



**SCHOOL OF BUSINESS AND TECHNOLOGY**

**SHRM STUDENT CHAPTER WEBINAR: SEXUAL ORIENTATION**

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**This webinar is designed for informational purposes only, and does not constitute legal advice. Any action or inaction by the viewer based on the information provided is done without guarantee of its accuracy or suitability for a particular purpose.**

# RESPECT

*“We should all make more of an effort to discuss with one another, in a truthful and mature and responsible way, the divides that still exist – the discrimination that’s still out there, the prejudices that still hold us back.”*

*President Obama  
July 29, 2010*



# Agenda

- 1) Welcome and Introductions
- 2) Notes of Appreciation
- 3) Terminology
- 4) From the Research Lab to the Workplace
- 5) Summary & Discussion



# WITH APPRECIATION

Dean LiFang Shih  
Associate Dean Scott Dolan  
Associate Dean Michael Johnson  
Instructional Faculty in Human  
Resources and Leadership  
Student Chapter Officers  
Savannah White



# **EEOC & SEX DISCRIMINATION**

**PER EEOC:  
EEOC ENFORCES TITLE VII'S  
PROHIBITION OF SEX  
DISCRIMINATION, WHICH  
PROHIBITS EMPLOYMENT  
DISCRIMINATION BASED ON  
GENDER IDENTITY AND  
SEXUAL ORIENTATION**



# EEOC ENFORCEMENT

**EEOC PROTECTIONS OF  
GENDER IDENTITY AND  
SEXUAL ORIENTATION APPLY  
REGARDLESS OF ANY  
CONTRARY LOCAL OR STATE  
LEGISLATION**



# **EEOC ENFORCEMENT**

**SEX DISCRIMINATION  
PROVISIONS IN TITLE VII  
PROTECT LGBT APPLICANTS  
AND EMPLOYEES AGAINST  
EMPLOYMENT BIAS**



# EXAMPLES

## WILLIAMS INSTITUTE ON SEXUAL ORIENTATION:

15% TO 43% OF GAY AND TRANSGENDER  
EMPLOYEES HAVE EXPERIENCED A FORM OF  
DISCRIMINATION AT WORK;  
10% TO 28% RECEIVED A NEGATIVE  
PERFORMANCE EVALUATION OR WERE PASSED  
OVER FOR A PROMOTION BECAUSE THEY ARE  
GAY OR TRANSGENDER;  
7% TO 41% OF GAY AND TRANSGENDER  
EMPLOYEES ARE VERBALLY OR PHYSICALLY  
ABUSED OR HAD THEIR WORKPLACE  
VANDALIZED





# ADDITIONAL FINDINGS

**INCIDENCE OF WORKPLACE DISCRIMINATION AND HARASSMENT HIGHER FOR LGBT EMPLOYEES THAN THEIR HETEROSEXUAL COLLEAGUES**

**IN ONE STUDY: 37% OF LESBIAN AND GAY EMPLOYEES EXPERIENCED WORKPLACE HARASSMENT IN THE LAST FIVE YEARS; 12% LOST A JOB BECAUSE OF THEIR SEXUAL ORIENTATION**

**IN ANOTHER STUDY: 90% OF RESPONDENTS WHO IDENTIFY AS TRANSGENDER REPORTED EXPERIENCING HARASSMENT AND DISCRIMINATION AT WORK IN HIRING, PROMOTION OR JOB RETENTION**



# COGNITIVE VS. AFFECTIVE RESPONSES

## STEREOTYPING HAS ITS PROBLEMS

EVERYONE IS UNIQUE.

NO ONE SINGLE PERSON IS A  
REPRESENTATIVE OF A  
CERTAIN GROUP.

STEREOTYPES AND PREJUDICES ARE DAMAGING  
TO AN ORGANIZATION.

TERMINOLOGY IS IMPORTANT!



# ALLY

**This term describes an individual with social or economic privilege who engages in practices that challenge and transform ideas, values, and behaviors that afford others less privilege.**



# INTERSECTIONALITY

The interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.



# ANDROGYNOUS

A term used as both a self-description and a means to describe those whose outward appearance, mannerisms, expressions, and/or identifications combine masculine and feminine traits in a way that produces an ambiguity.



# **BINARY GENDER SYSTEM**

**A social system in which all people are classified into either one of two categories: male or female. This system is premised on the idea that intersex and transgender people do not exist or that they need to be fixed in order to fit into a binary system. In the United States, the binary gender system is maintained in ordinary ways such as male/female bathrooms, male/female dormitory room assignments, and identification forms.**



# BISEXUAL

**A term used as both a self-description and a means to describe those who classify themselves as possessing significant sexual/romantic attraction to individuals who are attracted to men and women.**



# CISSEXUAL

Someone who lives and identifies as the same sex that they were assigned at birth is called a “cissexual.” Most of the population is cis and they receive certain rights and privileges that trans people do not. There is a wide range of cis identities, some traditional and some not traditional.





**FTM**

**MTF**

**“Female-to-Male”**. This is an acronym for the term **“female-to-male”** and is used to describe transgender individuals who were assigned the sex of female at birth, but express masculine gender identities through aesthetic, surgical, social, and/or behavioral changes.

**“Male-to-Female”**. This is an acronym for the term **“male-to-female”** and is used to describe transgender individuals who were assigned the sex of male at birth, but express feminine gender identities through aesthetic, surgical, social, and/or behavioral changes.



# GENDERQUEER

**This term describes a gender identity that is embraced by people whose genders are unconventional or non-normative.**



# HETERONORMATIVE

This concept describes actions, institutions, ideologies, and systems that assume heterosexuality is the normal sexual orientation. As such heteronormative ideas and behaviors deem other sexual identities and practices as less normal, valuable and/or healthy; certain sex is deemed good (reproductive, monogamous, married, male female sex) and other sex is deemed bad (gay, lesbian, transgender, polysexuality, pansexuality, etc.).



# QUEER

Originally a derogatory slur, this term has been reclaimed since the 1980s, primarily among middle-class European Americans in activist, artistic, and scholarly communities, as an umbrella word to encompass all people who diverge from hetero- and homonormative genders and sexualities.



# TRANSGENDER

**Transgender or trans\* is an umbrella term for people whose gender identity is different from the sex they were assigned at birth.**



# TRANS

**THE TERM “TRANSGENDER”  
ENCOMPASSES MANY IDENTITIES,  
BEHAVIORS AND APPEARANCES THAT  
CROSS GENDER LINES:**

**TRANSEXUALS  
CROSS DRESSERS  
DRAG QUEENS AND  
KINGS  
GENDERQUEERS**



# **MACY V. HOLDER, 2012**

**The bipartisan EEOC—the federal agency in charge of enforcing employment discrimination laws—declared unanimously that anti-trans bias was sex discrimination under Title VII. TRANSGENDER INDIVIDUALS ARE PROTECTED FROM DISCRIMINATION IN THE WORKPLACE UNDER TITLE VII OF THE 1964 CIVIL RIGHTS ACT, THE PARALLEL FEDERAL LAW THAT PROHIBITS SEX DISCRIMINATION IN EMPLOYMENT.**



# LUSARDI V. DEPT. OF THE ARMY 2015

## EEOC HELD THAT:

1. DENYING AN EMPLOYEE EQUAL ACCESS TO A COMMON RESTROOM CORRESPONDING TO THE EMPLOYEE'S GENDER IDENTITY IS SEX DISCRIMINATION;
2. AN EMPLOYER CANNOT CONDITION THIS RIGHT ON THE EMPLOYEE UNDERGOING OR PROVIDING PROOF OF SURGERY OR ANY OTHER MEDICAL PROCEDURE;
3. AN EMPLOYER CANNOT AVOID THE REQUIREMENT TO PROVIDE EQUAL ACCESS TO A COMMON RESTROOM BY RESTRICTING A TRANSGENDER EMPLOYEE TO A SINGLE USER RESTROOM INSTEAD





# EXAMPLES OF LGBT DISCRIMINATION

**NOT HIRING AN APPLICANT SOLELY DUE TO  
TRANS STATUS**

**TERMINATING AN EMPLOYEE BECAUSE OF A  
GENDER TRANSITION**

**MAKING HARASSING AND/OR DISCRIMINATING  
COMMENTS REGARDING LGBT STATUS**



# RETALIATION PROHIBITED

**RETALIATION AGAINST AN APPLICANT OR EMPLOYEE FOR FILING A CHARGE OF DISCRIMINATION, PARTICIPATING IN AN INVESTIGATION, OR OPPOSING DISCRIMINATORY PRACTICES IS PROHIBITED.**



# THIRD PARTY HARASSMENT

THE INDIVIDUAL TO WHOM THE HARASSING CONDUCT IS AIMED IS NOT THE ONLY PERSON WHO CAN COMPLAIN ABOUT THE HARASSMENT.

THIRD PARTIES MAY COMPLAIN WHEN THE HARASSMENT DIRECTED AT OTHERS ADVERSELY AFFECTS THEIR WORK ENVIRONMENT.



# IMPACT

## RESPONSES INCLUDE:

ANGER  
ANXIETY  
GUILT  
SUICIDAL THOUGHTS  
CHANGE IN CAREER GOALS  
FEAR OF CRIME  
DEPRESSION  
GASTROINTESTINAL PROBLEMS  
HEADACHES  
SLEEP DISTURBANCES



# HR NEEDED

**96% OF FORTUNE 500 COMPANIES HAVE LGBT  
WORKPLACE PROTECTION**

**POLICIES, PROCEDURES AND TRAINING BOOST  
BUSINESSES, RETENTION RATES AND ATTRACT  
TALENT**

**SEXUAL ORIENTATION MANAGEMENT PROGRAMS**



# PERSONAL BELIEFS VS. WORKPLACE CONDUCT

# STEREOTYPES PREJUDICE BEHAVIOR



# RESOURCES

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[eoc.gov](http://eoc.gov)

Morandini, J., Blaszczynski, A., Costa, D., Godwin, A., & Dar-Nimrod, I. (2017). Born this way: Sexual orientation beliefs and their correlates in lesbian and bisexual women. *Journal of Counseling Psychology, 64*, 560-573.

Day, N., & Greene, P. (2008). A case for sexual orientation diversity management in small and large organizations. *Human Resource Management, 47*, 637-654.

<http://lgbtccneworleans.org/useful-vocabulary/>



# ADDITIONAL RESOURCES

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