

Workplace Issues facing Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA) Employees

Dr. Elisabeth Sheff
Sheff Consulting Group

Social shifts in the United States towards greater sexual and gender diversity have significant implications for workplace issues and interactions. Now almost everyone employed by a large corporation has a coworker who identifies as LGBTQIA, or who might be in a same-sex relationship or have an unconventional gender presentation. Workers today can be openly lesbian, gay, bisexual or transgender to a degree that the founders of the gay liberation movement would have found dizzying a mere 40 years ago. That initial kernel of gay liberation expanded over time to include lesbians, bisexuals, and transgendered people to become the LGBT movement. In that last decade, as you can see from the title, the acronyms that allow individuals to identify based on their sexual orientation and gender identity have expanded to an even more extensive selection of letters so confusing that they can intimidate even the most politically correct among us.

Understanding the acronym

LGBTQIA – it is a lengthy and daunting acronym that just seems to get longer and more intimidating by the year. People disagree on exactly which letters should be included and their order of appearance. While the list that appears below is not exhaustive and many more specific or sub-cultural identities do not appear, it does contain the most commonly referenced sexual and gender minority identities.

A brief explanation of the differences between sex, gender, and sexuality is in order. **Sex** generally refers to the biological characteristics that make someone male or female, and physicians usually assign sex at birth by visual examination of the infant's genitalia. **Gender** is a social category that everyone displays externally with social cues such as clothing, body language, hairstyle, adornments, tone of voice, and word choice. **Gender identity** is the internal experience people have of themselves as feminine and/or masculine. Most people have sex and gender identities that match, creating a consistent experience and presentation of femininity or masculinity. Others, however, may not feel the same way inside based on their sex. Neither morally right nor wrong, this gender variation is part of human diversity and may produce people who may look masculine on the outside but feel feminine on the inside (or vice versa). **Sexual orientation** is based on who someone desires as a partner and what kinds of sex they wish to engage in. Sexual orientation and gender often interact and provide cues that can attract or repel potential romantic partners. There are also some sexual minorities who bend/break gendered rules or blur the distinctions between genders. All of this variation can be potentially confusing, but each of the above concepts is distinct and it is important to begin with the understanding that sexual orientation exists independently of gender identity or expression. In other words, not all gay men are effeminate and not all effeminate men are gay because **gender expression and sexual orientation are separate things**.

Lesbians are women who love and/or sexually desire other women.

G can be gay -- an umbrella term for anyone in a same-sex relationship or sometimes used specifically for men in same-sex relationships – or genderqueer – people who reject gender dichotomies and may refuse to identify as female or male or embrace both identities.

Bisexuals can love women or men and often emphasize personality characteristics instead of gender as the driving force in their partner choices.

Transgender people tend to experience internal gender identities that do not match the sex they were assigned at birth. This can cover a broad spectrum from *cross-dressers* (previously called transvestites but that term has fallen out of favor) who wear the clothing of a different gender to those who make surgical or hormonal changes to their bodies in order to match their gender identities.

Q can stand for Queer – an umbrella term covering a range of non-heterosexual folks which tends to be most popular among young people -- or Questioning – people who are not sure what sexual orientation they have or are considering the possibility that they might be something else than they had initially thought they were.

Intersex people used to be called hermaphrodites, and can be both female and male or neither male nor female, based on anatomy or biological aspects from chromosomes to hormones. They may have a blend of chromosomes (XXY, XYY) or ambiguous genitalia, and they may have been surgically altered as infants to conform to a single sex.

A can stand for Ally – someone who is supportive of sexual diversity -- or Asexual – someone who does not generally experience sexual desire, but may have emotionally intimate and/or romantic relationships

While it is important to recognize that these groups contain tremendous variety and may have quite diverse issues, they have enough similarities to categorize them as a common group. Using a long acronym can become onerous, so some people use the terms *sexual and gender minorities* (SGM) or *sex and gender diversity* (SGD) to describe people who are not heterosexual or do not fit neatly into traditional gender categories. In today's society, many more individuals are willing to self identify and "come out" as SGM to others around them than they were even in the recent past. Regardless of whether they are labeled as sexual and gender minorities or LGBTQIA, when they come out in the workplace, these employees share a number of issues that should be addressed by companies and organizations. The issues include disclosure of these unconventional relationships or types of gender expression, limitations of benefits for employees based on marriage prohibitions, and a variety of issues relevant to specific sub-groups.

Disclosure of Sexual Orientation

Remaining closeted takes a tremendous amount of effort, can be very distracting, and ultimately drains time, energy, and emotional stamina from people who could be far more productive if they could just do their jobs and not worry about what others may

think. Imagine the amount of stress and effort it would take if you had to constantly censor your language and think about correcting misperceptions about yourself. This effort results in part from *heterosexism*, or the assumption that everyone is (or at least should be) heterosexual. Additionally, there are still many states in the US where employees can be fired simply because they are LGBTQI. As a result, employees in same-sex relationships who do not feel safe being out must either avoid personal talk about weekend time spent with their partners and children, or “play the pronoun game” by changing the same-sex to a different sex partner to give the appearance of heterosexuality. Such constant vigilance is exhausting, distracting, and counter-productive. It also serves to isolate and alienate employees from their coworkers, detracting from teamwork and fostering a more distant work force. Being closeted means avoiding the company holiday party, attending the party without a same-sex partner, or bringing a date of another sex under the pretext of a relationship as camouflage (colloquially known as a *beard*).

Being open selectively can provide some relief by offering opportunities for authenticity during the workday, but retains some issues of energy spent tracking who knows and when circumstances require more censored communication. The constant fear of “being outed” as LGBTQIA to someone who did not previously know can drain energy as well, so while being able to be out to someone at work it is better than having no ability to be open, partial disclosure is not ideal.

Being out relieves the constant pressure of guarding the closet door, but comes with its own issues. The **best-case scenarios** involve the many companies, organizations, and firms that intentionally foster LGBTQIA friendly workplace environments and policies. It starts with protecting sexual orientation and gender identity in the company diversity policies. Employee Resource Groups (ERGs) can contribute to these positive workplace environments and advancing equal benefits for all employees by focusing on meeting LGBTQIA employee needs and providing education to all employees regarding sexual and gender minority issues.

The **worst-case scenarios** involve employees who are fired for coming out (or being outed) as LGBTQIA. Unless a state, company, or locality has implemented regulations specifically banning sexuality- or gender-based discrimination, employees can be fired for simply loving someone of the same gender or presenting a non-conformist gender image. There are no federal protections for those who identify as LGBTQI like there are for race, sex, age, and disability. In 1996 legislators proposed federal legislation called the Employment Non-Discrimination Act (ENDA) to add sexual orientation and gender identity as protected categories similar to race and disability, but the law has not yet passed at the time of this printing. Other workers might not be fired outright, but coworkers or supervisors may create a hostile workplace environment so uncomfortable that the employee either quits or has a miserable work existence and might be denied raises and promotions, covertly or overtly harassed, threatened, or even physically attacked.

Most often LGBTQIA workers experience a **range of responses at work**, from some coworkers who are comfortable with sexual and gender variation and interact with ease, to others who are so distracted by sexuality and unconventional gender identities that they have a hard time interacting as *co-workers* and find it challenging to focus on tasks rather than personal characteristics.

Marriage Prohibition

Although this has become a political issue in many US states, it is important to know the facts about how lack of access to legal marriage impacts LGBTQI employees. Because people in same-sex relationships are barred from legally marrying in most of the United States, they are not able to receive the basic insurance protections for their partners and children who are not biologically related to them on their health insurance. Even in states that have legalized same-sex marriage, people in same-sex relationships are excluded from 1,138 Federal rights related to things such as Social Security and associated programs (housing, food stamps, etc.), veteran's benefits, taxation, inheritance, intellectual property, financial disclosure, conflict of interest, and immigration. For LGBTQIA employees, this issue focuses on benefits equality rather than "special rights," and many progressive companies are taking steps to provide some of these benefits through domestic partnership benefits and privately funded programs.

Identity-specific Issues

Bisexuals are often relegated to invisibility, either because they are with a same-sex partner and appear as lesbian or gay, or because they are with an other-sex partner and appear as heterosexual. Being visible as a bisexual can be challenging. There are many negative stereotypes associated with bisexuality, and sometimes lesbians or gay men look down on bisexuals and even occasionally exclude them from organizations (or include them in name only, but not in social acceptance). Employee Resource Groups and LGBTQIA movement leaders have been attempting to address bisexual erasure, but there is more work to be done.

Transgender people may be **hypervisible or invisible**, depending on their social circumstances and stage of transition. If they began the job as one gender and are transitioning to another, then transgender people can stand out as a test case for corporate acceptance or an "oddity" worthy of gossip. Alternately, after transgender people have transitioned and are living as their preferred or "real" gender they may "pass" so successfully that they are no longer recognized as a gender minority (which has both positive and negative aspects).

Using public **restrooms** can be socially awkward for people who are gender non-conforming or transitioning to a different gender, as well as their coworkers. While the amount of tension around the "bathroom issue" makes it appear as if it is of the utmost importance, the popularity of bathroom stalls that offer significant privacy makes these concerns more symbolic than practical. Current standards of care for transgender employees dictate that employees should use the restroom that matches their gender expression. Another alternative is to ensure there are gender-neutral restrooms available for everyone.

Health insurance can be an especially tricky issue for transgender employees, because health insurance companies frequently try to avoid covering anything related to gender transition, and then define all health care as related to transition issues or hormones, thus enabling insurers to deny all subsequent claims. Gender transition is not merely elective cosmetic surgery, but rather part of the treatment plan from the World Professional Association for Transgender Health. Careful selection of health plans to ensure coverage for all employees can help to alleviate this issue.

Conclusion

Progress towards employment equality for sexual and gender minorities includes an increasing ability to be out at work, the popularity of LGBTQIA Employee Resource Groups (ERG) that serve specific categories of employees (including sexual and gender minority employees), and a legislative push for ENDA. These changes have by no means eradicated discrimination based on sexual or gender diversity, but they have at a minimum made openly expressed homophobia quite unpopular with human resource departments of major corporations.

While LGBTQIA employees may potentially experience some specific issues at work, thoughtful employers can use those issues as a basis to develop more inclusive policies. This creates an environment that can bring unparalleled creativity to the workplace. Because LGBTQIA employees have often been forced to create their own alternatives when past social norms proved insufficient for their lives or experiences, they can bring innovation, creativity, and fresh perspectives to the workplace. These alternative perspectives provide new ways to think about a host of professional and workplace issues.

In addition to LGBTQIA employees providing novel ideas and creative solutions, having policies and benefits that protect them in the workplace can ensure that they are tremendously loyal to organizations that treat them well. LGBTQIA workers who are free from workplace harassment are able to focus their considerable energies on work productivity, and will repay the organizations that provide employment equality with personal and professional dedication.

Acknowledgements: I would like to thank Out and Equal for their dedication to workplace equality, and Patricia Bailey for her comments on a draft of this article.

Sheff bio

With a Ph.D. in Sociology, 15 years of teaching and research experience at three major US universities, and certifications as a Guardian Ad Litem/Court Appointed Special Advocate (Fulton County, Georgia) and a Sexuality Educator (AASECT), Elisabeth Sheff has the education, experience, and credentials to provide flawless legal and educational consultation. Dr. Sheff is the foremost academic and legal expert on polyamory in the United States, and the worldwide expert on polyamorous families with children. Her academic research has focused on sexual minorities and their families, with studies on poly families with children and the intersections between and among unconventional sexual identities, including swingers, kinksters (people who practice BDSM or sadomasochism), and polyamorists.

Dr. Sheff is widely recognized as an international expert in polyamory and BDSM. She has chaired numerous academic boards and committees related to sexual and gender diversity, and served on many organizational boards dedicated to social justice. Her extensive media coverage includes interviews with US media outlets like *Newsweek*, *The Boston Globe*, and National Public Radio, and international sources such as *Semana* magazine in Columbia, *Mente e Cervello* (the Italian edition of Scientific American), *Elle* magazine in Quebec, and the *Sunday London Times*. Dr. Sheff has appeared on the

National Geographic television series *Taboo* episode entitled “Odd Couples,” the Ricki Lake Show, and the documentary *BDSM: Education and Experience*.

Currently Dr. Sheff is the CEO and Director of Legal Services for Sheff Consulting Group, a think-tank of academicians and professionals dedicated to serving the legal, educational, and advisory needs of people who are outside the mainstream, and those who need to know about them. Dr. Sheff has the expertise, training, and credentials to provide effective legal testimony, and rare knowledge useful to the continuing education of counselors, therapists, nurses, and lawyers.

Contact information:

Dr. Elisabeth Sheff

Email: drelisheff@gmail.com

Website: elisabethsheff.com