

Abstract

Many members of the LGBT community continue not to be protected by basic policies in the workplace that prevent discrimination due to their sexuality. Research consistently indicates that non-discrimination policies including sexual orientation and gender identity are beneficial to the entire organization, ultimately improving the company's bottom line. These policies provide a diversified workforce that tends to have lower turnover rates, be more innovative, and consequently more productive. By adopting queer-friendly policies, corporations allow LGBT employees to be more open in the workplace and reduce psychological strain felt by these individuals, improving their performance. As the American culture changes to a more LGBT-friendly society, many companies are seeing the economic benefits that can arise from garnering the LGBT market's buying power.

Discrimination in the Workplace

For employees who are LGBT, many are dependent upon the companies for which they work in order to voluntarily implement policies that protect them from risks in the workplace due to the failures of federal and state-wide policies (Oakenfull, 2013). As of 2015, over half (52%) of LGBT workers lived in a state that did not provide anti-discrimination measures for individuals based upon sexual orientation or gender identity (Hollibaugh & Weiss, 2015). Nevertheless, the introduction of ENDAs at a state level has provided much greater exposure and sparked a larger discussion surrounding discrimination on the basis of sexual orientation (Gao & Zhang, 2016).

In order to understand the discrimination faced by the queer community, it is vital one be familiar with the various ways in which discrimination can occur. The primary types of discrimination that are witnessed for this community are access discrimination and treatment discrimination. These two forms of discrimination are not limited to the queer community but are oftentimes seen across other minority groups that differ in terms of race, gender, or disability.

The first form of discrimination that often occurs is that of access discrimination. As the name implies, access discrimination relates to members of a group being prevented from accessing a job, organization, and so on (Button, 2001). In other words, it prevents the employee's entrance into the workplace itself (Perry et al., 2000).

Consequently, treatment discrimination occurs *after* the individual has managed to enter the workplace (Perry et al., 2000). This form of discrimination takes place when individuals receive fewer incentives or opportunities in the workplace because of their membership in such a group. Examples of such discrimination include being looked over for promotions, lack of opportunities provided to advance, or denial of access to resources needed to complete the job (Button, 2001).

In general, acts of discrimination fall under these two categories of discrimination. What is essential to understand, however, is that sexual orientation discrimination does not solely occur for individuals who are actually part of the LGBT community. Discrimination is largely based on the *perceptions* of peers and authorities and not on actual sexual orientation (Gao & Zhang, 2016). Simply, if an individual is perceived to be gay because he or she demonstrates a characteristic that matches the stereotype of gay individuals, then he or she is likely to be subjected to the same exact discrimination to which an individual who identifies as gay would be subject.

Impact of Policies at a Corporate vs. State Level

ENDAs and non-discrimination policies can be enacted at various stages, from federal to state to organizational/corporate levels. Some research has been conducted on where these policies are most effective for not only combating discrimination for minorities but also benefiting the company itself. While state-level ENDAs are beneficial, it has been noted that such policies are more effective at the corporate level. Employees who were surveyed found that those covered by a workplace non-discrimination policy were less likely to experience workplace discrimination (Badgett et al., 2013). Supporting this claim, the perceived organizational support theory proposes that employees of a company feel more supported when the organization for which they work demonstrates a genuine concern for well-being. Pichler et al. (2017) suggest that when a company voluntarily adopts such policies, it is viewed as a stronger signal of care and support for the LGBT community. The action is perceived to be more genuine than when mandated by the state.



Identity Management Strategies

For the full understanding of the queer experience, it is important to recognize the various means through which most LGBT individuals portray their sexuality, oftentimes dependent upon the situation in which they are placed and the level of social support they receive. The first strategy is counterfeiting a fake heterosexual identity, whereas the individual will act as though he or she is heterosexual. This identity strategy can go as far as to make up a heterosexual partner or relationship in order to dispel any perception that the individual is homosexual (Button, 2001).

Similarly, there is the avoidance strategy, which involves the queer individual essentially avoiding all opportunities in which his or her sexuality may be revealed. The individual may talk in generalities (i.e. referring to a "partner" instead of boyfriend or girlfriend), elude any questions about romantic relationships, or as a whole avoid putting him or herself in a position where these questions could be asked by dodging social situations in the workplace (Button, 2001).

For individuals who are in a more socially supportive workplace or environment, many often adopt an integration strategy. The integration method is the most authentic form as it involves revealing one's sexual identity to peers and disclosing that he or she is queer, which can be done directly (i.e. traditional coming out method of verbal affirmation) or indirectly (i.e. providing coworkers with evidence such as showing a picture with a same-sex partner). Either of these options allow peers to recognize the individual's status as a member of the queer community (Button, 2001).

Ultimately, as previously mentioned, these strategies tend to correlate with the level of support that an employee feels not only in the workplace but also in his or her personal and social settings. For those without much support, Button describes, "The only strategy we have had is to try to hide our gender differences or sexual orientation, to keep our heads down and our erotic desires distant enough from our supervisor's gaze to stay employed, to try to survive in any way we can because we have to eat and pay the rent" (Hollibaugh & Weiss, 2015, p. 20). Contrarily, those who are more secure in their jobs, who have ENDAs or corporate policies in place, or who have a fallback plan, have the opportunity to be more authentically themselves due to the decreased risks of revealing their identities.



Benefits of LGBT-Supportive Policies on Employers

While many companies hesitate to implement LGBT-inclusive policies and provide benefits to these employees and their partners, there is a growing amount of evidence suggesting that these policies as a whole are good for business. A 2011 study found that nearly 92% of the top 50 Fortune 500 companies indicate that diversity policies coupled with benefit packages are good for their business (Badgett et al., 2013).

Recruitment and Retention

When examining the benefits of LGBT-supportive corporate policies, the most often cited benefit is in the area of recruitment and retention, not only of LGBT workers but also of heterosexual workers. Logically, by promoting a workplace of inclusivity and equal opportunity, the company will be better able to not only recruit but also retain employees. As a result, these companies will have a wider, more diverse employee-base, allowing for the firm to be more competitive in its respective field (Sears & Mallory, 2011).

Ideas and Innovation

Applying the understanding that queer-supportive policies allow for the recruitment and retention of a more diverse and more educated population, it is logical then that such policies would allow for companies to have an increase in ideas and innovation. Utilizing census data in the United States as a foundation, several studies have found trends that may be surprising to the general public. Primarily, homosexual individuals tend to be better educated than heterosexuals, as well as the inverse: those who are more intelligent tend to engage in homosexual behavior. Additionally, those who are supportive of the LGBT community tend to maintain characteristics such as being more open-minded, tolerant, and risk taking, which are positively associated with increased levels of creativity and innovation levels (Gao & Zhang, 2016).

Organizational Citizenship Behaviors

A commonly utilized method of measuring the engagement of employees is through organizational citizenship behaviors (OCBs), which are voluntary behaviors that on a larger scale benefit the organization. These behaviors do not have a direct reward or recognition for the employee but instead are performed out of the employee's own volition (Xiong & Wen, 2020). A large amount of research has been conducted on OCBs as they are strong indicators of organizational performance (Brenner et al., 2010). This trend is largely reflective of the individual increase in productivity that is demonstrated by the employees who engage in such behaviors. In other words, the presence of higher OCB levels in employees correlates with higher levels of productivity in these employees (Badgett et al., 2013).

Employee Productivity

While the correlation between the introduction of a non-discrimination policy on the basis of sexual orientation and employee productivity is often not directly linked—as it is highly difficult to conduct a study that isolates this specific variable—an increase in various employee metrics lends itself to a rise in productivity levels. As discussed previously, including a non-discrimination policy can allow queer individuals to be more open about their sexual identities in the workplace, which ultimately allows them to partake in more OCBs. Since OCBs are correlated with productivity, one can draw the conclusion that the increase of non-discrimination policies therefore increases productivity.

Access to Additional Jobs and Contracts

Although a smaller component of the business rationale for extending non-discrimination policies to include sexual orientation and gender identity, several businesses have reaped the benefits associated with access to additional jobs that they previously would have been unable to obtain. Namely, many public sector jobs require that contractors include non-discrimination policies in place protecting those from discrimination based on sexuality or gender identity in order to bid on a contract (Badgett et al., 2013).