

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

March 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 Utahns 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 Utah, such protections are also denied under state law.¹

America is a land of opportunity, where all people should be treated fairly and equally under the law. No hardworking Utahns 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 Utahns—and make our state a fairer and more equal place to live and work.



UTAH

53,000 LGBT ADULTS

51% PROTECTED BY
LOCAL
NONDISCRIMINATION
ORDINANCES



49% CAN BE
UNFAIRLY FIRED



ONE-FIFTH

OF SAME-SEX COUPLES IN UTAH ARE
RAISING CHILDREN

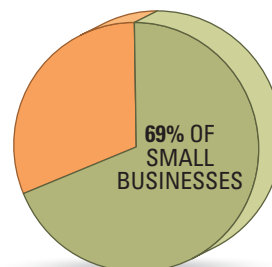
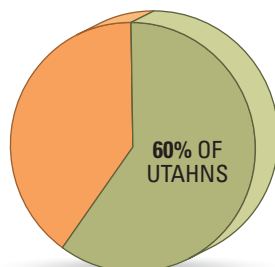


ONE-THIRD

OF LGBT WORKERS NATIONALLY HAVE BEEN
HARASSED OR FACED DISCRIMINATION



WIDESPREAD SUPPORT FOR UPDATING UTAH'S NONDISCRIMINATION LAWS



LGBT Utahns and the Legal Landscape

Approximately 53,000 LGBT adults live in Utah (2.7% of the state's total population).² One in five same-sex couples in Utah are raising children (20%).³

Currently, 51% of Utahns live in cities and counties that protect workers from unfair discrimination based on sexual orientation and gender identity.⁴ But workplace protections shouldn't depend on where you live or work. All workers in Utah 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 Utahns conducted in 2010, 43% of LGB people and 67% of transgender people said that they had been fired, denied a job, or not promoted because of their sexual orientation or gender identity.⁵

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 Utah'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.

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.⁶

Utah's largest employer, Intermountain Healthcare, not only prohibits discrimination based on sexual orientation and gender identity and expression, but is among a growing number of businesses in Utah that offer domestic partner benefits to the partners of gay and lesbian employees. And the vast majority of Americans (72% according to a recent poll by the Public Religion Research Institute⁷) and Utahns (60%⁸) agree with small business owners that LGBT workers should be treated fairly.⁹

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

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 October 23, 2013).
- ² Estimates based on the adult population in Utah and the percent of adults in Utah 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).
- ³ Gates, Gary J. and Abigail M. Cooke. "Utah Census Snapshot: 2010." The Williams Institute. http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot_Utah_v2.pdf (accessed October 23, 2013).
- ⁴ Analysis by the Movement Advancement Project. Updates available at Movement Advancement Project. "Equality Maps: Local Non-Discrimination Ordinances." http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot_Utah_v2.pdf (accessed October 23, 2013).
- ⁵ Rosky, Clifford, Christy Mallory, Jenni Smith, and M.V. Lee Badgett. "Employment Discrimination Against LGBT Utahns." The Williams Institute. January 2011. <http://www.equalityutah.org/images/stories/Experiences%20of%20Gay%20and%20Transgender%20Utahns.pdf> (accessed October 21, 2013).
- ⁶ 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 October 21, 2013).
- ⁷ 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://publicreligion.org/site/wp-content/uploads/2014/02/2014.LGBT_REPORT.pdf (accessed March 4, 2014).
- ⁸ *The Salt Lake Tribune Poll*. Survey of 600 Utah adults conducted January 10-13, 2014. <http://www.sltrib.com/sltrib/politics/57411898-90/law-discrimination-utahns-anti.html.csp> (accessed March 13, 2014).
- ⁹ Krehely, Jeff. "Polls Show Huge Public Support for Gay and Transgender Workplace Protections." Center for American Progress. June 2, 2011. <http://www.americanprogress.org/issues/lgbt/news/2011/06/02/9716/polls-show-huge-public-support-for-gay-and-transgender-workplace-protections/> (accessed October 21, 2013).

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.



www.lgbtmap.org



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www.equalityutah.org



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