Dan Cathy made disparaging comments about legalizing homosexual marriage. A potential reason for the boycott is that it is possible that the belief that LGBT+ individuals are important is becoming a majority opinion. Contradictions to society's majority opinions have typically been met with unsavory actions. Boycotting brands that go against the potential majority belief that LGBT+ individuals important is a potential side effect of Chick-Fil-A working against this belief.

Being perceived as LGBT+ friendly is one of many factors that could influence a company's bottom line. Apple, Microsoft, and Google all compete in similar technological industries and Chick-Fil-A competes in the fast-food industry. The Supreme Court legalized same-sex marriage in June 2015 (Chappell, 2015) and since then, more firms have become vocal in their support for the LGBT+ community. These effects would start appearing on a firm's balance sheet starting in 2016, depending on when a firm structured their fiscal year. Apple structures its fiscal year running from September 30 of one year to September 29 of the next

given year. With fiscal year 2016, 2017, and 2018, Apple has seen a steady increase in net income on its balance sheet, with net income starting at just under \$46,000 USD (in millions) and ending at just under \$60,000 USD (in millions) (MarketTrends, n.d.).

Microsoft structures its fiscal year running from June 30 of a given year to June 29 of the following year. Starting with the end of fiscal year 2015 on June 30, 2015 and ending with fiscal year 2018, Microsoft experienced similar effects to Apple. Microsoft's net income started at just over \$12,000 USD (in millions) on June 30, 2015 and their net income recorded at June 30, 2017 ended at just over \$25,000 USD (in millions). Microsoft's recorded net income on June 30, 2018, ended at just under \$16,000 USD (in millions) (MarketTrend, n.d.). Such a drastic drop in net income can suggest that there are other factors at play besides LGBT+ involvement that negatively impacted Microsoft's bottom line.

Google's net income further complicates the analysis. Google structures their fiscal year according to the calendar year. With fiscal years 2015 and 2016, Google noticed an increase in net income from just over \$16,000,000 USD (in thousands) to approximately \$19,500,000 USD (in thousands). In fiscal year 2017, Google's net income plummeted to \$12,622,000 USD (in thousands) but then rebounded in fiscal year 2018 to net income of \$30,736,000 USD (in thousands) (Yahoo Finance, n.d.). Again, such a sharp V-shape in net income can suggest other factors at play within the technology industry. This effect was observed by both Microsoft and Google at approximately the same time, so it is possible that it was an overall market effect and not an individual firm effect.

As previously mentioned, Chick-Fil-A has received backlash multiple times for their donations to anti-LGBT+ groups and has faced retaliations such as brand boycotts (Del Valle, 2019). It is not possible, unfortunately, to study the effects that these boycotts and negative



involvement have had on Chick-Fil-A's net income. Chick-Fil-A is a privately-owned company and therefore does not release its financial statements to the public. It can be assumed that an outright brand boycott would significantly reduce the firm's bottom line. Without access to sales data, however, this hypothesis cannot be confirmed.

While a lot of the data needed to assess the full impacts that being perceived as LGBT+ friendly or unfriendly has on a firm's accounting profitability, there is another profitability model that takes into account the social aspect of a firm. Rothaermel (2017) discusses the triple bottom line model, a profitability assessment tool that focuses on a firm's economic profit dimension, a firm's social dimension, and a firm's ecological dimension. By being perceived as LGBT+ friendly, firms can set themselves up for a position in which they can increase their social dimension in the model. Increasing the social dimension will increase a firm's customer base and in turn allow them to capture greater sales and revenues.

If a firm is not perceived as LGBT+ friendly, their social dimension will either remain stagnant or potentially decrease. This could potentially harm their ability to capture greater sales and revenues from both LGBT+-identifying individuals and allies to the LGBT+ community. Hunt, Layton, and Prince (2015) note that LGBT+ individuals controlled \$790 billion USD in 2012. Firms that are perceived to be unfriendly towards LGBT+ individuals have the opportunity to lose out on all \$790 billion USD which is enough money to bankrupt some firms.

Human resources, as the name implies, focuses on humans within organizations. Human beings are found in all areas of an organization, are influenced by factors in all aspects of their lives, and bring with them their own implicit biases and ideas. Significant political and social events in LGBT+ history have shaped the implicit biases that continue to affect modern-day LGBT+ adults. From the early 1940's ban on homosexuals serving in the military to President

Trump's transgender military ban, employment for LGBT+ individuals has swelled and contracted according to the beliefs of those in power and those making final decisions. Beyond those in power, the ideas and beliefs of the general public have a significant impact on the overall profitability of an organization. As such, negative implicit biases and roadblocks for LGBT+ adults should continue to be broken and removed to allow LGBT+ people to become employed and positively contribute to the overall American society.

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