LGBT+ in the workplace
US/UK comparative project
In the current political climate, the UK & the US appear to be at odds when it comes to the rights of LGBT+ citizens, specifically when it comes to trans rights. In July 2017, Donald Trump stated that trans individuals are no longer allowed to serve in the US military. Shortly after, the UK Army released a statement stating that they welcome all, regardless of gender identity or sexual orientation.

This comparison project outlines the differences and similarities between LGBT+ experiences in the workplace in the UK and the US.
When comparing LGBT+ workplace experiences in the UK and the US, policies and legislation can speak volumes on the current state of LGBT+ inclusion in the country as a whole. It is vital to consider how structural advocacy and senior representation filters down to employees and individual experiences.

In the US, the conflict between federal law and state law means that LGBT+ rights can vary upon location. A federal law applies to the nation as a whole and to all 50 states, whereas state laws are only in effect within that particular state. In the USA, there is no federal statute addressing employment discrimination based on sexual orientation or gender identity. Therefore, protections at the national level are limited. Only 20 states have laws protecting discrimination based on both sexual orientation and gender identity, with 28 states having no explicit prohibitions for discrimination based on sexual orientation or gender identity in state law. This means that in certain states in the US, it would be completely legal for an individual to be fired for being LGBT+.

However, in the UK, the 2010 Equality Act is a discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society. The act specifically covers LGBT+ individuals from 4 types of discrimination: direct, indirect, harassment and victimisation. This law does not apply only when dealing with occupational requirements, positive action, charities providing benefits to LGBT+ people in certain circumstances, and religious organisations (although this relationship is very complex, and cannot be fully explained here). Despite these gaps, when it comes to protective legislation on a national level, the UK offers much more protection than the US. The implications of this protection/lack of protection should not be underestimated.
LGBT+ representation at the senior levels of a business is key to creating an environment of inclusion. People believe they can truly be themselves when they see people like them in senior leadership roles. So how does this LGBT+ representation at senior levels vary between the UK and the US?

In both UK and USA based companies, there is an obvious lack of LGBT+ representation at senior levels. In the USA, only 0.3% of directors in Fortune500 companies are openly LGBT+ (Out Leadership, 2018), and only 1 FTSE100 CEO is openly LGBT+. Nearly 90% of employees believe that visible LGBT+ leaders within a company are important, though a high proportion of organisations don’t have senior LGBT+ leaders who are visible (Out Leadership, 2018). Therefore, this lack of role models is a big problem across the Atlantic, and there is massive scope for improvement in both the UK and the US.
The rates at which individuals openly identify as LGBT+ in the workplace can be used an explanatory variable to uncover national LGBT+ acceptance, even on a micro level. Whilst staying in the closet at work can be undeniably detrimental, reasons for staying in the closet range from ‘I will get fired’ to ‘I just don’t feel it’s relevant’. This section will consider the differences between being ‘out at work’ in the UK and US.

A 2018 US based study conducted by the HRC says that 46% of LGBTQ workers are closeted at work. This represented just a four percent drop from HRC’s 2008 Degrees of Equality report, which was created before Barack Obama’s presidency, before same-sex marriage was legalised across the US and before transgender rights became a prominent issue in the civil rights struggle. The UK fares slightly better with regards to being ‘out of the closet’. 86% of gay men surveyed by Pride in London and 74% of lesbians are out to their colleagues (Pride Matters, 2018). However, 41% of UK graduates re-enter the closet after graduating (Out Now, 2018). Whilst the UK appears to be creating a more LGBT+ inclusive culture than the US, where employees feel comfortable sharing that they identify as LGBT+, there is still a long way to go.

Although there is a correlation between lack of legislation in the USA and the number of individuals who are not ‘out of the closet’, this does not imply causation. When it comes to reasons why queer employees don’t come out of the closet, one-in-four respondents put their decision down to the possibility of being stereotyped, while more than one-in-three are worried about making people feel uncomfortable. More than one-in-four LGBT+ employees are concerned about the possibility of losing connections or relationships with colleagues, or about co-workers thinking that they might be attracted to them because they’re LGBT+ (HRC, 2018). Therefore, the causation behind such a high percentage being closeted at work falls to both a micro and macro level.
Coming out as trans at work can be incredibly difficult. Nuances around the trans identity are so often ignored in the corporate space, with all emphasis being placed on medical transitions and name changes. Although this is important, it is often ignored that medical transitions and name changes often do not go hand in hand with the trans identity. This section will dip its toe into the trans workplace experience.

Statistics around trans equality in the workplace paint a negative picture in both the UK and the USA. The lives of many trans people at work remain difficult, with many facing bullying and discrimination, including an alarming number of trans employees who have been physically attacked at work. Trans employees often deliberately hide their identity because they fear being discriminated against at work.

In the USA, 97 percent of transgender people report being harassed on the job, and 71% of trans employees attempt to hide their transitions at work (Diversity Best Practices, 2017). These extraordinarily high numbers demonstrate that trans workplace equality is a huge issue in the USA.

In the UK, trans workplace equality is also very far behind the LGB community. According to Stonewall’s Trans Report (2018), one in eight trans employees (12 per cent) have been physically attacked by colleagues or customers in the last year. Half of trans and non-binary people (51 per cent and 50 per cent respectively) have hidden or disguised the fact that they are LGBT at work because they were afraid of discrimination. Although these statistics are significantly lower than the US, this is not necessarily something to be celebrated, as we still have a long way to go.

Interestingly, coming out as a trans woman in the US brings about a reduction in hourly earnings of 32% (IZA World of Labour, 2017). Although there is no study conducted in the UK to bring across a comparison, it is important to consider the implications of this statistic, for all women, trans and cis.
Research by INvolve and Cebr shows that Workplaces in the top quartile for sexual orientation diversity are 22% more likely to have financial returns above their industry mean than those in the bottom quartile. This is just one example of how beneficial creating a culture where LGBT+ employees feel comfortable can be.

Across the UK and the US, the importance of LGBT+ inclusion in business is beginning to be recognised. Open for Business conducted a study across the UK and US (2017), where it was found that 47.5% of UK/US consumers would support a boycott of companies working in countries that have anti-gay laws, and 52% of UK/US consumers would be unlikely to work for a company that does business in a country that has anti-gay laws. Out Leadership and PwC (2018) also discovered that a massive 99% of respondents looking for employment would research a company’s reputation in the LGBT community.

So what can companies do to demonstrate that they have an inclusive cultures? Below are some suggestions.

**UK**

In the UK, as there is legal protection from discrimination, organisations can work on employee education and inclusive work spaces and facilities.

- Senior leaders promoting LGBT equality throughout the organisation
- Training all staff - especially HR and front of house staff - about LGBT equality and issues, and why trans inclusion also matters
- Offering gender neutral toilets and shower facilities
- Setting up working groups to consider changes they can make to facilities and work spaces to be more inclusive of all gender identities
In the US, as there can be little legal protection from discrimination, organisations can be inclusive by showing employees that they will take a stand against structural discrimination. This can be done by internal policies and community support.

- Standardize Parental Leave Policies
- Have a clear diversity policy, and make it clear that discrimination isn’t acceptable
- Encourage Internal LGBT Networking and Communities
- Support LGBT Issues in the Community, and actively fight against governmental discrimination

Although these suggestions vary, due to the position of the countries in their LGBT+ journey, they both have the same end goal: to create a culture where LGBT+ employees can bring their full selves to work.

LGBT+ pay gap: the facts

UK

The pay gap by sexual orientation results in lost output worth up to £2 billion. (INvolve & Cebr, 2018)

The average heterosexual young person earned £336 per month, compared to £372 for gays and lesbians, £208 for Bisexuals, £194 for individuals with other sexual identities and £178 for those who preferred not to state their sexual orientation. (INvolve & Cebr, 2018)

US

Lesbians make, on average, more than $5,000 less than straight women of a similar age. Bisexual women make, on average, about $15,000 less. And gay men earn $56,936 on average, compared to the $83,469 average income for straight male peers. (Prudential, 2017)

39% of LGBTQ respondents had annual family income of less than $30,000 — compared to only 28% of all U.S. adults (PEW, 2013)
Although throughout this comparison the UK has fared significantly better than the USA for LGBT+ workplace equality, both countries still have a long way to go. The fact that the 41% of graduates in the UK re-enter the closet after starting their first job (Out Now & Vodafone, 2018), even with the 2010 Equality Act in place, speaks volumes about the stigma and culture of heteronomativity and cisnormativity which spreads far beyond the law. Although the US still have many states where there is no protective legislation in place, they have a similar cultural battle to the UK.
about INvolve

INvolve is a membership organisation championing diversity and inclusion in businesses. INvolve consists of three initiatives; EMpower, OUTstanding and HERoes, working across ethnic minority, LGBT+ and gender diversity respectively. Through the delivery of events, programmes, thought leadership and advisory services, INvolve helps member firms drive cultural change and create inclusive workplaces.

We also publish annual role model lists, celebrating business leaders and future leaders who are leading change for diversity and inclusion in business.

For more information : www.involvepeople.org