



Do You Have a Gay-Friendly Organization?

It's not only the right thing to do. It will also boost your bottom line and cut your risk of lawsuits.

BY NARA CORREIA HIRATA AND BRIAN H. KLEINER

Is the atmosphere in your organization hospitable to lesbian, gay, and bisexual (LGB) employees? If not, productivity may suffer. Consider the following questions and answers as you update your employee handbook:

Even those who hide their sexual identity at work will perform better in an accepting atmosphere.

What Does Gay-Friendly Mean?

Here are ways to ensure a gay-friendly organization:

- **Prepare a written non-discrimination policy** covering sexual orientation and gender identity.
- **Distribute** your anti-discrimination policy widely. Make sure it is known by everyone in your workforce, covers all aspects of employment, and is consistently enforced.
- **Give domestic partners of all employees** the same benefits—including health insurance—as married spouses.
- **Require** all employees to attend diversity training. Be sure this training addresses sexual-orientation and gender-identity issues.

- **Realize** that LGBs make up an important market niche, just as women and other minorities do. Do research on their likes and dislikes, and market to them with sensitivity and understanding.
- **Have a zero-tolerance policy** when it comes to harassment.
- **Partner** with organizations benefiting the gay and HIV/AIDS community.

Why Be Gay-Friendly?

There are many reasons for employers to embrace gay-friendly policies and benefits. For example:

- **Organizations that respect diversity** and offer inclusive benefits will attract and retain the best employees.
- **Policies against discrimination can be of great comfort** for LGB workers, who might otherwise feel stressed. Even those who hide their sexual identity at work will perform better in an accepting atmosphere.

- **Anti-discrimination policies will help protect** your organization against lawsuits by those who feel discriminated against in the workplace. Such lawsuits are on the rise and can devastate an organization.
- **Gays are donors** and volunteers. They're more likely to contribute money and time to organizations with anti-discrimination policies.
- **It's the right thing** to do. Embracing all types of diversity, including sexual orientation, sends a message about your organization's values.

What Does the Law Say?

Currently, there is no federal law protecting lesbian, gay, bisexual, or transgender workers from discrimination. Federal law protects employees from discrimination based only on race, religion, national origin, gender, age, and disability. The Employment Non-Discrimination Act (ENDA) would make it illegal to discriminate based on real or



perceived sexual orientation. However, the ENDA has not yet been approved by Congress.

While women and other minorities have won protection against discrimination and harassment under federal law, LGBs have been left out by legislation.¹ States, municipalities, and employers have stepped forward to fill this gap in federal law. Eleven states, 116 cities, and the District of Columbia outlaw job discrimination based on sexual orientation. Around the country, many employers have included LGB workers in their non-discrimination policies.²

In Vermont, gay and lesbian couples who enter civil unions have the same rights as married couples under state law. California and Hawaii and 53 cities and counties have established domestic-partner registries that, in some cases, let lesbian and gay couples obtain such benefits as hospital and jail visitation

rights, child care leave, and parental rights. Even though these laws don't require employers to extend benefits to employees' domestic partners, some employers use the registries' definition of "domestic partner" as a guide to determine eligibility for their own benefit policies.

Employers that offer domestic-partner health benefits operate in all 50 states. California, New York, and Massachusetts lead in the number of employers offering such benefits.

We can expect many more employers to adopt such policies and benefits as they realize that doing so gives them a competitive edge. Meanwhile, LGB workers will continue to press for the array of benefits—such as family and medical leave, adoption assistance, relocation expenses, and retirement benefits—offered to spouses of heterosexual married couples.

Many of these goals are being met as more LGBs dare to be open at work and then ask to be treated equally. Challenges remain, however. Ending the taxability of domestic-partner benefits is one such challenge. (The value of domestic-partner benefits is taxed as imputed income to the employee.) Other goals include passing federal laws to prohibit LGB discrimination and winning equal marriage rights in every state. These are long-range goals, for certain, but they are all possible, and they are all about basic equality for a better world. Employers who embrace these goals will gain the support of an important segment of society. ■

Footnotes

¹See "A New Page in the Employee Handbook?", *The Advocate* (online), Lexis-Nexus.

²California, Connecticut, Hawaii, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, Rhode Island, Vermont, and Wisconsin outlaw workplace discrimination against gays. Minnesota also protects workers against gender-identity discrimination.

Resources

Conejo, Carlos, "Managers Must Become Multicultural," *Nonprofit World*, Vol. 20, No. 6.

Doyle, Tanya & Brian Kleiner, "The Most Likely Lawsuits—and How to Protect Yourself," *Nonprofit World*, Vol. 19, No. 1.

Muehrcke, Jill, ed., *Law & Taxation, Leadership Series, Vol. I & II*.

Zhu, Judy & Brian Kleiner, "The Failure of Diversity Training," *Nonprofit World*, Vol. 18, No. 3.

These publications are available from the Society's Resource Center, 734-451-3582, www.snpo.org.

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