

**2005
WORKPLACE FAIRNESS
SURVEY**

Conducted By:

**Lambda Legal
&
Deloitte Financial Advisory Services LLP**

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Executive Summary

For more than three decades, Lambda Legal has worked to eliminate employment discrimination against lesbian, gay, bisexual and transgender people. Historically our work has focused on challenging discrimination through court action. In recent years, Lambda Legal has joined its hallmark litigation with public education strategies in a path-breaking campaign to “Blow the Whistle on Workplace Discrimination.” These efforts have been highly successful, leading to vast improvements in the workplace policies and practices of major employers like UPS, Foot Locker and Cirque du Soleil. These successes benefit Lambda Legal’s clients and LGBT employees across the country. They also benefit employers, since workplace fairness is good business.

As part of the “Blow the Whistle” campaign, in late 2005 Lambda Legal and Deloitte Financial Advisory Services LLP conducted a survey of LGBT employees. The 2005 Workplace Fairness Survey fills a major gap in existing knowledge. Recent survey data on the experiences of LGBT people in the workplace in the United States is scant; Lambda Legal’s 2005 Workplace Fairness Survey is the largest poll of LGBT people on workplace issues in the last decade¹. The goals of the survey were to expand the data in order to: (1) profile the state of workplace fairness; (2) inform Lambda Legal’s work by learning what more needs to be done to eliminate discrimination; and (3) provide employers with information that will help them create a welcoming and hospitable environment for current and potential LGBT employees.

The key findings in the 2005 Workplace Fairness Survey illustrate the extent to which employment discrimination is still a reality for lesbians and gay men. (The survey sample did not yield results sufficient to provide enough data on the workplace experiences of transgender people and bisexuals.) At the same time, the results demonstrate that substantial progress is being made toward workplace fairness and equality. The results also show that lesbian and gay employees highly value employer policies and practices that promote fairness and equality. These results are a valuable resource for all employers who are interested in recruiting and retaining the most talented employees, without regard to sexual orientation.

While more than 80 percent of Americans believe that sexual orientation discrimination in the workplace is wrong², the 2005 Workplace Fairness Survey reveals that a large number of lesbian and gay employees still face discrimination. Thirty-nine percent of survey respondents reported experiencing some form of discrimination or harassment in

¹ There have been four Out & Equal Workplace Summit surveys by Harris Interactive in conjunction with Witeck-Combs Communications, which investigate workplace attitudes toward gay and lesbian people. The most recent, in September 2005 surveyed 2,242 U.S. adults of whom 6 percent self-identified as LGBT. Gallup polls 1,000 people every year in its “Homosexual Relations” survey, which asks one question on equal rights in the workplace. There have been other regional surveys in the past decade, as well as more comprehensive surveys of LGBT people in the workplace in the United Kingdom.

² According to the most recent Gallup poll figures (May 2005), 87 percent of respondents believe that gay and lesbian employees should have equal rights in terms of job opportunities.

the workplace because of their sexual orientation during the past five years. Nineteen percent of respondents reported a “glass ceiling” — i.e., that they faced barriers in promotion because of their sexual orientation. These problems appear to be notably worse for those who have lower incomes and those who live in certain parts of the country that are generally thought of as more conservative.

In spite of the fact that discrimination remains a serious problem, 74 percent of survey respondents report being out at work.³ There appears to be a positive correlation between income levels and being out — respondents at higher income levels are more likely to report being out at work than respondents at lower incomes. Once again, those who live in parts of the country generally thought to be more conservative were less likely to be out about their sexual orientation in the workplace.

The results of the 2005 Workplace Fairness Survey suggest that workplace conditions for lesbians and gay men are improving. Sixty-three percent of survey respondents reported that their employers actively promote workplace equality and fairness through their policies and practices. The survey data suggests that employer policies and practices have a significant impact on employee behavior — lesbian and gay employees who work for employers that promote workplace fairness are much more likely to be out at work.

The survey results also indicate that employer policies and practices have a heavy influence on employee satisfaction. Fifty-four percent of survey respondents said that when they decide where to work, whether an employer promotes fairness and equality through its policies and practices is a “critical” factor. An additional 38 percent of respondents reported that such policies were appreciated and contributed to their happiness.

While the results of the 2005 Workplace Fairness Survey offer important data for advocates (such as Lambda Legal), policymakers and employers, there are limitations to the data. For example, the Lambda Legal online community did not in this instance yield a statistically significant survey sample for LGBT people of color who face particularized forms of discrimination. It also did not contain a statistically significant sample for transgender employees. Additionally, the survey sample contains twice as many male respondents as female; thus the survey may not accurately reflect the full extent of discrimination that lesbians face in the workplace. Lambda Legal hopes to support subsequent research efforts to address the limitations of the data reported here.

³ This figure is slightly higher than that reported by the most recent the Harris Interactive Out & Equal survey, which reported that 69 percent of respondents were comfortable being open about their private life at work.

Methodology

The survey was administered online through an invitation to members of the Lambda Legal online community. It was fielded between September 22 and November 4, 2005 with 1,205 members participating in the survey — 11.3 percent of the survey population — using a self-administered questionnaire on Zoomerang™. The survey responses were compiled and tabulated in Zoomerang™.

Detailed Discussion of Survey Findings

1. A pronounced majority of survey respondents, 74 percent, reported being out at work. An additional 15 percent reported that they are out to select colleagues, but not to their superior. 11 percent of respondents reported that they are not out at all.

Of those who report not being out, 37 percent cited fear or hostility as the reasons:

- 16% reported fear of reprisal or risk to employment security
- 6% reported working in a hostile industry
- 5% reported working for a hostile company
- 5% reported living in a hostile community
- 5% reported witnessing harassment in the workplace

Willingness to be out at work appears to increase as income increases. Respondents in lower income ranges and in certain parts of the country report being out at lower levels than the survey average of 74 percent, including:

- Income below \$50,000 (67%)
- Residents of the mid-Atlantic (67%), Southern (68%), and Mountain (69%) states.⁴

Willingness to be out at work also appears to be higher than average in some professions, including:

- Legal Profession (80%)
- Medical/Health Care (77%)
- Communications, Publishing, Public Relations, and Advertising (81%)

2. Respondents report that there are still significant levels of discrimination or harassment occurring in the workplace. Almost two fifths (39%) of all respondents have experienced some level of harassment or discrimination related to their sexual orientation in the past five years. Eleven percent report experiencing either very frequent or frequent harassment

⁴ See Discussion of Survey Demographics for breakdown of regions by state.

or discrimination. Income level and geography apparently affect the frequency of harassment:

- Respondents with incomes below \$50,000 report very frequent or frequent discrimination or harassment at significantly higher levels (17%) than those earning over \$100,000 (4%).
- Respondents living in the South and Mountain states report experiencing very frequent or frequent harassment at higher levels (16% and 17% respectively, versus 11% nationally).
- 53% of respondents living in the South Central and Plains states report some level of harassment during the past five years, 14 percentage points higher than the national average.

Almost one fifth (19%) of respondents report experiencing a glass ceiling or lack of promotion/upward mobility because of their sexual orientation.

- Residents of South Central and Plains states are more likely to report barriers to promotion (26%) due to their sexual orientation. Residents of the Northeast states report barriers to promotion at lower levels (13%).

3. Survey respondents report that employer promotion of workplace equality and fairness, and the existence of legal protections against workplace discrimination, heavily influence their decisions about where to work and live.

- 54% of respondents reported that whether an employer promotes workplace equality and fairness through policies and practices is a “critical” factor when making choices about where to work.
- An additional 38% of respondents reported that employer policies and practices promoting workplace fairness and equality are “appreciated” and make the respondent happy.
- 48% of respondents reported that the existence of local and state laws prohibiting discrimination in the workplace is a “critical” factor in deciding where to live.

4. Survey respondents report that employment practices and policies have a substantial impact on their comfort level and openness in the workplace.

Respondents reported that they are more likely to be out if they work for an employer that “promotes workplace equality and fairness through policies and practices.”

- 71% of respondents who are out at work report working for employers that promote workplace equality and fairness through their policies and practices.

- Only 29% of respondents who are out at work report working for employers that do not promote workplace equality and fairness through their policies and practices.
- 62% of respondents who are *not* out at work report that they work for employers that fail to promote workplace equality and fairness through policies and practices.
- 38% of respondents who are *not* out at work report that they work for employers that promote workplace equality and fairness through their policies and practices.

5. A pronounced majority of respondents report that they work for employers who promote workplace equality and fairness in their policies and practices.

- 63% of respondents report working for organizations that actively promote workplace equality and fairness through policies and practices.
- 68% of all respondents report working for organizations that provide safe, confidential channels for reporting discrimination and harassment.

Survey Demographics:

The demographic profile of the survey respondents is reflective of those enrolled in the Lambda Legal online community.

- Gender

33%	female
65%	male
2%	transgender
- Age

14%	30 and under
55%	31 – 49
31%	50 and over
- Income

33%	\$50,000 and under
36%	\$50,000 to \$99,000
24%	\$100,000 to \$199,000
7%	\$200,000 and over

- Region
 - 26% West (AK, CA, HI, NV, OR, WA)
 - 24% Northeast (CT, MA, ME, NH, NJ, NY, RI, VT)
 - 13% South (AL, FL, GA, KY, MS, NC, SC, TN)
 - 17% Midwest (IL, IN, MI, MN, OH, WI)
 - 9% South Central & Plains (AR, IA, KS, LA, MO, ND, NE, OK, SD, TX)
 - 7% Mid-Atlantic (DC, DE, MD, PA, VA, WV)
 - 5% Mountains (AZ, CO, ID, MT, NM, UT, WY)

- Occupation
 - 22% Professional Services (e.g., architect, accountant, consultant, engineer, human resources, IT, etc)
 - 15% Education and Library Sciences
 - 11% Legal Profession
 - 11% Medical and Healthcare Professions
 - 10% Service Industry Professions (e.g., hospitality, retail, food, transportation, travel, etc.)
 - 6% Financial Services (e.g., banking, investments, etc.)
 - 5% Government Services (e.g., government, military, police, fire, sanitation, etc.)
 - 4% Communications, Public Relations, Advertising, Publishing
 - 4% Office and Administrative Support (e.g., secretary, paralegal, etc.)
 - 4% Nonprofit, Community/Social Services, Religious
 - 3% Arts, Design, and Entertainment
 - 2% Manufacturing, Construction, Farming
 - 1% Students
 - 2% Other

- Employer Size
 - 3% 1-2 employees
 - 8% 3 – 10 employees
 - 18% 11 – 99 employees
 - 16% 100 – 499 employees
 - 9% 500 – 999 employees
 - 46% 1,000 and over employees