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Abstract

LGBT older workers represent a diverse and growing segment of the workforce. Often, older LGBT workers must contend with unfair laws and discriminatory policies in the labor force. They must overcome the typical barriers to employment such as lack of modern skills, stereotypes, and disincentives of fringe benefits. Federal, state, and local governments and private business must examine their policies that adversely affect LGBT workers and aging workers. Collectively, LGBT workers are subjected to legalized discrimination, which can result in job loss or demotion. LGBT workers endure an unfair burden because of their sexual orientation and gender identity or expression. America is at a policy crossroads and is being tested for its response to legally sanction discrimination and violation of the civil right of LGBT workers. The future of the American work force may well be determined by its response to LGBT workers.

Keywords

LGBT elders · Workplace · Public policy · Legislation · Discrimination

Overview

Older workers have always faced barriers to employment. Although older workers are less likely to be unemployed compared to their

younger counterparts, those who do become unemployed tend to have significantly longer periods of job seeking (Government Accountability Office 2012). Research suggests that trends in labor market outcomes of older workers are dependent upon characteristics such as race, educational attainment, geographic location, and sexual orientation and gender identity. Higher rates of unemployment exist among ethnic minorities, residents of rural areas, those with lower educational attainment, and among LGBT

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persons, especially those who are transgender (MAP, Human Rights Campaign, & Center for American Progress 2013). According to Make (2013), the loss of a job or income can be financially devastating for LGBT older adults, who have a higher-than-average risk of poverty. In addition, certain exemptions in the Federal Employment Non-Discrimination Act (ENDA) allow discrimination against LGBT persons in the workplace. According to Wolff (2014, p. 1), “the religious exemption in the current version of ENDA would enshrine the idea that LGBT equality is incompatible with the free exercise of religion.” Discrimination in the workplace is becoming even more relevant to LGBT elders because many of them must stay in the workforce longer out of economic necessity.

The purpose of this chapter was to discuss workplace challenges faced by LGBT elders. Information is presented on the status of older job seekers, workplace issues for LGBT workers, and changing workplace culture for LGBT elders. The reader is encouraged to put himself or herself in the place of LGBT older workers and examine workplace issues through the lens and weight of oppression and discrimination, challenges that LGBT elders often experience.

Learning Objectives

By the end of this chapter, the reader should be able to:

1. Identify workplace issues that affect LGBT workers in general and LGBT elders in particular.
2. Understand ways that legislation includes discriminatory exemptions against LGBT workers.
3. Understand ways in which sexual orientation, gender identity or expression, and age intersect in the workplace.
4. Identify ways in which workplace culture can be changed to be more LGBT-supportive.

Introduction

Many, if not most, progressive thinkers agree that discrimination in the workplace is wrong and have recognized the importance of LGBT-inclusive workplace protections as a solution to this problem (Center for American Progress 2013). According to Badgett et al. (2013b), employment discrimination based on sexual orientation and gender identity undermines workplace performance and prevents highly qualified workers from achieving the success that should be earned through hardwork. Badgett et al. contend that because of the lower cost and/or higher revenues that diversity in the workplace creates, employers have considered the economic benefits of adding LGBT-supportive policies, including sexual orientation and gender identity nondiscrimination polices and domestic partner benefits polices. In a review of thirty-six studies evaluating the impact of LGBT-supportive employment policies and workplace climates on business outcomes, Badgett et al. found a strong positive relationship between LGBT-supportive policies or workplace climates and business-related outcomes, while few or none showed a negative relationship or no relationship (see Research Box 29.1).

Research Box 29.1 Badgett, M. V. L., Durso, L. E., Kastanis, A., & Mallory, C. (2013b, May). *The Business impact of LGBT-supportive workplace policies*. Los Angeles, CA. The Williams Institute.

Objective: To evaluate all published research evaluating the impact of LGBT-supportive employment policies and workplace climates on business outcomes in order to answer two questions: (1) Does research show that LGBT-supportive policies bring about the specific benefits mentioned by private companies that enact them, or are they associated with other similar economic benefits that may have an impact on the bottom line? and (2) If LGBT-supportive policies bring about certain benefits, does

research show that these benefits actually have an impact on the bottom line, and if so, is it possible to estimate that effects in quantitative terms?

Method: First, relevant materials that were cited in previous Williams Institute reports and internal memos on this topic were collected. Second, all of the scholarship cited in those materials was gathered. Third, computerized searches using Google Scholar and Library article searches function were gathered from databases. Systematic combinations of words were used in the search. Fourth, relevant scholarship cited in the materials in the databases was gathered. Finally, systematic combinations of terms were used to search the Internet. In addition, a set of study characteristics that helped to determine the overall methodological strength of each paper was used.

Results: Most studies found a positive relationship between LGBT-supportive policies or workplace climates and business-related outcomes, while few or none found a negative or no relationship.

Conclusion: Researchers and business officials should collaborate to fully utilize data collected by employers and to make findings available to policymakers, the public, and other businesses.

Questions

1. What other research questions would you investigate from the literature on LGBT-supportive workplace policies?
2. What do you anticipate would be the outcome when looking at the interaction of age and sexual orientation and gender expression?
3. How would you design a study to evaluate the impact of LGT-supportive workplace policies based on the size of the business (e.g., small vs. medium vs. large)?

Although attitudes and perceptions concerning LGBT persons are gradually changing in the workplace landscape, discrimination remains a major challenge. On the one hand, for Fortune 500 companies, 62 % offer domestic partner health insurance benefits, 87 % have nondiscrimination policies based on sexual orientation and 94 % of Fortune 100 companies have nondiscrimination policies that include sexual orientation (Human Rights Campaign 2011a), and 46 % have nondiscrimination policies that include gender identity or gender expression, compared to 69 % of Fortune 100 companies (2011b). On the other hand, in a survey of employment discrimination and how it impacts LGBT employees, The Williams Institute (2011) found that 27.1 % of all LGBT employees experienced discrimination, as compared to 37.7 % of LGB employees who were out, and 27.1 % of LGB employees experienced harassment, compared to 38.2 % of those who were out. For transgender employees, 97 % experienced harassment or mistreatment in their workplace, and 47 % were fired, not advanced, or not hired due to their gender identity (National Center for Transgender Equality and the National Gay and Lesbian Task Force 2009). Fifty-eight percent of LGBT workers reported that a coworker makes a joke or derogatory comment about LGBT people at least once in a while and 67 % of LGBT employees do not report anti-LGBT remarks to human resources or management (Human Rights Campaign 2009).

Most LGBT elders have had to deal with the effects of a lifetime of discrimination on the basis of sexual orientation and gender identity or expression. According to Cray (2013), “the effects of employment discrimination against older LGBT workers are not static or confined to the workday” (p. 1). Often, LGBT older adults are denied pension plan options that provide financial protection for a surviving partner, even though LGBT employees earn their pension in the same ways as their heterosexual counterparts (MAP, SAGE, & Center for American Progress 2010). For many LGBT elders, the lines between work life and daily living are both marred by acts of discrimination, heterosexism, and homogeneity.

Status of Older Job Seekers and Older LGBT Workers

The economic downturn beginning in 2007 has led to an increase in labor force participation for many older workers. For those ages 55–64, the upward trend was driven almost exclusively by the increased labor force participation of women; the male participation rate was flat to declining. However, among older adults ages 65 or over, the rate increased for both females and males during 2007–2008 (Copelan 2014). As a growing segment of the population, older workers face challenges in finding and maintaining employment. In part, this is due to competing with younger, more technologically savvy workers as well as having to stay in the labor force for longer periods of time for a variety of reasons (e.g., unexpected expenses, death of a spouse or partner, supplementing retirement accounts, financing health care). On positive note, older workers continue to work because of the removal of barriers that traditionally prevented them from working in their later years (e.g., increased life expectancy, better health outcomes, employment opportunities that require less physical labor) (Johnson 2004). Increasingly, various segments of the labor market are recognizing the value of and demanding that they employ older workers (Society for Human management, 2010).

The unemployment rate among older workers is lower than the national average for all workers (Heidkamp et al. 2012). Older workers are generally less likely to lose their jobs than younger workers because their tenure on the job provides them with some protection. Munnell et al. (2006) found that the lower probability of job loss for older workers was based on the correlation between age and tenure, but controlling for tenure, age does not protect workers from displacement. In fact, Munnell et al. found that the probability of displacement actually increases with age. Research also suggests that older workers who lose a job have a more difficulty than their younger counterparts in reconnecting

to the labor market (Johnson and Park 2011; Maestas and Li 2006; Li 2010). The reemployment rate for older displaced workers ages 55–64 was only 39 %; for those 65 and over, the rate was 22 % (Bureau of Labor statistics 2010). For older job seekers, long periods of unemployment are cause for serious concern because of the effects on mental health as well as job readiness (Heidkamp et al.). The problem of job opportunity also has a geographic component, because unemployment is associated with declining local and regional economies (Report of the Taskforce on the Aging of the American Workforce, 2008). In addition, for older workers who are not successful in finding new jobs, many are forced to accept steep cuts in pay (Johnson and Mommaerts 2011).

Older job seekers encounter obstacles due to employers' reluctance to hire them. They harbor the following negative perceptions, believing that older workers are (a) more expensive, including wages, health insurance, and the cost to train them; (b) less productive than younger workers and deliver lower quality work; and (c) less flexible in adapting to change in the workplace (Walker 2007). On the supply-side challenges (i.e., worker characteristics), older job seekers encounter skill limitations combined with limited access to training programs, limited job searching skills, and health- and disability-related challenges that often accompany aging (Heidkamp et al. 2012). Overall, older job seekers face a plethora of real and perceived challenges that may contribute to poor outcomes: a weak demand from employers, possible age discrimination, and outdated skills in a technological job market.

Older LGBT workers experience high rates of discrimination in the workplace, and unfortunately, state and federal laws often fail to protect them. Over the past seventy years, Presidential executive orders requiring workplace protections from discrimination, including federal contractors, have not been overturned by courts, Congress, or subsequent Presidents. Under current federal law, it is entirely legal to fire someone

based on sexual orientation or gender identity. Furthermore, LGBT workers lack adequate legal protection from employment discrimination (Badgett, Burns, Hunter et al. 2013a).

The LGBT Workforce. MAP, SAGE, and the Center for American Progress (2013) reported that the US workforce includes an estimated 5.4 million LGBT workers. The LGBT workforce is diverse but has common characteristics. The first characteristic is that LGBT workers are geographically dispersed: 93 % of same-sex couples live in all US counties. As many as 4.3 million LGBT persons live in states without state laws providing employment protection based on sexual orientation or gender identity or expression. Second, LGBT workers are racially and ethnically diverse, 33 % of whom are persons of color, compared to 27 % of non-LGBT individuals. Third, a significant number of LGBT workers are raising children, thus heightening the importance of making family benefits available. In addition, if the norm of non-LGBT grandparents who are raising children holds true for LGBT grandparents, it is reasonable to assume that a substantial number of older LGBT workers are raising grandchildren (i.e., grandparents raising grandchildren). A fourth characteristic is that varying levels of education exist among LGBT workers. Data are mixed—some suggest that individuals with lower educational levels are more likely to identify as LGBT, while other data indicate a higher probability that persons in same-sex couples have at least a bachelor's degree than their opposite-sex counterparts. Similarly, transgender persons had much higher educational attainment than the population as a whole (National Transgender Discrimination Survey 2011). Fifth, the literature consistently suggests that LGBT workers experience unemployment at an equal or higher rate than do other workers, with transgender persons' unemployment rates twice that of the US populations as a whole. Rates for transgender persons of color are as high as four times the national unemployment rate (MAP, Human Rights Campaign, & Center for American Progress). Finally, LGBT workers in the USA are at higher risk of poverty than are other workers.

Workplace Issues for LGBT Workers

LGBT persons, their advocates, and their allies agree that some progress has been made for LGBT persons in the workplace. Most of the progress made has been through diversity programs. However, general acceptance of LGBT persons in the workplace may lead to complacency about the need for continued progress. A challenge is continuing harassment or discrimination based on sexual orientation and gender identity. Surprisingly, persons' blatantly offensive comments based on sexual orientation or gender identity are tolerated in workplaces that would never tolerate such comments based on religion or race (Madell 2012a). Another challenge is the inability to address family needs in the same ways that non-LGBT couples can. For example, the majority of companies does not offer domestic partner benefits (Madell 2012a).

Although organizations highlight policies and benefits for LGBT employees from corporate headquarters, a lack of education and information exists beyond that which is provided in offices located outside main branches (Madell 2012b). This limited scope of education beyond the corporate office has implications for LGBT persons in companies with global offices. Given that attitudes and practices toward LGBT persons are cultural, countries have practices that range from total acceptance and integration of LGBT persons to placing them in prison to putting them to death (Madell 2012b). Many workers in organizations do not know how to behave toward LGBT persons, and so they just ignore them (Madell 2012b). For example, non-LGBT workers may not invite LGBT coworkers out after work. Given that networking and decision-making often take place in social settings, LGBT workers are completely left out of this process.

Another persistent problem in companies is the lack of accountability processes to ensure that managers and supervisors create the right culture of acceptance of LGBT workers (Madell 2012b). Consequently, some managers or supervisors fail to pass along the right message or model LGBT-supportive behavior to their employees.

Yet another challenge for LGBT persons is deciding whether or not to come out in the workplace. Due to discrimination and concern for safety, many LGBT persons remain closeted. Finally, the overarching challenge to LGBT persons in the workplace remains the continued lack of legal protection (Wyatt 2015). Understanding these challenges from the perspective of LGBT persons is paramount if workplace culture is to change in any meaningful way.

Changing Workplace Culture for LGBT Elders

Workplace inequality and discrimination are harmful to all LGBT employees. Mentioned earlier, the impact on LGBT elders is intensified by economic reasons that have led to them remain in the workforce longer or re-enter the job market upon retirement. Even with federal laws such as the Age Discrimination in Employment Act, age-based workplace discrimination persists. Compared to younger persons, older job applicants are more likely to be passed over for interviews and more likely to be paid less. For older LGBT workers, the effects of age-based discrimination may be compounded by discrimination on the basis of sexual orientation, gender identity, or gender expression (Cray 2013). Discrimination in employment has long-term implications for LGBT elders. Over the course of their work history, many LGBT elders have experienced years of job instability and unequal pay, which can contribute to financial insecurity well after retirement and for the rest of an elder's life (Grant et al. 2010). In addition, underemployment, extended unemployment, and lower wages can contribute to elevated poverty rates among LGBT elders (Badgett et al. 2013c).

At the core of the American work ethic is that if people work hard and meet their responsibilities, they should be able to get ahead. This "basic bargain is embedded in laws that promote equal access to jobs and that protect workers from unfair practices" (MAP, Human Rights Campaign, & Center for American Progress 2013, p. 1).

For LGBT persons, however, this bargain remains broken, resulting in bias, fewer workplace benefits, and higher taxes, despite the passage of federal and state laws aimed expressly at prohibiting discrimination against LGBT workers.

Increasingly, it is important to examine the role of unions in advocating for the rights of LGBT workers. In 2012, the American Federation of State, County, and Municipal Employers (AFSCME) set forth a resolution calling for equality for LGBT workers (<http://www.afscme.org/members/conventions/resolutions-and-amendments/2012/resolutions/lesbian-gay-bisexual-and-transgender-workers>). The global counterpart to AFSCME is Population Services International (PSI), a global union federation of health care, municipal, community, and government workers that champions human rights, advocates for social justice, and promotes universal access to public services in over 150 countries. PSI asserts that LGBT workers' rights are actually trade union rights, and trade union rights are human rights. Thus, "trade unions are committed to fight against discrimination and for an inclusive non-violent society" (<http://www.world-psi.org/en/issue/lgbt>). Understanding the connection between workplace rights, safe work environments, and economic development and work productivity is becoming increasingly important in understanding how to meet challenges faced by LGBT persons in the workplace. Supportive-LGBT workplace policies and workplace climates are linked to positive outcomes for LGBT workers ranging from greater job commitment to greater openness about being LGBT (see Table 29.1).

MAP, Human Rights Campaign, & Center for American Progress (2013) identified barriers to equal and fair treatment of LGBT and other workers concerning a lack of legal protection, which makes it harder to find and keep a good job, and fewer benefits and more taxes that put LGBT workers and their families at risk (see Table 29.2). In 2013, 278 businesses and employers submitted a brief to the US Supreme Court in which they argued that unequal treatment of LGBT workers and their families under federal law harms business by the following:

Table 29.1 Positive outcome of LGBT-supportive workplace policies

Greater job commitment
Improved workplace relationships
Increase job satisfaction
Improved health outcomes
Less discrimination against LGBT employees
More openness about being LGBT
Increase productivity for LGBT employees

Adapted from Badgett et al. (2013b)

Table 29.2 Barriers to legal protection in workplace discrimination

Bias and discrimination in recruitment and hiring
On-the-job inequity and unfairness
Wage gaps and penalties
Lack of legal protection
Unequal access to health insurance benefits
Denial of family and medical leave
Denial of spousal retirement benefits
Unequal family protections when a worker dies or is disabled
Higher tax burden for LGBT families
Inability to sponsor families for immigration

Adapted from MAP et al. (2013)

1. Creating complex and difficult compliance burdens by requiring businesses to treat married LGBT employees as single for federal taxes, payroll taxes, and certain workplace benefits but as married for all other purposes in states that recognize same-sex couples.
2. Requiring employers to implement and enforce discriminatory treatment of employees in their own companies, even when doing so goes against core corporate values and basic business sense.
3. Creating an environment that makes it harder for LGBT workers to perform at their best.
4. Negatively impacting the employer's ability to compete for and hire top talent (MAP, Human Rights Campaign, & Center for American Progress 2013).

Contained in the report, businesses and companies state clearly that, if discrimination on the basis of sexual orientation in the laws of the states blocks them from recruiting, hiring, and retaining the very best employees, they will be unable to achieve the success that each is capable of achieving with a workforce constituting the best and brightest employees.

The conundrum is how to move forward to ensure an LGBT-inclusive workplace. Recommendations were made by MAP, Human Rights Campaign, & Center for American Progress (2013) to address barriers to legal protection and to fewer benefits and more taxes. The first set of recommendations pertains to reducing discrimination and increasing responsiveness to inclusiveness and to timeliness to data gathering and processing: (a) pass nondiscrimination laws and policies, (b) increase wage discrimination protections, (c) ensure effective and swift discrimination claims processing, (d) foster diverse and inclusive workplaces, (e) ensure transgender workers can update the gender marker on their identity documents, and (f) increase data collection on LGBT workers. The second set of recommendations addresses equal access to individual and family benefits: (a) recognize the families of LGBT workers, (b) advance equal access to individual and family health insurance benefits, (c) provide equal access to individual and family medical leave, (d) provide equal access to spousal retirement benefits, (e) provide equitable economic protections when a worker dies or is disabled, (f) revise the IRS tax code to provide equitable treatment for LGBT workers, and (g) provide pathways to immigration and citizenship for binational LGBT families. The key to moving toward a more equitable workplace is for all levels of government and businesses to adopt policies for the fair treatment for LGBT workers. The issue of fairness is critical for LGBT workers, because employer benefits and disparities have economic implications for them over their lifespan.

In a report, *Time for a Change: The Case for LGBT-Inclusive Workplace, Leave Laws &*

Table 29.3 Federal Job Anti-Discrimination Laws

<i>Age Discrimination in Employment Act (ADEA)</i> —prohibits discrimination against persons 40 years of age or older
<i>Americans With Disabilities Act of 1990</i> (Title I and Title V), as amended ADA—prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local government
<i>Civil Rights Act of 1964</i> (Title VII)—prohibits employment discrimination based on race, color, religion, sex, or national origin
<i>Civil Rights Act of 1991</i> —made changes in the federal laws against employment discrimination enforced by EEOC; reverse Supreme Court decisions that limited the rights of persons protected by these laws; authorizes compensatory and punitive damages in cases of intentional discrimination
<i>Equal Pay Act of 1963</i> (EPA)—protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination
<i>Genetic Information Nondiscrimination Act of 2008</i> (GINA)—prohibits employment discrimination based on genetic information about an applicant, employee, or former employee
<i>Rehabilitation Act of 1973</i> (Sections 501 and 505)—prohibit discrimination against qualified individuals with disabilities who work in the federal government
<i>Older Workers Benefit Protection Act of 1990</i> (OWBPA)—forbids discrimination by employers based on age when providing employee benefits

Adapted from EEOC (www.eeoc.gov/facts/qanda.html)

Nondiscrimination Protections, Make (2013) opined that “given health disparities and high rates of family poverty in the LGBT community, LGBT workers have a critical need for LGBT-inclusive laws and policies that strengthen job security and provide time off for personal health and family caregiving needs” (p. 2). To better support the health and family needs of LGBT workers, Make offered needed policy and legal changes. First, expand marriage equality. The ruling of the Supreme to strike Section 3 of the Defense of Marriage Act was a victory for LGBT equality. Although the federal government now recognizes same-sex marriages, many LGBT persons live in states without marriage equity. The second recommendation is to broaden the definition of spouse under the Family Medical Leave Act (FMLA). For private sector workers, the FMLA defines spouse according to the marriage laws of the state in which a worker resides, which often excludes many same-sex couples. A third recommendation is in response to the ineligibility of many LGBT workers for FMLA leave because of the size of their employer, the number of hours worked, or length of time a worker has been employed. In addition, the FMLA’s definition of family is narrow. The federal government and states should pass legislation to expand access to

FMLA and pass LGBT-inclusive family and medical leave laws (Make). Fourth, pass LGBT-inclusive and job-protected paid leave laws at all levels of government, especially important to LGBT workers who are unable to afford unpaid time off work. Fifth, government at all level should serve as a model employer by instituting strong nondiscrimination protections and LGBT-inclusive workplace leave policies for government employers. Sixth, federal, state, and local governments should pass employment nondiscrimination laws that prohibit discrimination on the basis of sexual orientation and gender identity or expression. These laws can provide LGBT workers with recourse against harassment and discrimination and protection to those who otherwise fear disclosing their family relationships and caregiving responsibilities (Make). The last two recommendations involve building and strengthening collaborations between the LGBT community and workplace leave coalitions, so that they work with businesses to identify model employers and to develop spokespersons for LGBT-inclusive leave laws and policy (Mark).

Identification of options for helping older LGBT workers either find or maintain employment requires discussion among and input from various government and business entities. Many LGBT older workers may need assistance

with job searches; require flexible work arrangements; or need training, education, or flexible job opportunities. The majority of older workers are healthy and do not require any accommodations. Beyond limitations that may be associated with aging, many older workers are hindered by negative perceptions by employers and coworkers. For service providers working with LGBT persons, advocates working on behalf of LGBT persons, and LGBT persons themselves, the key to advancing equity and nondiscrimination in the workplace is obtaining legal protections in all states. Table 29.3 contains select federal laws that prohibit job discrimination. The Equal Employment Opportunity Commission (EEOC) enforces these laws and provides oversight and coordination of all federal equal employment opportunity regulations, practices, and policies.

Summary

LGBT older workers represent a diverse and growing segment of the workforce. Often, older LGBT workers must contend with unfair laws and discriminatory policies in the labor force. They must overcome the typical barriers to employment such as lack of modern skills, stereotypes, and disincentives of fringe benefits. Federal, state, and local governments and private business must examine their policies that adversely affect LGBT workers and aging workers. Collectively, LGBT workers are subjected to legalized discrimination, which can result in job loss or demotion. LGBT workers endure an unfair burden because of their sexual orientation and gender identity or expression. America is at a policy crossroads and is being tested for its response to legally sanction discrimination and violation of the civil right of LGBT workers. The future of the American work force may well be determined by its response to LGBT workers.

Learning Exercises

1. What factors go into helping LGBT elders remain in the workforce? Who is likely to do so and why?
2. What factors prevent LGBT elders from entering the workforce? How can these be surmounted?
3. What factors do you take in consideration in addressing the needs in addressing the older LGBT employee or those seeking employment?
4. In what ways does ENDA discriminate against LGBT workers?
5. What type of LGBT-supportive workplace policies have businesses put in place?

Experiential Exercises

1. Describe your experience working with an older lesbian, gay, bisexual, transgender employee. Was there a particular situation that occurred within the workplace setting that you remember? If yes, why?
2. If you know an elder who is working and LGBT, ask him or her to describe a situation in his or her work where he or she was treated well and where he or she was treated poorly.
3. Imagine that you have been invited to testify before Congress to provide arguments in support of LGBT-supportive workplace legislation. What evidence would you present?

Multiple-Choice Questions

1. Which of the following is a reason that loss of a job can be devastating for LGBT workers?
 - (a) Many LGBT persons live in poverty
 - (b) Many LGBT persons cannot afford to live near their jobs

- (c) Most LGBT workers have large families
- (d) Most LGBT workers are past their prime
2. Which of the following types of businesses have implemented LGBT-inclusive policies?
- (a) Small businesses
- (b) Government agencies
- (c) Fortune 500
- (d) Universities
3. FMLA defines spouse by which of the following?
- (a) Federal government
- (b) The state
- (c) DOMA
- (d) Business model
4. The federal Nondiscrimination Employment Act includes which of the following exemptions for businesses?
- (a) Companion
- (b) Public accommodation
- (c) Religious
- (d) Transgender
5. Which of the following is a rationale of why businesses have added LGBT-inclusive policies?
- (a) Low cost
- (b) Higher revenue
- (c) Economic benefit
- (d) All of the above
- (e) None of the above
6. Which of the following prohibits discrimination in employment?
- (a) American Association of Retired People
- (b) Age in Discrimination in Employment Act
- (c) Age and Wage Fairness Act
- (d) Older Persons Fair Employment Act
7. LGBT workers who work hard and meet their responsibilities and are denied fairness in hiring and promotion are aside to be victims of which of the following?
- (a) A broken bargain
- (b) An unofficial promise
- (c) A misunderstanding
- (d) An unintentional act
8. Why is it important to address instability in employment and job discrimination for LGBT workers?
- (a) To avoid workplace violence
- (b) Implications for financial insecurity well after retirement
- (c) To reduce the high cost of treatment for HIV/AIDS
- (d) Implications for family planning
9. Which of the following groups report the highest rate of discrimination and harassment in the workplace?
- (a) Lesbians
- (b) Gay men
- (c) Bisexuals
- (d) Transgender persons
10. People who may want to be supportive of LGBT persons in the workplace, but do not know how, may remain silent. The silence may be taken for which of the following?
- (a) Hostility
- (b) Approval
- (c) Avoidance
- (d) Mining one own business

Key

- 1-A
- 2-C
- 3-B
- 4-C
- 5-D
- 6-B
- 7-A
- 8-B
- 9-D
- 10-A

Resources

- A Better Balance: www.abetterbalance.org.
- American Association of Retired People (AARP): www.aarp.org.
- American Federation of State, County, and Municipal Employers: www.afscme.org.

Equal Employment Opportunity Commission (EEOC): www.eeoc.gov.

Human Rights Campaign: www.hrc.org/resources/entry/lgbt-employee-resources.

Human Rights Campaign—Corporate Equality Index 2015: Rating American Workplaces on Lesbian, Gay, Bisexual and Transgender Equality: www.hrc.org/campaigns/corporate-equality-index.

Lambda Legal: www.lambdalegal.org.

LGBT Equality in the Workplace: A TUC Guide for Union Negotiators on LGBT Issues (UK): www.rmt.org.uk/news/publications/lgbt-equality-in-the-workplace.pdf.

PFLAG: www.pflag.org.

Population Services International (PSI): www.world-psi.org.

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