

PROTECTING LGBT WORKERS: THE NEED TO UPDATE FLORIDA'S NONDISCRIMINATION LAW

June 2014



When Americans go to work each day, they want to be judged on their professionalism, their experience, their performance, and their ability to get the job done. By working hard, meeting their responsibilities and playing by the rules, they strive for a fair chance to achieve a piece of the American Dream.

But today, hardworking Floridians who are lesbian, gay, bisexual or transgender (LGBT) can still be unfairly fired from their jobs simply because of who they are. Many Americans are shocked to learn that there is no federal law that explicitly protects gay and transgender workers from unfair workplace discrimination, and that in more than half the country, including Florida, such protections are also denied under state law.¹ While half of Floridians live in cities or counties with protections against discrimination based on sexual orientation and 38% have protections against gender identity discrimination, the state needs consistent, statewide protections.²

America is a land of opportunity, where all people should be treated fairly and equally under the law. No hardworking Floridians should have to live in fear that they can be fired for reasons that have nothing to do with their job performance. By updating our laws to protect gay and transgender people from unfair job discrimination, we can help level the playing field for all Floridians—and make our state a fairer and more equal place to live and work.

FLORIDA 536,000 LGBT ADULTS

50% PROTECTED BY LOCAL NONDISCRIMINATION ORDINANCES

38% protected based on sexual orientation AND gender identity

12% protected based on sexual orientation only

50% CAN BE UNFAIRLY FIRED



ONE IN EIGHT

OF SAME-SEX COUPLES IN FLORIDA ARE RAISING CHILDREN

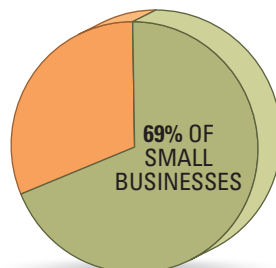
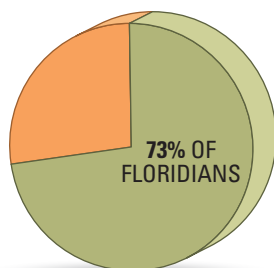


ONE-THIRD

OF LGBT WORKERS NATIONALLY HAVE BEEN HARASSED OR FACED DISCRIMINATION



WIDESPREAD SUPPORT FOR UPDATING FLORIDA'S NONDISCRIMINATION LAWS



14 OF FLORIDA'S 16 FORTUNE 500 COMPANIES



LGBT Floridians and the Legal Landscape

Approximately 536,000 LGBT adults live in Florida (3.5% of the state's total population).³ One in eight same-sex couples in Florida are raising children (13%).⁴

Currently, 38% of Floridians live in cities and counties that protect workers from unfair discrimination based on gender identity and 50% live in cities and counties with protections based on sexual orientation.⁵ But workplace protections shouldn't depend on where you live or work. All workers in Florida ought to be protected by laws that explicitly state that it is against the law to fire someone or discriminate against someone at work because of their sexual orientation or gender identity.

Discrimination and the Work Environment

LGBT workers can put their job prospects at risk if they disclose that they are LGBT while looking for work. An LGBT employee may be stuck in a workplace that is blatantly hostile, one that condones anti-gay jokes and slurs, and/or one where employers look the other way and allow a discriminatory climate to flourish. In addition to job and workplace discrimination, LGBT employees face wage disparities that make it harder for them to provide for themselves and their families. According to a survey of LGBT workers, 38% of employees who were out at work had been harassed or discriminated against in the last five years.⁶

The lack of legal protections for LGBT workers, combined with the unequal treatment they receive in areas from wages and hiring to family benefits, is not just a problem for LGBT workers; it also harms their coworkers, their employers and Florida's economy. Organizations that create diverse

and inclusive workplaces are better positioned to attract and retain top talent. They benefit from decreased costs associated with absenteeism and turnover. They also have higher levels of employee satisfaction, which can boost productivity and innovation and result in higher profits. The current patchwork of nondiscrimination ordinances creates legal uncertainty for LGBT people and businesses. Updating Florida's nondiscrimination law to protect LGBT workers makes sense for LGBT workers, businesses, and the state.

Business Support for Nondiscrimination

Employers who value diversity understand that it gives them a competitive advantage. But employers can't fix the broken bargain on their own. Nondiscrimination laws need to be updated to protect LGBT workers. And, most business owners support non-discrimination laws ensuring that workers are treated fairly on the job. A 2013 Small Business Majority survey of small business owners found that 69% support state laws protecting LGBT workers from employment discrimination.⁷

Many of Florida's largest employers have nondiscrimination policies covering sexual orientation and gender identity and expression, including 14 of the state's 16 Fortune 500 companies. A growing number are voicing support for updating Florida's nondiscrimination laws, including Walt Disney World Resort, Wells Fargo, Florida Blue and Darden. And the vast majority of Americans (72% according to a recent poll by the Public Religion Research Institute⁸) and Floridians (73%⁹) agree with small business owners that LGBT workers should be treated fairly.

Ensuring that all workers are treated fairly on the job is good for LGBT workers, businesses, and the state of Florida.

ENDNOTES

¹ For an updated listing of states with laws prohibiting discrimination based on sexual orientation and gender identity, visit Movement Advancement Project. "LGBT Equality Maps: State Non-Discrimination Laws." http://lgbtmap.org/equality-maps/non_discrimination_laws (accessed April 2, 2014). Hereafter, MAP, *Employment Non-Discrimination Laws*.

² Analysis by the Movement Advancement Project. Updates available at Movement Advancement Project. "Equality Maps: Local Non-Discrimination Ordinances." http://lgbtmap.org/equality-maps/non_discrimination_ordinances (accessed April 2, 2014). Hereafter, MAP, *Local Non-Discrimination Ordinances*.

³ Estimates based on the adult population in Florida and the percent of adults in Florida who identify as LGBT. Gates, Gary J. and Frank Newport. "LGBT Percentage Highest in D.C., Lowest in North Dakota." Gallup Politics. February 15, 2013. <http://www.gallup.com/poll/160517/lgbt-percentage-highest-lowest-north-dakota.aspx> (accessed October 23, 2013).

⁴ Gates, Gary J. and Abigail M. Cooke. "Florida Census Snapshot: 2010." The Williams Institute. http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot_Florida_v2.pdf (accessed April 2, 2014).

⁵ MAP, *Local Non-Discrimination Ordinances*.

⁶ Sears, Brad, and Christy Mallory. "Documented Evidence of Employment Discrimination & Its Effects on LGBT People." The Williams Institute. July 2011. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf> (accessed January 3, 2014).

⁷ Small Business Majority and Greenberg Quinlan Rosner Research. National survey of 508 small business owners, conducted April 8-17, 2013 cited in Movement Advancement Project, Human Rights Campaign, and Center for American Progress. "A Broken Bargain: Discrimination, Fewer Benefits and More Taxes for LGBT Workers." June 2013. <http://lgbtmap.org/file/a-broken-bargain-full-report.pdf> (accessed April 2, 2014).

⁸ Jones, Robert P., Daniel Cox, and Juhem Navarro-Rivera. "A Decade of Change in American Attitudes about Same-sex Marriage and LGBT Issues." Public Religion Research Institute. February 2014. http://pub-licreligion.org/site/wp-content/uploads/2014/02/2014.LGBT_REPORT.pdf (accessed March 4, 2014).

⁹ Bob Graham Center for Public Service. "Floridians support ban on sexual orientation discrimination, split on in-state tuition for undocumented students." April 18, 2013. http://www.bobgrahamcenter.ufl.edu/sites/default/files/press_release_legislative_issues_final.pdf (accessed April 1, 2014).

ABOUT THIS BRIEF

This brief is based on content from *A Broken Bargain: Discrimination, Fewer Benefits and More Taxes for LGBT Workers*, a report which examines how job discrimination without legal protection makes it harder for LGBT workers to find and keep a good job; and how LGBT workers receive fewer benefits and pay more taxes, which puts LGBT workers and their families at risk. For more information, visit www.lgbtmap.org/lgbt-workers.