

RESEARCH THAT MATTERS

LGBT PEOPLE'S EXPERIENCES OF WORKPLACE DISCRIMINATION AND HARASSMENT

SEPTEMBER 2021

Brad Sears
Christy Mallory
Andrew R. Flores
Kerith J. Conron

EXECUTIVE SUMMARY

Over 8 million workers in the U.S. identify as LGBT.¹ Employment discrimination and harassment against LGBT people has been documented in a variety of sources and found to negatively impact employees' health and wellbeing and to reduce job commitment and satisfaction.

This report examines experiences of employment discrimination and harassment against LGBT adults using a survey of 935 LGBT adults conducted in May of 2021. Lifetime, five-year, and past-year discrimination were assessed among adults employed as of March 2020—just before many workplaces were forced to shut down because of COVID-19.

Accordingly, this survey is one of the first to gather information about experiences of sexual orientation and gender identity employment discrimination during the COVID-19 pandemic and in the year following the U.S. Supreme Court's decision in *Bostock v. Clayton County*,² which held that employment discrimination against LGBT people is prohibited by the Title VII of the Civil Rights Act of 1964.³

Our analysis indicates that employment discrimination against LGBT people continues to be persistent and widespread. Over 40% of LGBT workers (45.5%) reported experiencing unfair treatment at work, including being fired, not hired, or harassed because of their sexual orientation or gender identity at some point in their lives. This discrimination and harassment is ongoing: nearly one-third (31.1%) of LGBT respondents reported that they experienced discrimination or harassment within the past five years.

Overall, 8.9% of employed LGBT people reported that they were fired or not hired because of their sexual orientation or gender identity in the past year, including 11.3% of LGBT employees of color and 6.5% of white LGBT employees. The percentage was five times as high for those who were out as LGBT to at least some people at work as compared to those who were not out (10.9% compared to 2.2%).

Over half (57.0%) of LGBT employees who experienced discrimination or harassment at work reported that their employer or co-workers did or said something to indicate that the unfair treatment that they experienced was motivated by religious beliefs. Nearly two-thirds (63.5%) of LGBT employees of color said that religion was a motivating factor in their experiences of workplace discrimination compared to 49.4% of white LGBT employees.

Many employees also reported engaging in behaviors to avoid discrimination and harassment, including hiding their LGBT identity and changing their physical appearance, and many left their jobs or considered leaving their jobs because of unfair treatment.

While the key findings of the report are summarized below, the full report includes several quotes from respondents providing more detail about their experiences of discrimination and harassment in the workplace.

¹ KERITH J. CONRON & SHOSHANA K. GOLDBERG, WILLIAMS INST., LGBT PEOPLE IN THE US NOT PROTECTED BY STATE NON-DISCRIMINATION STATUTES 1 (2020), <https://williamsinstitute.law.ucla.edu/publications/lgbt-nondiscrimination-statutes>.

² 140 S. Ct. 1731 (2020).

³ 42 U.S.C. § 2000e-2(a).

KEY FINDINGS

- **Discrimination:** Over one in four (29.8%) LGBT employees reported experiencing at least one form of employment discrimination (being fired or not hired) because of their sexual orientation or gender identity at some point in their lives.
 - One-third (33.2%) of LGBT employees of color and one-quarter (26.3%) of white LGBT employees reported experiencing employment discrimination (being fired or not hired) because of their sexual orientation or gender identity.
 - LGBT employees of color were significantly more likely to report not being hired because of their sexual orientation or gender identity than white LGBT employees: 29.0% of LGBT employees of color reported not being hired based on their LGBT status compared to 18.3% of white LGBT employees.

Transgender⁴ employees were also significantly more likely to experience discrimination based on their LGBT status than cisgender LGB employees: Nearly half (48.8%) of transgender employees reported experiencing discrimination (being fired or not hired) based on their LGBT status compared to 27.8% of cisgender LGB employees. More specifically, over twice as many transgender employees reported not being hired (43.9%) because of their LGBT status compared to LGB employees (21.5%).

- Beyond being fired or not being hired, respondents also reported other types of unfair treatment based on their sexual orientation and gender identity, including not being promoted, not receiving raises, being treated differently than those with different-sex partners, having their schedules changed or reduced, and being excluded from company events.
- **Harassment:** About one-third (37.7%) of LGBT employees reported experiencing at least one form of harassment at work because of their sexual orientation or gender identity at some point in their lives.
 - One in five (20.8%) LGBT employees reported experiencing physical harassment because of their sexual orientation or gender identity. Reports of physical harassment included being “punched,” “hit,” and “beaten up” in the workplace.
 - LGBT employees of color were significantly more likely to report experiencing verbal harassment (35.6% compared to 25.9%) at work because of their sexual orientation or gender identity than white LGBT employees. In addition, transgender employees were significantly more likely to report experiencing verbal harassment over the course of their careers than cisgender LGB employees (43.8% compared to 29.3%). In many cases, the verbal harassment came from employees’ supervisors and co-workers, as well as customers.
 - One in four (25.9%) LGBT employees reported experiencing sexual harassment in the workplace because of their sexual orientation and gender identity at some point in their careers. Although transgender employees were not more likely than cisgender employees to report sexual harassment over the course of their careers, they were twice as likely to report recent experiences of sexual harassment: 22.4% reported sexual harassment in the past five years compared to 11.9% of cisgender LGB employees.

⁴ Participants who selected gender identity response options, including male, female, transgender, and nonbinary, that differed from their sex assigned at birth, were classified as transgender.

- **Workplace culture:** Two-thirds (67.5%) of LGBT employees reported that they have heard negative comments, slurs, or jokes about LGBTQ people at work. Many LGBT people reported being called or hearing words like “f****t,” “queer,” “sissy,” “tranny,” and “dyke” in the workplace.
- **Recent experiences:** Of LGBT employees who experienced discrimination or harassment in the workplace, about one-third (31.1%) said at least one of these experiences occurred within the past five years; an additional 14.0% said that they had these experiences over five years ago.
 - LGBT people continue to experience workplace discrimination even after the U.S. Supreme Court extended non-discrimination protections to LGBT people nationwide in *Bostock v. Clayton County*. Nine percent (8.9%) of LGBT employees reported that they were fired or not hired because of their sexual orientation or gender identity in the past year.
 - One in ten (11.3%) LGBT employees of color reported experiencing some form of employment discrimination (including being fired or not hired) based on their sexual orientation or gender identity within the past year.
- **Religious motivation for discrimination:** Over half (57.0%) of LGBT employees who experienced discrimination or harassment at work reported that their employer or co-workers did or said something to indicate that the unfair treatment was motivated by religious beliefs. For many, this included being quoted to from the Bible, told to pray that they weren't LGBT, and told that they would “go to hell” or were “an abomination.”
 - Of those employees who experienced discrimination or harassment at some point in their lives, 63.5% of LGBT employees of color said that religion was a motivating factor compared to 49.4% of white LGBT employees.
- **Out at work:** Many LGBT people avoid discrimination and harassment in the workplace by not being out to their supervisor and co-workers. Half (50.4%) of LGBT employees said that they are not open about being LGBT to their current supervisor and one-quarter (25.8%) are not out to any of their co-workers.
 - Those who are out to at least some people in the workplace were three times more likely to report experiences of discrimination or harassment because of their sexual orientation or gender identity than those who are not out to anyone in the workplace (53.3% compared to 17.9%).
 - While approximately 7% of those who are not out to anyone in the workplace reported experiencing verbal (7.4%) or physical (7.4%) harassment because of their sexual orientation or gender identity, of those who are out to at least some people in the workplace, about one in three reported experiencing verbal harassment (37.8%) and one in four (25.0%) reported experiencing physical harassment.
 - In terms of discrimination in the past year—post-*Bostock*—those who are out to at least some people in the workplace were five times more likely to report experiencing discrimination (including being fired or not hired) because of their sexual orientation or gender identity than those who are not out to anyone (10.9% compared to 2.2%).

- **Covering:** Many LGBT employees reported engaging in “covering” behaviors in order to avoid harassment or discrimination at work, including changing their physical appearance; changing when, where, or how frequently they used the bathroom; and avoiding talking about their families or social lives at work. Some of the respondents reported engaging in these covering behaviors because their supervisors or co-workers explicitly told them to do so.
 - Transgender employees were significantly more likely to engage in covering behaviors than cisgender LGB employees. For example, 36.4% of transgender employees said that they changed their physical appearance and 27.5% said they changed their bathroom use at work compared to 23.3% and 14.9% of cisgender LGB employees.
- **Retention:** One-third (34.2%) of LGBT employees said that they have left a job because of how they were treated by their employer based on their sexual orientation or gender identity.

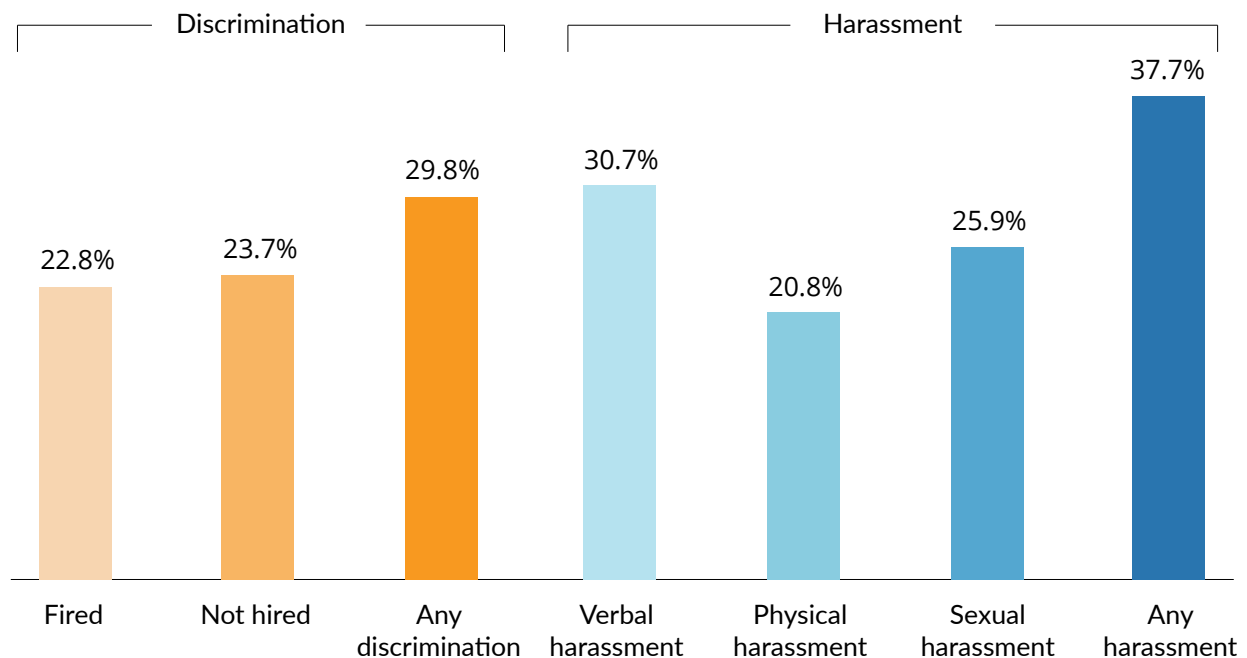
RESULTS

LIFETIME EXPERIENCES OF DISCRIMINATION AND HARASSMENT

Over 40% of LGBT workers (45.5%) reported that they experienced employment discrimination or harassment because of their sexual orientation or gender identity at some point in their lives. The types of employment discrimination and harassment reported by LGBT employees ranged from being fired or not hired to experiencing verbal, physical, or sexual harassment because of their sexual orientation or gender identity.

Over one in four (29.8%) LGBT employees reported experiencing at least one form of employment discrimination (including being fired or not hired) because of their sexual orientation or gender identity at some point in their lives. Over one-third of LGBT employees (37.7%) reported experiencing at least one form of harassment at work because of their sexual orientation or gender identity at some point in their lives.

Figure 1. Lifetime experiences of discrimination and harassment against LGBT employees based on sexual orientation or gender identity



About one in five LGBT employees reported being fired (22.8%) and/or not hired (23.7%) because of their sexual orientation or gender identity. Examples of these experiences include:

"I was . . . working for a small-town local insurance company. The woman I worked with and I were having a casual conversation and she made a discriminatory remark about homosexuals. I told her that I was bisexual and she cut the conversation off instantly. Within two days, the owner fired me because he said he was 'looking to go in a different direction.'"

White cisgender bisexual woman from Kentucky

"Because I'm gay and trans I got fired and blackmailed to leave."
Black transgender gay man from New Jersey

"My boss was really interested in dating me and . . . I was lesbian. When I finally told him [that] because he wouldn't get the hint, he fired me."
Latinx cisgender lesbian from Connecticut

"I was let go from a private golf club. . . . The sentiment was that my being gay interfered with my abilities as a bartender and appearing straight."
White cisgender lesbian from Illinois

"I was harassed and when I finally complained, I was fired."
Latinx cisgender bisexual man from Utah

"[I was] fired from my favorite job because my boss disagreed with my sexual orientation . . . [it] was the worst experience in my life. Not only did I lose the job I loved, but I lost all the friends and long-lasting relationships I created with this job."
White cisgender bisexual woman from Maine

Beyond being fired or not hired, respondents also reported other types of unfair treatment based on their sexual orientation and gender identity, including not being promoted, not receiving raises, being treated differently than those with different-sex partners, and being excluded from company events. Examples of these experiences include:

"I am asexual and was a team lead. A supervisor used it as one of the reasons I was unfit for my position. She said it showed that I was either naive or just wanted to be special and neither were qual[ities] of a good team lead."
White cisgender asexual woman from Pennsylvania

"Once I asked to change my name tag at [a regional grocery store chain] as I finally came out as transgender. . . . [T]hey refused to call me by my chosen name and continued to misgender me constantly."
White transgender sexual minority person from Ohio

"I was called the f-slur and often referenced as 'fruity' or 'soy boy' as a grown man. I was not promoted because I did not have a female partner."
Black cisgender bisexual man from Virginia

"I was passed up for promotions because 'the guys with a wife and kids' needed the position more.' Eventually [I] left after being told 'maybe if you settled down with a nice girl we could find a better position here for you.'"

White cisgender questioning man from Arkansas⁵

"This guy deadnamed my trans-male friend in security and told me I should make out with him because it's 'the best of both worlds for me because I'm bisexual.' When I reported this as discrimination, they had my friend and I transferred to another site. Nothing happened to him."

Latinx cisgender bisexual woman from Colorado

In addition, several respondents reported that the discrimination they experienced involved reducing their hours and changing their shifts. These reports include:

"My boss found out I was dating a female and cut my hours to the point I had to quit because I wasn't making ends meet."

American Indian cisgender bisexual woman from Illinois

"[My] employer . . . was very homophobic. He . . . stopped giving me shifts."

Black cisgender bisexual woman from Florida

"My boss threatened to tell my co-workers I was bi if I didn't work weekends."

Latinx cisgender bisexual man from New Hampshire

"I would always get scheduled to work with females because none of the males wanted to work with me. I guess they thought I would try something with them. The worst part is that they didn't even get to know me first. Once they knew I was gay, they were done with me."

Black cisgender gay man from Alabama

One in five (20.8%) LGBT employees reported physical harassment at work because of their sexual orientation or gender identity. Reports of physical harassment included being "punched," "hit," and "beaten up" in the workplace. Examples of such discrimination include:

"I was treated horribly at the hands of my boss. She would call me queer at all times and slap me in the face . . . it went on and on for over a year. . . . It was one of the saddest moments of my entire career and life."

White cisgender gay man from Ohio

⁵ This respondent's close-ended data is not included in the quantitative analysis in this report—which is limited to those who identified as LGBT and nonbinary. See methodology section below. However, we have included a few narrative examples of discrimination from cisgender respondents who indicated that they were "questioning" or noted "something else" as their sexual orientation if what they wrote in the survey's open-ended questions indicated that they are sexual minorities and/or illustrated certain types of employment discrimination based on actual sexual orientation and gender identity or *perceived* sexual orientation or gender identity. Both types of discrimination are commonly prohibited by most non-discrimination laws, including the proposed federal Equality Act. H.R. 5, 117th Cong. (2021).

"At work (a high school) students have physically hit me and used gay slurs very often."
Black nonbinary sexual minority person from New York

"[I was] beaten up by a fellow co-worker and . . . called a fag and spit on."
White cisgender gay man from North Carolina

"I was told to take out the trash because it was my duty. Then a group of men tried to abuse me . . . when I gave up fighting for myself, they hit my head against a trash can and called me names."
Black transgender lesbian from North Carolina

Over one in four (30.7%) LGBT employees reported verbal harassment at work because of their sexual orientation and gender identity. Many LGBTQ people reported being called, or hearing the words, "f****t," "queer," "sissy," "tranny," and "dyke" in the workplace. Reports of such discrimination include:

"One of my trainers changed her attitude once she found out I was queer and Muslim. She became hostile towards me and would single me out."
Cisgender bisexual woman from West Virginia⁶

"Working at [a national hardware chain] I had a large majority of my co-workers refuse to acknowledge my identity and I would fight with them every single day that I would work and get into arguments."
White transgender bisexual person from Virginia

*"I was cleaning up my desk before I packed up to go home, and my boss walked up to my desk and said, 'hurry up f****t.'"*
Black cisgender bisexual woman from New York

"I had a boss at [a national pizza chain] that would call me a dyke and make jokes about me because I don't shave my legs."
White nonbinary bisexual person from Arizona

"I used to work at a warehouse. There were little sick comments if I was on my phone . . . asking [me if] was I 'looking up gay porn.'"
Black cisgender gay man from Georgia

⁶ To protect the privacy of this respondent, we have not included their race/ethnicity because they have provided two additional demographic characteristics (queer and Muslim) in their quote. For all other quotes, we provide the respondents' race/ethnicity.

"I . . . moved to South Carolina three years ago. I didn't realize how biased people are about sexual orientation . . . whether in a big city or a small town. . . I had co-workers and supervisors harassing me because I am a lesbian. . . [I've] been turned down food service because I have a rainbow bracelet that my kids made for me for Mother's Day . . . and so much more."

Asian American cisgender lesbian from South Carolina

Some employees reported that they were verbally harassed by customers. Reports of these experiences include:

"It is mostly the customers calling me slurs. Only a few times have I heard co-workers say such things, but they weren't towards me."

White cisgender gay man from New York

"A couple of years ago while working [at a restaurant] a customer told me that she didn't want me to serve her food because I was lesbian."

Asian American cisgender lesbian from Florida

"I was working at [a national burger chain] when a customer called me and a couple friends 'its' when referring to us . . . preparing her food."

White cisgender lesbian from North Carolina

Similarly, one in four (25.9%) LGBT employees reported sexual harassment at work because of their sexual orientation or gender identity. When asked to provide an account of the worst unfair treatment, harassment, or discrimination that they had encountered at work because of their sexual orientation or gender identity, many respondents wrote about sexual harassment specifically. These experiences include:

"I was out back on break and a male employee physically forced me to give him oral sex outside behind the building."

Latinx cisgender gay male from Pennsylvania

"I was sexually abused by my ex-boss and co-workers to 'prove I'm not into guys'. . . They were never charged with anything."

Asian American nonbinary bisexual person from Texas

"I had a manager pin me into a freezer at [a national fast-food chain] while I was working and demand sex."

White cisgender bisexual woman from Arkansas

"I've had male co-workers . . . touch me [and] then follow up by saying '[i]f you let me, I can turn you straight' which is obviously very offensive and creepy."

Black cisgender sexual minority woman from Pennsylvania⁷

⁷ See *supra* note 4.

"The chairman of the last place I worked would always make lewd remarks about [the] sex I may have been having with my wife, and sex he wanted to have with two women. He would also come up behind me and massage my shoulders or rub my head whenever I shaved it 'because it felt nice.' I filed multiple complaints."

White nonbinary sexual minority person from Colorado

Several of these reports were from bisexual people. Bisexual people, particularly bisexual women, were presumed to be "promiscuous," "insatiable," into "threesomes" or just needing the "right man" to make them straight. Experiences of sexual harassment reported by bisexual employees include:

"My boss would consistently ask me to participate in threesomes with him and his wife just because I'm bisexual."

Black cisgender bisexual woman from Oklahoma

"I was often referred to as a slut because of being bisexual. It was the assumption that meant I was promiscuous because I'm attracted to all genders."

White cisgender bisexual woman from Louisiana

"Once another woman slapped me on my butt at work and I reported it as sexual harassment. My supervisor swept it under the rug because 'since I'm bisexual I may have enjoyed it.' The co-worker who slapped me then laughed about it with all my co-workers. I became a walking joke and after the incident other female co-workers started slapping my butt."

American Indian cisgender bisexual woman from Michigan

"I was in the navy, it was awful. I was raped, assaulted, called slurs . . . I never want it to happen again."

Asian American cisgender bisexual woman from Florida

"At my old job I used to get called slurs fairly often. Most of it occurred behind my back, but I always found out about it in some way. The worst was probably just hearing the whole, 'just pick one' argument. I know that's not nearly as bad as slurs and threats, but I've heard that argument ever since I was 13 and it's really been damaging to my self-esteem and has made me question if I really am bisexual or not. Bisexual erasure is so normalized, and it has taken a toll on how I view myself."

White cisgender bisexual woman from Michigan

In addition to reporting instances of discrimination and harassment, many LGBT employees reported that their workplace environments were unsupportive of LGBT people. Two-thirds (67.5%) of LGBT employees reported that they heard negative comments, slurs, or jokes about LGBTQ people at work. Reports of these experiences include:

"Snide comments about the LGBT community were constantly made both to my face and within ear shot of me, to the point that I went home crying sometimes."

White nonbinary bisexual person from New York

“People were making jokes about transgender people and kept doing it deliberately even after I asked them not to.”

Black bisexual woman from New York

“The worst I’ve experienced so far is nonbinary genders being joked about.”

White nonbinary bisexual person from Alabama

“Sometimes they make jokes about it, thinking it’s funny, and I laugh because I don’t want to get judged for not laughing but deep down it really does hurt.”

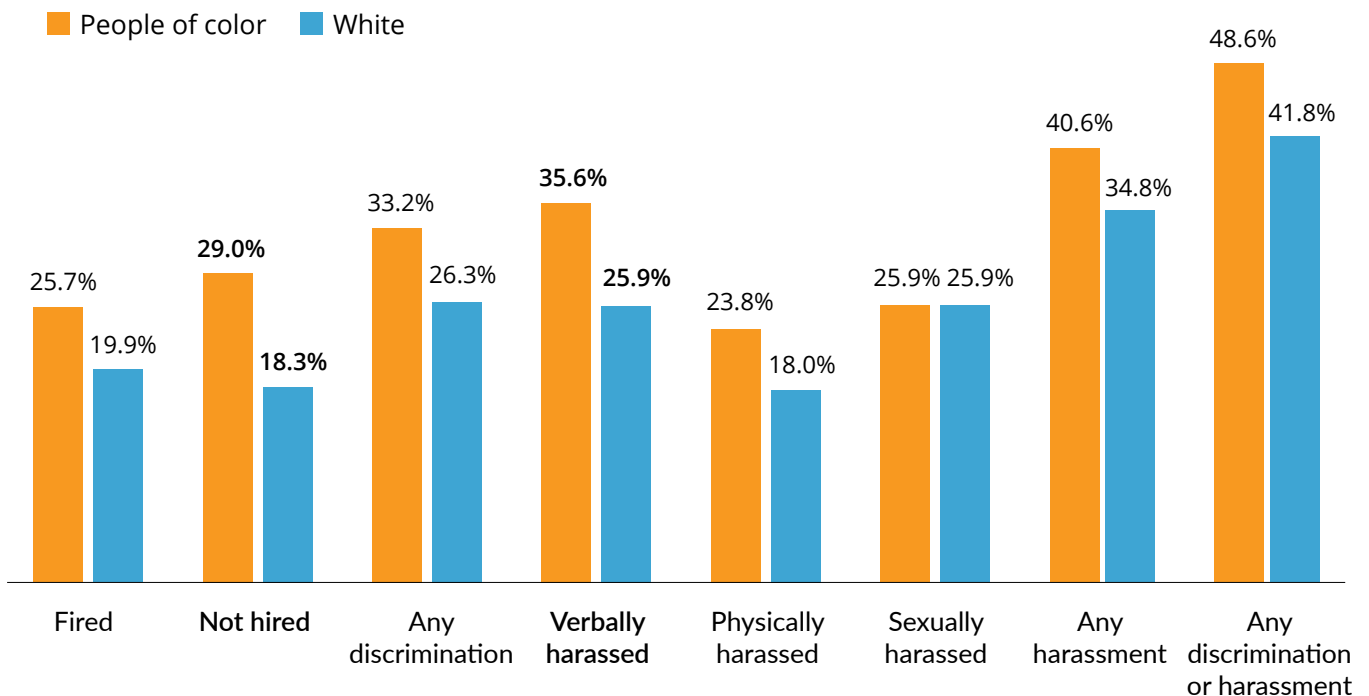
Asian American cisgender bisexual woman from Arkansas

“It wasn’t a situation where it was me who was directly targeted. I was sitting at the lunch table with a group of co-workers, who are entertaining a fairly new co-worker that I didn’t know well. This co-worker proceeded to tell a story about being hit on by a person of the same gender. The awful stereotypes that came out of this person’s mouth made me uncomfortable enough to get up and leave. The hardest thing was friends of mine at the table who know I’m gay didn’t say anything.”

White cisgender lesbian from Minnesota

LGBT employees of color were more likely to report some forms of discrimination and harassment. LGBT employees of color were more likely to say that they had not been hired based on their LGBT status at some point in their lives compared to white LGBT employees (29.0% compared to 18.3%). LGBT employees of color were also significantly more likely to report experiencing verbal harassment (35.6% compared to 25.9%) at work because of their sexual orientation or gender identity than white LGBT employees.

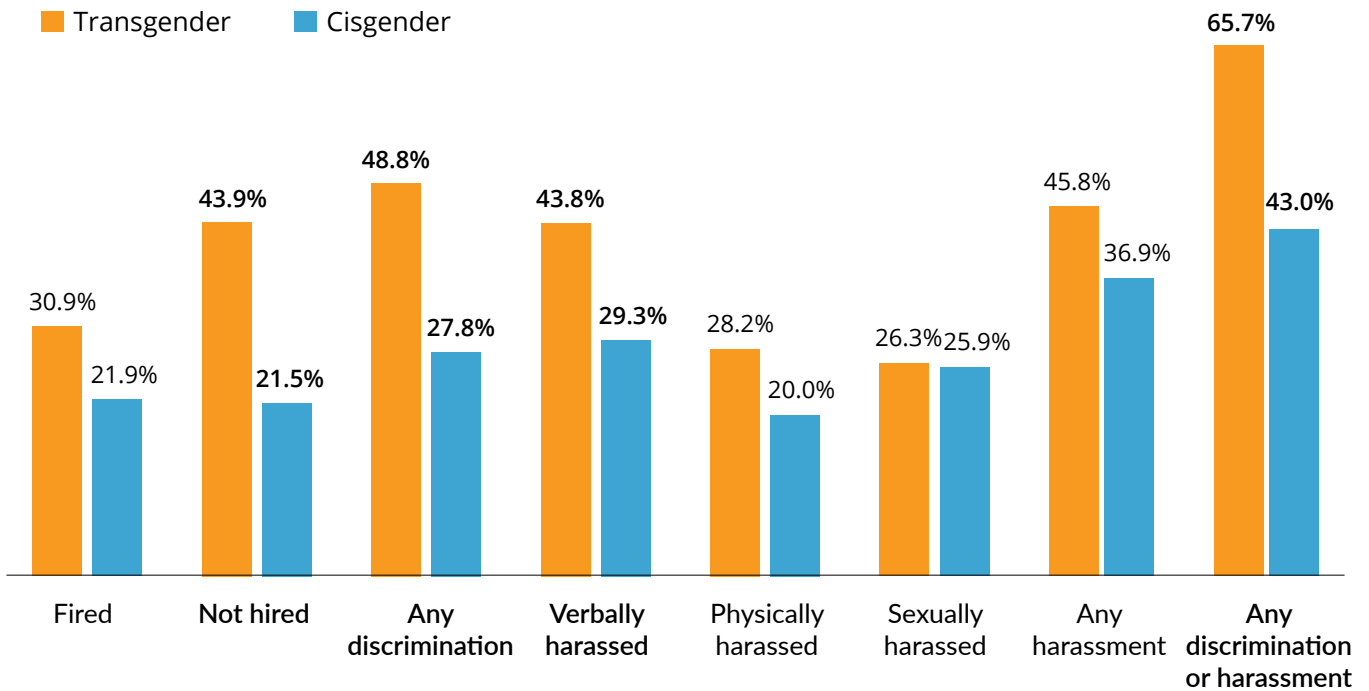
Figure 2. Experiences of discrimination and harassment against LGBT employees by race



Bold text indicates statistically significant difference

Transgender employees also reported higher rates of discrimination and harassment because of their sexual orientation or gender identity compared to cisgender employees. Transgender employees were significantly more likely to report that they had not been hired because of their LGBT status than cisgender LGB employees (43.9% compared to 21.5%). In addition, 43.8% of transgender employees reported experiencing verbal harassment at work compared to 29.3% of cisgender LGB employees.

Figure 3. Experiences of discrimination and harassment against LGBT employees by gender identity



Bold text indicates statistically significant difference

We also analyzed whether patterns of discrimination and harassment against LGBT people varied by U.S. region.⁸ We found no statistically significant differences, but note that our geographic analysis was limited because we were unable to determine with certainty where each incident of harassment or discrimination occurred. Rather, our data only provided information about where respondents currently live and whether they had experienced discrimination or harassment in the past year or at some earlier point in their lives.

⁸ States were broken down into four regions defined by the U.S. Census Bureau: West, South, Northeast, and Midwest. U.S. Census Bureau, Census Regions and Divisions and United States (last visited Aug. 20, 2021), https://www2.census.gov/geo/pdfs/maps-data/maps/reference/us_regdiv.pdf.

RECENT EXPERIENCES OF DISCRIMINATION AND HARASSMENT

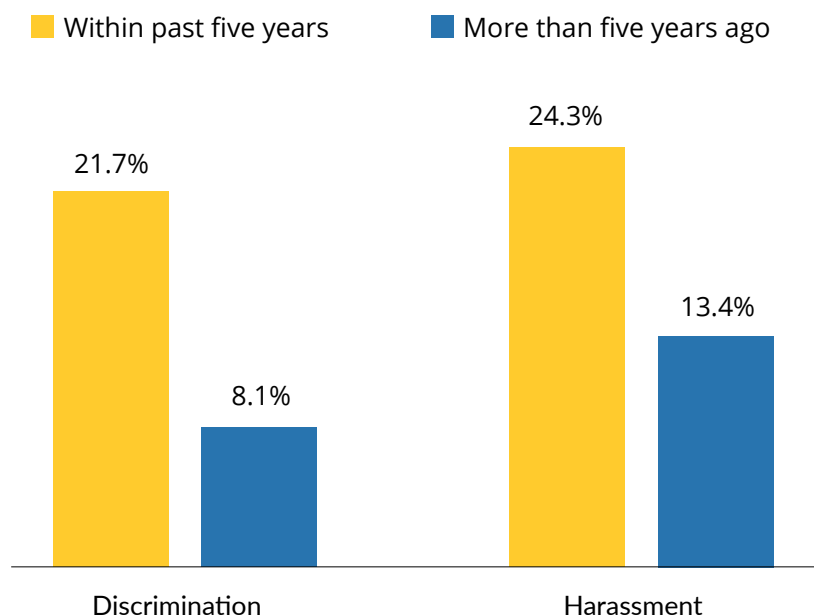
Most employees who experienced discrimination and harassment had these experiences recently—within the past five years. Nearly one-third (31.1%) of LGBT employees said they experienced discrimination or harassment within the past five years; an additional 14.0% said that the only discrimination or harassment they experienced was over five years ago.

LGBT employees continue to experience discrimination even after the U.S. Supreme Court held in *Bostock v. Clayton County* that discrimination based on sexual orientation and gender identity are forms of sex discrimination prohibited by Title VII.⁹ The decision extended non-discrimination protections to LGBT employees nationwide as of June 2020. Nine percent (8.9%) of LGBT employees report being fired or not hired in the past year.

LGBT employees of color reported more recent experiences of discrimination (not hired or fired) than white LGBT employees. Thirty-seven percent of LGBT employees of color reported experiencing some form of employment discrimination (being fired or not hired) within the past five years compared to 25.3% of white LGBT employees.

While transgender employees were not more likely than cisgender LGB employees to report experiencing sexual harassment at some time in their lives, they were twice as likely to report experiencing sexual harassment in the past five years than cisgender LGB respondents (22.4% compared to 11.9%).

Figure 4. Any lifetime discrimination or harassment against LGBT employees by timing of most recent experience



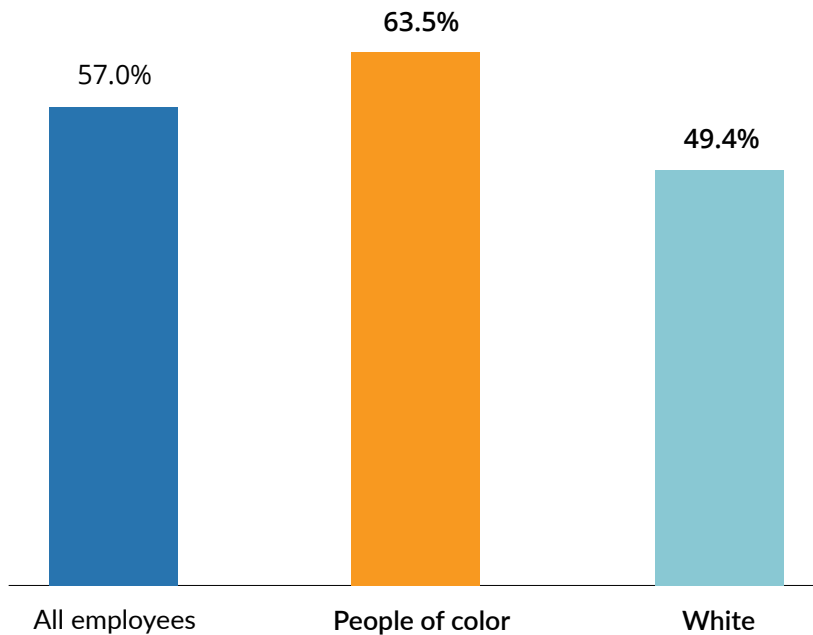
⁹ 140 S. Ct. 1731 (2020).

RELIGION AS A MOTIVATING FACTOR FOR DISCRIMINATION

Over half (57.0%) of LGBT employees who experienced discrimination or harassment because of their sexual orientation or gender identity at work said that their employer or co-workers did or said something to indicate that this unfair treatment was motivated by religious beliefs. LGBT employees of color were more likely to say that religious beliefs motivated the unfair treatment compared to white LGBT employees. Of those employees who experienced discrimination or harassment, 63.5% of LGBT employees of color said that religion was a motivating factor compared to 49.4% of white LGBT employees.

We analyzed whether patterns of perceived religiously motivated discrimination and harassment against LGBT people varied by U.S. region. We found no statistically significant differences.

Figure 5. Perceived religious motivation for unfair treatment, among LGBT employees who experienced discrimination or harassment



Many of the 256 LGBT employees who believed the workplace discrimination against them was religiously motivated provided further detail about their experiences via an open-ended question:

Please explain what happened when you felt that someone's religious beliefs were a factor in the unfair treatment, harassment, or discrimination that you experienced at work because of your sexual orientation or gender identity.

After excluding responses that were clearly unrelated to work (e.g., stories about family rejection) or were solely about the respondent's feelings or response (e.g., "[w]ell, I am a Christian too, covered by the blood of Christ for past, present and future sins. So, my reply was, 'Let he who is without sin cast the first as stone.'"), 183 remaining responses were included in content analyses.¹⁰ Examples of these accounts include:

"My boss . . . made it clear that his problem with people with other sexual orientations was based on his religious beliefs and that if it weren't for those beliefs, I would have had no problems at all with him."

White cisgender gay man from Missouri

"I was told I was going to hell during a job interview for liking women."

Black cisgender bisexual woman from Texas

"I worked for [a national craft store] as a cashier and was repeatedly overlooked for promotions within the store because I was not married and living with my partner. The company is very religious. . . . The only people getting promoted were Christians and I was openly not. Jokes were made about me 'living in sin' on a regular basis."

White cisgender bisexual woman from Nevada

"I have been verbally harassed, dismissed, and degraded by co-workers who used religious justifications for their behavior."

Latinx transgender bisexual person from Florida

"I was assaulted by a co-worker who told me he was enacting 'God's will' on me."

White transgender bisexual woman from Virginia

"They were calling me an abomination while [sexually assaulting me] and said that because I was an abomination, they could do whatever they wanted and God would be ok with it."

Latinx cisgender gay man from Pennsylvania

While most of the discrimination that was reported came from supervisors or co-workers, respondents also reported religiously motivated harassment and discrimination from customers, members of the public, and students who they encountered while doing their jobs:

"Customers have told me I am going to hell because I am gay. They've also said [they] did not want me to help them out of fear that they will go to hell."

White cisgender gay man from New York

"I was forced by a customer to pray the sinners' prayer before he would let me leave the store. I was with my little sister and her baby. He thought we were lesbians."

White cisgender bisexual woman from Florida

¹⁰ MICHAEL QUINN PATTON, *QUALITATIVE RESEARCH AND EVALUATION METHODS* (3d ed. 2001).

Among these 183 open-ended accounts of discrimination and harassment, some patterns emerged. The word cloud below shows the most commonly used words across these responses:



The most frequent type of comment that respondents received involved being told that they were “going to hell,” would “burn in hell,” or were not going “to heaven.” Over 20% (38) of the 183 responses contained such references:

“I’ve been judged by co-workers for being pansexual and the most common excuse is ‘God said it’s a sin and you will burn in hell for it.’”

Black cisgender pansexual woman from North Carolina

“When I worked at [a national discount department store], I had a manager tell me all gay people are going to hell.”

American Indian transgender bisexual person from Michigan

When describing specific instances of discrimination or harassment where the respondent felt that someone’s religious beliefs were a factor in the treatment that they experienced, many respondents mentioned the specific religion held by the person discriminating against them and/or referenced same during the incident of discrimination or harassment. “Christianity”¹¹ was referenced in 80% (44) of the 55 accounts that identified a specific religion. Catholicism was mentioned four times, including in three additional accounts, and Methodism in one additional account. “Fundamentalists” or “Evangelicals” were mentioned four times, including in two additional accounts. Accordingly, in total,

¹¹ This includes references to “Christian” and “Christians.”

Christian religions were referenced in 90% (50) of the 55 accounts that mentioned specific religions. In contrast, Mormonism and Islam were each referenced twice and Judaism referenced once.¹² No other religions were specifically identified. Examples of these references to specific religions include:

"The woman who called me the slur was a devout Christian and tried to tell me I was going to hell for liking girls and I was an abomination."

White cisgender bisexual woman from Florida

"They talked about how true Christians would never fall for their own gender."

Black cisgender lesbian from Texas

"My supervisor who started my harassment would constantly talk about his faith as a Christian without following any of the tenets of Jesus."

Black cisgender gay man from New York

"A lot of my co-workers are LDS [Latter Day Saints] and they say that because of this, they can't support LGBTQ people. It makes me really sad, because I like my co-workers, and I thought they were my friends until this."

White cisgender bisexual woman from Utah

The Bible¹³ was specifically referenced in 28 of these accounts, with some reporting that they were directly quoted specific Bible verses in the workplace. Terminology from the Bible and/or common to Christianity was also referenced, including "sin"¹⁴ (27), "abomination" (6), "unnatural"¹⁵ (4), references to "Adam and Eve"¹⁶ (3), "shame"¹⁷ (2), the "devil"¹⁸ (3), and "unholy" (1).

"They would quote the Bible and tell me how much God would despise me if I didn't 'change my ways' and join the local church."

Latinx cisgender bisexual man from Texas

"I was explicitly told, by a Christian, that the Bible states that I shouldn't be allowed to be 'publicly gay'."

White cisgender bisexual woman from Maine

"They said that the Holy Bible stated that gays are not welcome to heaven so that means that all gays on earth . . . are going to go to hell. They quoted . . . verse and said it is 'their God given right to treat any[one] who is gay badly.'"

Asian American cisgender lesbian from South Carolina

¹² All "Abraham religions" were referenced in one additional account not included in the analysis in the text.

¹³ Including the term "Biblical," "scripture," "verses" and one reference to the "holy texts" of "Abrahamic religions."

¹⁴ Including the term "sinner" or "sinners."

¹⁵ Including the term "not natural."

¹⁶ Including the terms "Adam's rib" and "Adam and Steve."

¹⁷ Including the terms "shameful" and "ashamed."

¹⁸ Including the terms "Satan" and "demon."

"She blatantly said, 'the Bible says lying with a man is a sin. And you're ok with that? You're willing to be a disgrace to God just to see another man's penis?'"

Latinx cisgender bisexual man from New Mexico

Similarly, many respondents reported that their supervisor's or co-workers' comments were based on how "God" felt about LGBT people. In almost one in four (21.9%) (40) of the 183 accounts of religiously motivated discrimination, employees were told something that God believed in or required. Only three of these accounts, all of which are included above, also referenced the Bible. These comments included that LGBT people were "against God's plan;" and that God "didn't love" LGBT people, "hates" LGBT people, "only made two genders," was against marriage equality, wants people "to have babies," and "didn't want LGBTQ people at work." Two transgender respondents reported that they were told by co-workers that "God doesn't make mistakes" and, therefore, they should not transition. Examples of these accounts include:

*"My worst experience was when a man who I worked with followed me into the parking lot at work, when I was leaving, mind you, and told me that I was going to hell because God didn't like f****ts. Then he kept bothering me at work after until I went to Human Resources and they did nothing about it. I ended up suing the company and won against them."*

White cisgender gay male from New York

"A co-worker said thus during my worst harassment: 'God doesn't love gay people, change yourself before it's too late!'"

Asian American cisgender bisexual man from Missouri

"They told me that God doesn't make mistakes and that by trying to change myself I was going against God's work."

White transgender sexual minority man from Ohio

Some employees also reported efforts by their co-workers to try to "save" them based on their co-workers' religious beliefs. These comments included respondents being told that they would be "prayed for," being "asked to pray," being "invited to church," being given "pamphlets" or "religious literature" at work, and being recommended "conversion therapy" or otherwise to "change" their sexual orientation or gender identity. Examples of these accounts include:

"I was told that I was a sexual deviant . . . and that it's just a mental illness that has a cure and then she proceeded to give me the info for a Christian camp."

American Indian nonbinary sexual minority person from Minnesota

"After my employers found out I was bisexual, they started approaching me differently. I would get invited to go to their church on the weekends, and occasionally they'd casually mention things about the Bible frowning on homosexuality. I felt as if I was a project for them to save and put on the path of Jesus."

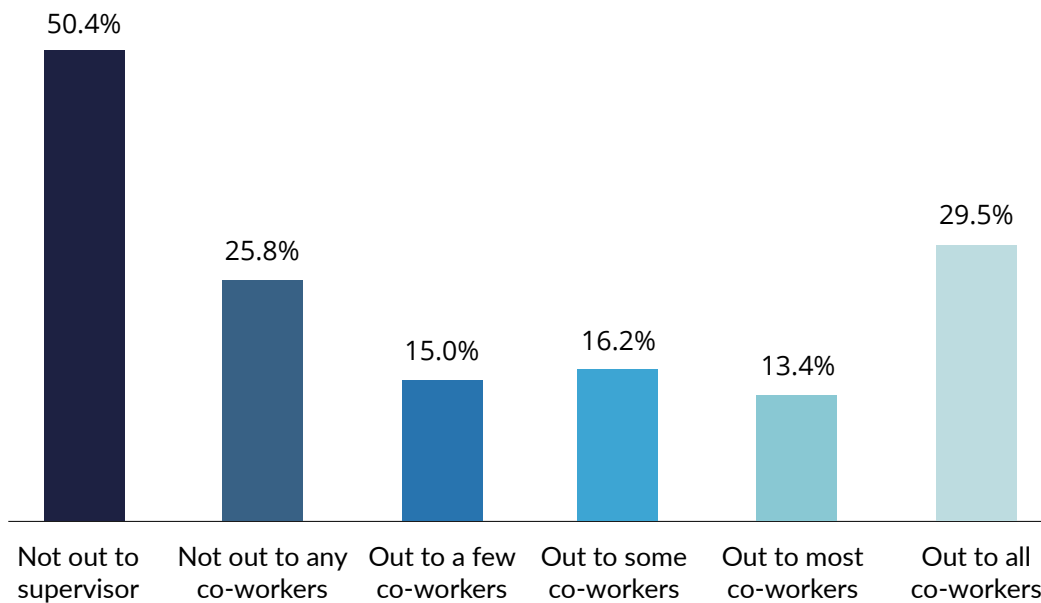
White cisgender bisexual woman from Maryland

AVOIDING DISCRIMINATION AND HARASSMENT

LGBT employees often take steps to avoid experiencing discrimination and harassment.¹⁹ For example, LGBT employees may conceal their sexual orientation or gender identity at work, avoid talking about their personal lives with co-workers, and change their appearance to conform to gender norms. Engaging in these behaviors, sometimes referred to as “covering,” can be a source of stress for LGBT people and negatively impact their health and wellbeing.²⁰

Half (50.4%) of LGBT employees reported that they are not open about being LGBT to their current supervisor and one-quarter (25.8%) report that they are not out to any of their co-workers. Only 29.5% of employees are out to all of their co-workers.

Figure 6. Openness about being LGBT at work



Not being out, in full or in part, is a way that many respondents protect themselves from discrimination and harassment. Those who are not out at least some people in the workplace were three times more likely to have experienced discrimination or harassment because of their sexual orientation or gender identity (53.3% v. 17.9%) than those who are not out to anyone at work.²¹

¹⁹ See Christy Mallory & Brad Sears, *LGBT Discrimination, Subnational Public Policy, and Law in the United States*, in OXFORD RES. ENCYC. POL. (2020), doi:10.1093/acrefore/9780190228637.013.1200.

²⁰ Ilan H. Meyer, *Prejudice, Social Stress, and Mental Health in Lesbian, Gay, and Bisexual Populations: Conceptual Issues and Research Evidence*, 129 PSYCH. BULL. 674 (2003), doi:10.1037/0033-2909.129.5.674; Kenji Yoshino, *Covering*, 111 YALE L.J. 769 (2001), <https://digitalcommons.law.yale.edu/ylj/vol111/iss4/1>.

²¹ We are not able to determine from the data the degree to which employees were out to supervisors and co-workers when they experienced discrimination or harassment. We assume that employees who reported that they are currently out at work were out when they experienced unfair treatment and that those who are not currently out at work were not out when they experienced unfair treatment.

While approximately 7% of those who are not out to anyone in the workplace reported experiencing verbal (7.4%) or physical (7.4%) harassment because of their sexual orientation or gender identity, of those who are out to at least some in the workplace, about one in three (37.8%) reported verbal harassment and about one in four (25.0%) reported physical harassment. In terms of past-year discrimination—post-*Bostock*—those who are out to at least some co-workers were about five times more likely to report experiencing discrimination (including being fired or not hired) because of their sexual orientation or gender identity than those who are not out to anyone (10.9% compared to 2.2%).

Still, even those who are not out in the workplace reported experiencing discrimination, negative comments, rumors, and verbal harassment. Others reported being “outed” at work by co-workers, and some reported being told to stay in the closet by their supervisors. Examples of these experiences include:

“I’m not out at work and I keep my identity and sexuality private. But my colleagues do make homophobic jokes and the transphobia is off the charts. They go out of their way to misgender out trans people. I have no intention of coming out because I would not feel safe in the workplace then.”

White nonbinary bisexual person from South Carolina

“When a co-worker found out that I was bi, she told my boss that made her uncomfortable and he told me not to discuss my sexual orientation at work anymore. This was at a company that is famous for its inclusion and acceptance of all types of people.”

White cisgender bisexual woman from North Dakota

“My previous co-worker would constantly use every hateful word he could think of against me. He would . . . ‘out’ me to [customers and] everyone.”

Latinx cisgender bisexual man from Texas

“I was ‘outed’ to my team by one of my team members, when he stalked my personal social media and found out that I had a girlfriend at the time.”

White cisgender bisexual woman from New York

“My supervisor asked me if I was gay at work and when I hesitated, he assumed that I was, and started making jokes at my expense over the course of weeks. Eventually, he shared that with my co-workers who proceeded to make snide remarks and jokes directly to me and to each other about me for being gay.”

Black cisgender sexual minority man from New York²²

²² While this respondent’s sexual orientation is unknown and his data is not included in the quantitative analysis for this paper because he does not identify as LGBT, see *supra* note 4, the example he provides would be covered by non-discrimination laws such as the Equality Act as based on “perceived” sexual orientation or gender identity.

LGBT people and others with marginalized identities often adjust their behavior and conduct in order to avoid bringing attention to a stigmatized trait—a process that has been called “covering” by law professor Kenji Yoshino.²³ Covering is not necessarily the same as concealing LGBT status.²⁴ LGBT people who are open about their sexual orientation and gender identity may still engage in covering behaviors in order to minimize their LGBT identity.²⁵

Many LGBT employees reported engaging in covering behaviors at their current jobs to avoid harassment or discrimination related to sexual orientation or gender identity. About 40% of LGBT employees (40.7%) reported that they take steps to change how they present themselves at work, including 24.4% who said they have changed their physical appearance, 24.6% who have changed the way they dress, 16.1% who have changed where, when, or how frequently they used the bathroom, and 25.8% who have changed their voice or mannerisms.

In addition, LGBT employees avoid talking about their families and lives outside of work to avoid discrimination and harassment. One-third (33.2%) of LGBT employees have avoided talking about their family at work, 29.3% have not displayed photos of their partner or family at work, and 23.9% have not brought family to work events to avoid discrimination and harassment. About 40% have avoided social events with co-workers (43.2%) and avoided talking about their social lives (39.3%) at their current jobs to avoid discrimination and harassment.

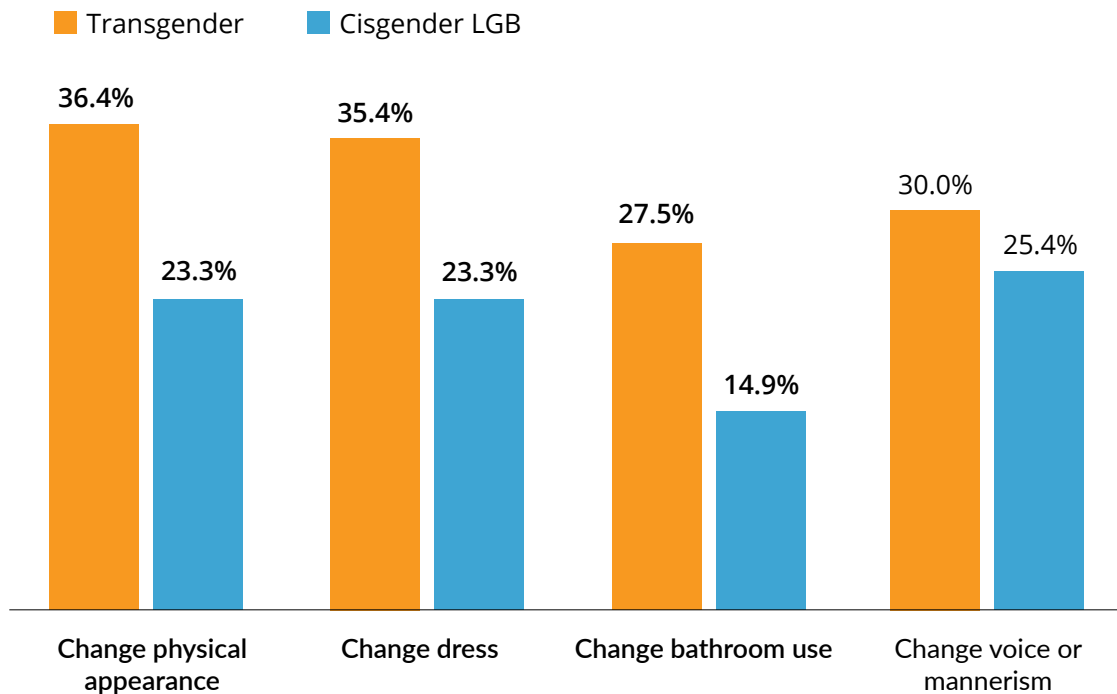
Covering behaviors related to how employees present themselves at work were significantly more common among transgender employees compared to cisgender LGB employees. Nearly sixty percent of transgender employees (57.7%) said that they engage in covering behaviors related to how they present themselves at work compared to 39.0% of cisgender LGB employees. More specifically, about one-third of transgender employees reported that they have changed their physical appearance (36.4%) or how they dress at work (35.4%) compared to 23.3% of cisgender LGB employees. Transgender employees were also more likely to say that they changed where, when, or how frequently they used a bathroom, locker room, or changing room at work compared to cisgender LGB employees (27.5% compared to 14.9%).

²³ Kenji Yoshino, *Covering*, YALE L. J. 837(2001).

²⁴ *Id.*

²⁵ *Id.* at 838.

Figure 7. Covering behaviors at work among transgender and cisgender LGB employees



Bold text indicates statistically significant difference

While covering behaviors are often initiated by LGBT people to prevent discrimination and harassment, some respondents also indicated that they have engaged in these behaviors in response to workplace experiences or because they were directly told to do so:

"Even though I'm not 'flamboyant' and I am 'straight-acting,' a supervisor once told me to stop talking about my private life to other co-workers because hearing about my significant other, who was a male, was bothering other employees."

White cisgender gay man from Indiana

"[It was] a very uncomfortable work environment . . . and people would get weird and try to change the conversation when my gayness was brought up in some way . . . and feeling like I had to keep quiet about my sexual orientation."

Latinx cisgender lesbian from California

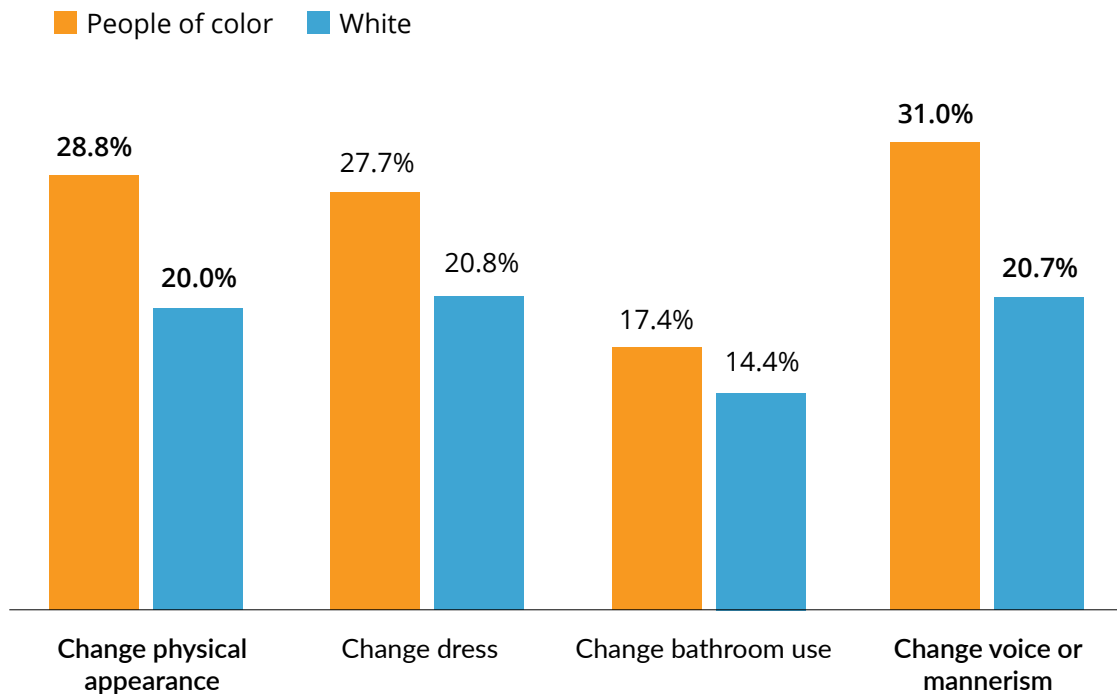
"I live in the Bible Belt. People have been engrained that homosexuals are going to hell and they are evil. People look at you in a different way when you say 'my girlfriend.' I have been pulled aside and told you cannot discuss your personal life at work at all, even if it was just say[ing] something as simple as 'my girlfriend likes those chips too.'"

White cisgender lesbian from Tennessee

"I was once told that because I am a lesbian, I could not be involved in any company functions."
White cisgender lesbian from Texas

LGBT employees of color report engaging in covering behaviors in order to avoid sexual orientation or gender identity discrimination or harassment at work at least as often as white LGBT employees. LGBT employees of color were significantly more likely to say that they had ever changed their physical appearance (28.8% compared to 20.0%) or changed their voice or mannerisms (31.0% compared to 20.7%) at their current jobs than white LGBT employees.

Figure 8. Covering behaviors at work among LGBT employees by race



Bold text indicates statistically significant difference

IMPACT OF DISCRIMINATION AND HARASSMENT ON EMPLOYEE RETENTION

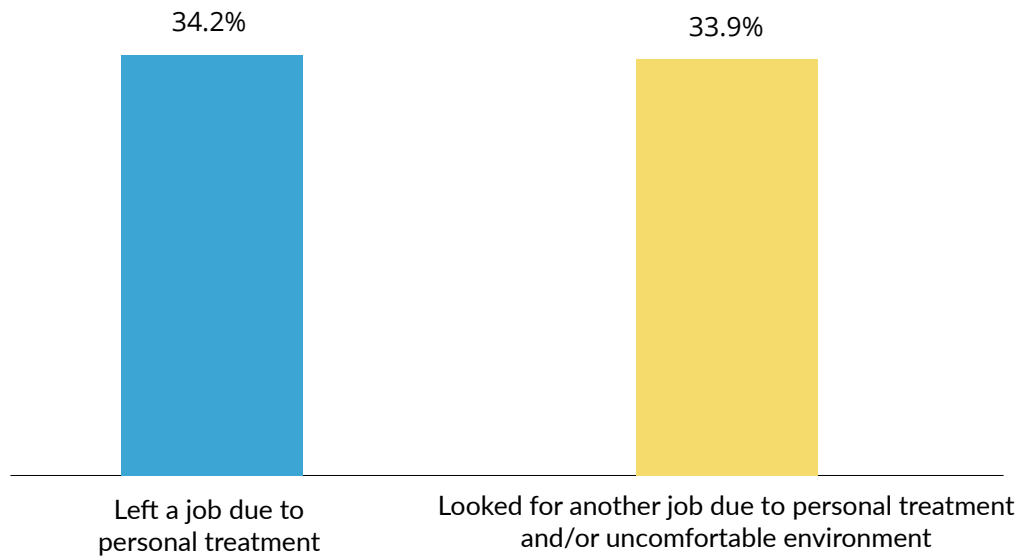
Discrimination and harassment, or fear of those experiences, negatively affects the wellbeing of employees, which, in turn, can negatively impact employers. Decades of research has linked unsupportive workplace environments for LGBT people to poorer health, decreased job satisfaction, and decreased job commitment, among other negative outcomes.²⁶ These employee outcomes can have economic consequences for employers.²⁷

²⁶ See, e.g., M.V. LEE BADGETT ET AL., WILLIAMS INST., THE BUSINESS IMPACT OF LGBT-SUPPORTIVE WORKPLACE POLICIES (2013), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Impact-LGBT-Support-Workplace-May-2013.pdf>.

²⁷ *Id.*

One-third (34.2%) of LGBT employees reported that they have left a job at some point in their lives because of how they were treated by their employer based on their sexual orientation or gender identity. About 30 percent of LGBT employees (33.9%) said that they have looked for other jobs because of how they were personally treated by their employer based on their LGBT status and/or because the workplace environment was uncomfortable for LGBTQ people in general.

Figure 9. Impact of discrimination and unsupportive environments for LGBT people on employee retention



Some of the respondents who left their jobs or thought about leaving because of harassment and discrimination shared these experiences. Others wanted to leave, but felt trapped by their job prospects:

"I was repeatedly harassed by multiple male co-workers when they found out I was dating a man. They denied my lived experience as a bisexual male and insisted I was gay and in denial. They called me various homosexual slurs and belittled me and overall created a toxic work environment from which I became desperate to escape."

White cisgender bisexual man from New Jersey

"A guy found out that I like both males and females and started to try and get me to go home with him and his wife. I honestly felt so uncomfortable after this situation that I quit my job and went to work online which has really been the best for me."

White cisgender bisexual woman from Oklahoma

"I was working at a restaurant and on a night that I had to close I was cornered by two of my co-workers and harassed . . . they were calling me names and telling me that 'all I needed was a real man to show me the ropes.' They even got physical, it was a horrible experience. I left and never went back."

American Indian nonbinary sexual minority person from Minnesota

"I worked at a company for years because I couldn't find a better job and everyday I was harassed daily by [the same] guy. I was grateful for the job so I just stuck with it."

Latinx cisgender bisexual man from Texas

CONCLUSION

LGBT employees continue to face discrimination and harassment at work, in particular LGBT people of color. This discrimination is ongoing, with nine percent of LGBT employees saying that they had been fired or not hired because of their sexual orientation or gender identity within the past year. LGBT employees of color were more likely to report some forms of discrimination and harassment than white LGBT employees, including not being hired and verbal harassment because of their sexual orientation or gender identity. Transgender employees were also more likely to report several forms of discrimination and harassment than cisgender LGB employees.

A large proportion—about half—of LGBT people reported that the discrimination and harassment they experienced was motivated by employer's or co-workers' religious beliefs. Employees who experienced religiously motivated discrimination and harassment most commonly reported that these incidents involved being told that they were "going to hell," would "burn in hell," or were not going "to heaven."

Fear of discrimination and harassment can lead employees to engage in behaviors to hide who they are at work. Over half of employees are not "out" about being LGBT to their supervisors, and about 70% are not out to all of their co-workers. Many LGBT employees, especially transgender employees, said that they have changed how they present themselves at work or have avoided talking about their lives and their families to avoid discrimination and harassment based on their sexual orientation or gender identity. Several employees reported engaging in these behaviors in response to workplace experiences or because they were directly told to do so.

Discrimination and harassment negatively impact both employees and employers. One-third of employees said they had left a job because of how they were personally treated based on their sexual orientation or gender identity.

More robust protections, including monitoring and enforcement, are needed to ensure that LGBT people—particularly transgender people and LGBT people of color—are fully protected from discrimination and harassment in the workplace.

AUTHORS

Brad Sears, J.D., is the David Sanders Distinguished Scholar of Law and Policy and Founding Executive Director at the Williams Institute. He is also the Associate Dean of Public Interest Law at UCLA Law.

Christy Mallory, J.D., is the Renberg Scholar of Law and Legal Director at the Williams Institute.

Andrew R. Flores, Ph.D., is a Visiting Scholar at the Williams Institute and an Assistant Professor of Government at American University.

Kerith J. Conron, Sc.D., M.P.H., is the Blachford-Cooper Distinguished Scholar and Research Director at the Williams Institute.

ACKNOWLEDGMENTS

The authors thank Dakota Strode, doctoral student in the School of Public Affairs at American University, for his research assistance.

ABOUT THE WILLIAMS INSTITUTE

The Williams Institute is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy. A think tank at UCLA Law, the Williams Institute produces high-quality research with real-world relevance and disseminates it to judges, legislators, policymakers, media, and the public. These studies can be accessed at the Williams Institute website.

FOR MORE INFORMATION

The Williams Institute, UCLA School of Law
Box 951476, Los Angeles, CA 90095-1476
williamsinstitute.law.ucla.edu



APPENDIX

METHODS

The Employment Experiences Survey was an anonymous cross-sectional survey conducted between May 5th and 16th 2021 with 1,007 U.S. sexual and gender minority adults ages 18 and up who were in the workforce the week of March 1, 2020—just before COVID-19 emerged and many states and localities shut down. Participants were selected by Morning Consult from the Lucid and Pure Spectrum survey panels²⁸ using screening questions provided by the Williams Institute. Panelists were screened on sex assigned at birth, gender identity, sexual orientation identity and workforce participation and job type to recruit sexual and gender minority participants in three employment groups (state or local government, private or non-profit organization, or self-employed, military, federal, unemployed and looking for work, and working in a family business or farm). Eligible panelists reviewed an information sheet before opting to participate in an online English language survey.

The Employment Experiences Survey was developed primarily to gather data about experiences of harassment and discrimination in various types of employment settings. Where possible, survey questions were modeled on prior questions used to assess employment discrimination and efforts to avoid discrimination. For example, some employment discrimination questions were informed by the Williams Major Lifetime Discrimination Scale.²⁹ Some questions about concealment and avoidance are from a survey developed by the Center for the American Progress.³⁰ Questions about outness at work were informed by the 2008 General Social Survey and questions about job commitment were informed by the Human Rights Campaign's 2018 "A Workplace Divided" survey.³¹ Two open-ended questions were also included in the survey to gather information about the participant's worst experience of unfair treatment, harassment, or discrimination at work because of their sexual

²⁸ Prior to selecting the Lucid and Pure Spectrum panels for this study, and others, Morning Consult examined European Society for Opinion and Marketing Research (ESOMAR) documents that contain a uniform set of roughly 30 questions for survey panel providers on topics such as sample sources and recruitment, respondent profiling data, respondent privacy and data security, data quality and validation, and survey incentives. Non-probability panels are formed by recruiting panelists through loyalty and rewards programs, publisher partnerships, advertisements on mobile, tablet and desktop websites, and outreach to online gaming communities; snowball sampling or river sampling are excluded. In addition, Morning Consult examines panels for quality based on average survey completion time and correlations between dozens of variable pairs known to have high correlations (e.g., party identification and political ideology, education and income, country headed in the right direction and leader approval, vote and political party, and consumer confidence variables). In general, only panels that meet Morning Consult's quality requirements are approved as sample providers.

²⁹ Williams, D. R. (2016). *Measuring Discrimination Resource*. https://scholar.harvard.edu/files/davidrwilliams/files/measuring_discrimination_resource_june_2016.pdf. Accessed July 2021.

³⁰ Singh, S. & Durso, L. E. (2017). *Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways*. Center for American Progress. <https://www.americanprogress.org/issues/lgbtq-rights/news/2017/05/02/429529/widespread-discrimination-continues-shape-lgbt-peoples-lives-subtle-significant-ways/> Accessed July 2021.

³¹ NORC at the University of Chicago. *The General Social Survey. GSS Questionnaire 2008*. Available at <https://gss.norc.uchicago.edu/get-documentation/questionnaires>; Human Rights Campaign. (2018) *A Workplace Divided: Understanding the Climate for LGBTQ Workers Nationwide*. <https://www.hrc.org/resources/a-workplace-divided-understanding-the-climate-for-lgbtq-workers-nationwide>. Accessed July 2021.

orientation or gender identity, as well as experiences where the religious beliefs of others were believed to be a factor in how the respondent was treated.

A total of 935 participants who self-identified as lesbian, gay, bisexual or were transgender (as determined by responses to questions about sex assigned at birth and current gender identity) were included in the analytic sample for this report. Participants who selected gender identity response options, including male, female, transgender, and nonbinary, that differed from their sex assigned at birth, were classified as transgender. Those who selected gender identity options that were the same as their sex assigned at birth were classified as cisgender. Cisgender participants who reported "something else" as their sexual orientation identity (n=72) were excluded from empirical analyses given uncertainty about whether they were sexual minorities or not. Descriptive analyses were conducted using Stata v15.1 statistical software and include design-based F-tests (Rao-Scott chi-square tests) of differences in proportions to assess whether outcomes vary across demographic groups at an alpha of 0.05.³² Confidence intervals (95% CI) were included in Appendix tables to communicate the degree of uncertainty around an estimate due to sampling error. All analyses were weighted using sampling weights developed by Morning Consult.

To construct the sampling weights for the entire sample, Morning Consult used the 2019 Population Assessment of Tobacco and Health (PATH) Public Use File.³³ The 2019 PATH survey was conducted with a large nationally representative sample of U.S. adults and included measures of sexual orientation identity and transgender status. The PATH data were subset on LGBT respondents in the workforce (full-time employed, part-time employed, self-employed, or looking for work), and this subset was used to establish weighting targets for age (5 categories), sex (2 categories), race/ethnicity (4 categories), education (3 categories), and region (4 categories). Iterative proportional fitting (or "raking") was then used to create the weight variable. Weights were calibrated to address the oversampling of LGBT adults in state and local government by using workforce sector targets from LGBT adult respondents to the nationally representative 2016 Gallup Daily Tracking survey. Weights were trimmed at 6 to avoid over-weighting a small number of respondents, and they were normalized to sum to the sample size, which is common practice.

Calculations for the uncertainty of the results (like all other uncertainty measures for non-probability samples) assumes that the weighted estimates are approximately unbiased. This approximate unbiasedness assumption is based on the assertion that any systematic differences between sample and population are corrected when the sample is adjusted via weighting to match the LGBT population in the workforce on key dimensions (age, race/ethnicity, education, region).

³² J. N. K. Rao, A. J. Scott. (1984). On chi-squared tests for multiway contingency tables with cell proportions estimated from survey data. *Ann. Stat.* 12, 46–60.

³³ United States Department of Health and Human Services. National Institutes of Health. National Institute on Drug Abuse, and United States Department of Health and Human Services. Food and Drug Administration. Center for Tobacco Products. Population Assessment of Tobacco and Health (PATH) Study [United States] Public-Use Files. Inter-university Consortium for Political and Social Research [distributor], 2020-10-21. <https://doi.org/10.3886/ICPSR36498.v11>

While selection probabilities for non-probability samples are unknown, in practice probability panels face the same methodological challenges as non-probability panels³⁴ that need to be addressed using statistical adjustment. While most non-probability panels themselves are not representative per se, statistical adjustments can be used to create unbiased and representative samples independently of the initial recruitment process.

The quotes from the respondents in this report were collected through two open-ended questions. The first asked "Tell us about your worst experience of unfair treatment, harassment, or discrimination at work." The other asked "Please explain what happened when you felt that someone's religious beliefs were a factor in the unfair treatment, harassment, or discrimination that you experienced at work because of your sexual orientation/ gender identity" (asked only of respondents who indicated that an employer's or coworker's religious beliefs were a factor in unfair treatment, harassment, or discrimination they experienced). Responses were selected for inclusion in this report to illustrate certain points while avoiding duplication in the content of the quotes and representing the full diversity of the sample in terms of sexual orientation, gender identity, sex, race, ethnicity, occupation, and current state of residence. The responses were edited to correct for typos, spelling, grammar, missing words, and other issues not impacting the substance of the response. Where words were otherwise changed (for verb tense, pronouns, clarity, to change information that could be used to identify the respondent, etc.) the changes are noted with brackets. Where words were cut (primarily to reduce the length of the quote or cut personally identifying information), the omission is marked with ellipses. Names of employers were removed and replaced with language describing the type of employment in brackets.

The study protocol was reviewed and approved by Institutional Review Board at UCLA.

³⁴ Kennedy, C., Mercer, Al, Keeter, S., Hatley, N., McGeeney, K., & Gimenez, A. (2016). *Evaluating Online Nonprobability Surveys*. Pew Research Center. <https://www.pewresearch.org/methods/2016/05/02/evaluating-online-nonprobability-surveys/> Accessed July 2021.

TABLES

Table 1. LGBT participant demographic characteristics (n = 935), Employment Experiences Survey, May 2021

| | LGBT EMPLOYEES (N = 935) | |
|---|--------------------------|------------|
| | % | 95% CI |
| Age | | |
| 18-34 | 65.7 | 61.5, 69.7 |
| 35-44 | 20.3 | 17.1, 23.9 |
| 45-64 | 12.9 | 10.4, 15.9 |
| 65 and up | 1.1 | 0.7, 1.9 |
| Sex assigned at birth | | |
| Male | 44.0 | 39.4, 48.7 |
| Female | 56.0 | 51.3, 60.6 |
| Gender identity | | |
| Man | 40.9 | 36.3, 45.6 |
| Woman | 51.2 | 46.6, 55.9 |
| Transgender | 2.6 | 1.5, 4.5 |
| Nonbinary | 5.3 | 3.8, 7.4 |
| Sexual orientation | | |
| Gay or lesbian | 34.4 | 30.1, 39.0 |
| Straight | 0.5 | 0.2, 1.3 |
| Bisexual | 62.3 | 57.7, 66.7 |
| Something else | 2.0 | 1.2, 3.3 |
| Not sure | 0.6 | 0.6, 1.0 |
| Transgender and cisgender LGB³⁵ | | |
| Transgender | 9.5 | 7.2, 12.3 |
| Cisgender LGB | 90.5 | 87.7, 92.8 |
| Race/ethnicity | | |
| White, non-Hispanic | 50.1 | 45.4, 54.7 |
| Black, non-Hispanic | 10.4 | 8.2, 13.2 |
| Hispanic or Latinx | 31.3 | 26.3, 36.7 |
| All other racial/ethnic groups, non- Hispanic | 8.2 | 6.2, 10.8 |

³⁵ Participants who selected gender identity response options, including male, female, transgender, and nonbinary, that differed from their sex assigned at birth, were classified as transgender. Those who selected gender identity options that were the same as their sex assigned at birth were classified as cisgender.

| | LGBT EMPLOYEES (N = 935) | |
|---|--------------------------|------------|
| | % | 95% CI |
| Education | | |
| Less than Bachelor's degree | 72.9 | 69.0, 76.5 |
| Bachelor's degree | 16.0 | 13.5, 19.4 |
| More than Bachelor's degree | 11.1 | 8.8, 13.7 |
| Current employment | | |
| For-profit business | 51.8 | 47.1, 56.4 |
| Non-Profit organization | 6.2 | 4.2, 9.0 |
| Government employee, including military | 12.0 | 9.3, 14.7 |
| Self-employed | 17.0 | 13.4, 20.6 |
| Unemployed/out of workforce | 12.0 | 8.9, 15.1 |
| Region | | |
| Northeast | 18.2 | 14.8, 22.1 |
| Midwest | 20.2 | 17.0, 23.8 |
| South | 37.8 | 33.4, 42.4 |
| West | 23.9 | 19.9, 28.4 |

CI: confidence interval

Table 2. Lifetime experiences of sexual orientation- or gender identity-based discrimination and harassment against LGBT employees (n=935), Employment Experiences Survey, May 2021

| | LGBT EMPLOYEES (N = 935) | |
|--|--------------------------|------------|
| | % | 95% CI |
| Any lifetime discrimination | 29.8 | 25.4, 34.1 |
| Specific discrimination experience | | |
| Fired | 22.8 | 19.0, 27.1 |
| Not hired | 23.7 | 19.8, 28.0 |
| Any lifetime harassment | 37.7 | 33.1, 42.3 |
| Specific harassment type | | |
| Verbal harassment | 30.7 | 26.4, 35.4 |
| Physical harassment | 20.8 | 17.2, 25.0 |
| Sexual harassment | 25.9 | 22.0, 30.3 |
| Any lifetime discrimination or harassment | 45.5 | 40.4, 49.8 |

CI: confidence interval

Table 3. Negative comments, slurs, or jokes about LGBTQ people heard in the workplace by LGBT employees (n=935), Employment Experiences Survey, May 2021

| | LGBT EMPLOYEES (N = 935) | |
|--|--------------------------|------------|
| | % | 95% CI |
| Heard negative comments, slurs, or jokes about LGBTQ people in the workplace in general or direct at oneself | | |
| Yes | 67.5 | 62.9, 71.8 |
| No | 32.5 | 28.2, 37.1 |

CI: confidence interval

Table 4. Lifetime experiences of sexual orientation- or gender identity-based discrimination and harassment against LGBT employees (n=932) by race/ethnicity, Employment Experiences Survey, May 2021

| | PEOPLE OF COLOR (N=318) | | WHITE (N=614) | |
|--|-------------------------|-------------------|---------------|-------------------|
| | % | 95% CI | % | 95% CI |
| Any lifetime discrimination | 33.2 | 26.0, 40.5 | 26.3 | 21.4, 31.3 |
| Specific discrimination experience | | | | |
| Fired | 25.7 | 19.6, 33.0 | 19.9 | 15.6, 24.9 |
| Not hired | 29.0 | 22.6, 36.5 | 18.3 | 14.5, 22.9 |
| Any lifetime harassment | 40.6 | 33.0, 48.3 | 34.8 | 29.7, 40.0 |
| Specific harassment type | | | | |
| Verbal harassment | 35.6 | 28.4, 43.4 | 25.9 | 21.4, 31.0 |
| Physical harassment | 23.8 | 17.8, 31.0 | 18.0 | 14.1, 22.6 |
| Sexual harassment | 25.9 | 19.7, 33.2 | 25.9 | 21.4, 31.0 |
| Any lifetime discrimination or harassment | 48.6 | 40.7, 56.4 | 41.8 | 36.6, 46.9 |

CI: confidence interval

Bold text indicates statistically significant difference

Table 5. Lifetime experiences of sexual orientation- or gender identity-based discrimination and harassment against LGBT employees (n=935) by gender identity, Employment Experiences Survey, May 2021

| | CISGENDER LGB (N=838) | | TRANSGENDER (N=97) | |
|--|-----------------------|-------------------|--------------------|-------------------|
| | % | 95% CI | % | 95% CI |
| Any lifetime discrimination | 27.8 | 23.3, 32.3 | 48.8 | 34.8, 62.8 |
| Specific discrimination experience | | | | |
| Fired | 21.9 | 18.0, 26.5 | 30.9 | 18.9, 46.0 |
| Not hired | 21.5 | 17.7, 26.0 | 43.9 | 30.4, 58.4 |
| Any lifetime harassment | 36.9 | 32.0, 41.7 | 45.8 | 31.9, 59.7 |
| Specific harassment type | | | | |
| Verbal harassment | 29.3 | 24.9, 34.3 | 43.8 | 30.7, 57.8 |
| Physical harassment | 20.0 | 16.2, 24.5 | 28.2 | 17.2, 42.7 |
| Sexual harassment | 25.9 | 21.7, 30.5 | 26.3 | 15.7, 40.5 |
| Any lifetime discrimination or harassment | 43.0 | 38.0, 47.9 | 65.7 | 53.6, 77.8 |

CI: confidence interval

Bold text indicates statistically significant difference

Table 6. Experiences of sexual orientation- or gender identity-based discrimination and harassment against LGBT employees (n=935) by timing of most recent experience, Employment Experiences Survey, May 2021

| | LGBT EMPLOYEES (N = 935) | |
|---|--------------------------|------------------|
| | % | 95% CI |
| Any discrimination within the past year | 8.9 | 6.5, 12.0 |
| Specific discrimination experience | | |
| Fired | 6.1 | 4.2, 8.7 |
| Not Hired | 6.2 | 4.2, 9.0 |
| Any discrimination one to five years ago | 12.8 | 9.8, 16.4 |
| Specific discrimination experience | | |
| Fired | 11.1 | 8.4, 14.6 |
| Not Hired | 11.2 | 8.5, 14.5 |
| Any discrimination over five years ago | 8.1 | 5.9, 11.1 |
| Specific discrimination experience | | |
| Fired | 6.8 | 4.7, 9.8 |
| Not Hired | 5.9 | 4.1, 8.5 |

| | LGBT EMPLOYEES (N = 935) | |
|--|--------------------------|-------------|
| | % | 95% CI |
| Any harassment within the past five years | 24.3 | 20.5, 28.6 |
| Specific harassment type | | |
| Verbal Harassment | 19.4 | 15.9, 23.4 |
| Physical Harassment | 12.1 | 9.3, 15.5 |
| Sexual Harassment | 12.9 | 10.2, 16.3 |
| Any harassment over five years ago | 13.4 | 10.4, 17.1 |
| Specific harassment type | | |
| Verbal Harassment | 13.5 | 10.3, 17.5 |
| Physical Harassment | 8.6 | 6.2, 11.9 |
| Sexual Harassment | 13.4 | 10.35, 17.1 |

CI: confidence interval

Table 7. Past-year experiences of sexual orientation- or gender identity-based discrimination against LGBT employees (n=932) by race/ethnicity, Employment Experiences Survey, May 2021

| | PEOPLE OF COLOR (N=318) | | WHITE (N=614) | |
|--|-------------------------|-----------|---------------|-----------|
| | % | 95% CI | % | 95% CI |
| Any discrimination within the past year | 11.3 | 7.5, 16.6 | 6.5 | 4.1, 10.2 |
| Specific discrimination experience | | | | |
| Fired | 7.9 | 4.8, 12.7 | 4.4 | 2.7, 7.1 |
| Not Hired | 8.0 | 4.8, 13.0 | 4.4 | 2.4, 7.9 |

CI: confidence interval

Table 8. Religion as a motivating factor for sexual orientation- or gender identity-based discrimination or harassment against LGBT employees (n=471) by race/ethnicity and gender identity, Employment Experiences Survey, May 2021

| | ALL (N=471) | | PEOPLE OF COLOR (N=179) | | WHITE (N=290) | | CISGENDER LGB (N=404) | | TRANSGENDER (N=67) | |
|--|-------------|------------|-------------------------|-------------------|---------------|-------------------|-----------------------|------------|--------------------|------------|
| | % | 95% CI | % | 95% CI | % | 95% CI | % | 95% CI | % | 95% CI |
| Religious beliefs were a factor in discrimination or harassment | | | | | | | | | | |
| Yes | 57.0 | 50.5, 63.2 | 63.5 | 53.1, 72.8 | 49.4 | 41.9, 57.0 | 55.6 | 48.6, 62.3 | 66.8 | 48.1, 81.3 |
| No | 43.0 | 36.8, 49.5 | 36.5 | 27.2, 46.9 | 50.6 | 43.0, 50.1 | 44.4 | 37.7, 51.4 | 33.2 | 18.7, 51.9 |

CI: confidence interval

Bold text indicates statistically significant difference

Table 9. Openness about being LGBTQ at work among LGBT employees (n=932), Employment Experiences Survey, May 2021

| | LGBT EMPLOYEES (N = 932) | |
|---------------------------|--------------------------|------------|
| | % | 95% CI |
| Not out to supervisor | 50.4 | 45.7, 55.1 |
| Not out to any co-workers | 25.8 | 22.0, 30.0 |
| Out to a few co-workers | 15.0 | 12.0, 18.8 |
| Out to some co-workers | 16.2 | 12.7, 20.4 |
| Out to most co-workers | 13.4 | 10.9, 16.5 |
| Out to all co-workers | 29.5 | 25.4, 34.0 |

CI: confidence interval

Table 10. Covering behaviors at current job among LGBT employees (n=935), Employment Experiences Survey, May 2021

| | LGBT EMPLOYEES (N = 935) | |
|---|--------------------------|------------|
| | % | 95% CI |
| Changed presentation at work | 40.7 | 36.3, 45.4 |
| Specific alteration of presentation | | |
| Changed hairstyle, makeup, or appearance | 24.4 | 20.5, 28.7 |
| Changed dress | 24.6 | 20.7, 28.9 |
| Changed voice or mannerisms | 25.8 | 21.8, 30.3 |
| Changed bathroom use | 16.1 | 13.2, 19.6 |
| Hid personal life | | |
| Avoided work events/travel | 22.8 | 19.2, 26.9 |
| Avoided social events with co-workers | 43.2 | 38.6, 47.9 |
| Avoided talking about family | 33.2 | 29.1, 37.7 |
| Avoided talking about social life | 39.3 | 34.9, 43.9 |
| Hid family photos | 29.3 | 25.3, 33.7 |
| Not brought family to work-related events | 23.9 | 20.3, 28.0 |

CI: confidence interval

Table 11. Covering behaviors at work among LGBT employees (n=932) by race/ethnicity, Employment Experiences Survey, May 2021

| | PEOPLE OF COLOR (N=318) | | WHITE (N=614) | |
|---|----------------------------|-------------------|------------------|-------------------|
| | % | 95% CI | % | 95% CI |
| Changed presentation at work | 44.4 | 36.8, 52.2 | 36.9 | 32.2, 41.9 |
| Specific alteration of presentation | | | | |
| Changed hairstyle, makeup, or appearance | 28.8 | 22.3, 36.3 | 20.0 | 16.3, 24.4 |
| Changed dress | 27.7 | 21.2, 35.2 | 20.8 | 16.9, 25.3 |
| Changed bathroom use | 17.4 | 12.6, 23.6 | 14.4 | 11.5, 18.0 |
| Changed voice or mannerisms | 31.0 | 24.1, 38.7 | 20.7 | 16.9, 25.2 |
| Hid personal life | | | | |
| Avoided work events/travel | 23.2 | 17.5, 30.0 | 22.3 | 18.2, 27.1 |
| Avoided social events with co-workers | 45.4 | 37.8, 53.3 | 40.9 | 35.8, 46.2 |
| Avoided talking about family | 34.4 | 27.6, 42.0 | 31.9 | 27.4, 36.7 |
| Avoided talking about social life | 40.9 | 33.5, 48.7 | 37.6 | 32.9, 42.5 |
| Hid family photos | 29.8 | 23.3, 37.2 | 28.8 | 24.2, 33.8 |
| Not brought family to work-related events | 24.6 | 18.8, 31.6 | 23.1 | 19.1, 27.6 |

CI: confidence interval

Bold text indicates statistically significant difference

Table 12. Covering behaviors at work among LGBT employees (n=935) by gender and sexual orientation group, Employment Experiences Survey, May 2021

| | CISGENDER LGB (N=838) | | TRANSGENDER (N=97) | |
|---|--------------------------|-------------------|-----------------------|-------------------|
| | % | 95% CI | % | 95% CI |
| Changed presentation at work | 39.0 | 34.3, 43.9 | 57.7 | 43.1, 71.1 |
| Specific alteration of presentation | | | | |
| Changed hairstyle, makeup, or appearance | 23.3 | 19.3, 27.9 | 36.4 | 24.7, 50.0 |
| Changed dress | 23.3 | 19.3, 27.9 | 35.4 | 24.3, 48.4 |
| Changed bathroom use | 14.9 | 11.9, 18.5 | 27.5 | 17.8, 39.9 |
| Changed voice or mannerisms | 25.4 | 21.1, 30.1 | 30.0 | 19.8, 42.7 |
| Hid personal life | | | | |
| Avoided work events/travel | 21.6 | 17.9, 25.8 | 34.6 | 22.5, 49.1 |
| Avoided social events with co-workers | 42.4 | 37.5, 47.3 | 50.9 | 37.3, 64.4 |
| Avoided talking about family | 32.4 | 28.0, 37.1 | 41.1 | 28.4, 55.2 |
| Avoided talking about social life | 38.6 | 33.9, 43.5 | 45.8 | 32.9, 59.3 |
| Hid family photos | 29.6 | 25.3, 34.3 | 26.8 | 17.2, 39.2 |
| Not brought family to work-related events | 23.9 | 20.1, 28.2 | 24.2 | 14.8, 37.1 |

CI: confidence interval

Bold text indicates statistically significant difference

Table 13. Impact of sexual orientation- or gender identity-based discrimination and unsupportive environments on employee retention among LGBT employees (n=935), Employment Experiences Survey, May 2021

| | LGBT EMPLOYEES (N = 935) | |
|---|--------------------------|------------|
| | % | 95% CI |
| Left a job due to personal treatment | 34.2 | 29.8, 38.9 |
| Looked for another job due to personal treatment | 33.9 | 29.5, 38.5 |
| Looked for another job due to uncomfortable environment | 35.1 | 30.7, 39.7 |

CI: confidence interval

Table 14. Impact of sexual orientation- or gender identity-based discrimination and unsupportive environments on employee retention among LGBT employees (n=932) by race/ethnicity, Employment Experiences Survey, May 2021

| | PEOPLE OF COLOR (N=318) | | WHITE (N=614) | |
|---|-------------------------|------------|---------------|------------|
| | % | 95% CI | % | 95% CI |
| Left a job due to personal treatment | 38.7 | 31.4, 46.5 | 29.7 | 24.9, 35.0 |
| Looked for another job due to personal treatment | 37.5 | 20.3, 45.3 | 30.2 | 25.4, 35.4 |
| Looked for another job due to uncomfortable environment | 36.7 | 29.6, 44.4 | 33.4 | 28.5, 38.6 |

CI: confidence interval

Table 15. Impact of sexual orientation- or gender identity-based discrimination and unsupportive environments on employee retention among LGBT employees (n=935) by gender identity, Employment Experiences Survey, May 2021

| | CISGENDER LGB (N=838) | | TRANSGENDER (N=97) | |
|---|-----------------------|------------|--------------------|------------|
| | % | 95% CI | % | 95% CI |
| Left a job due to personal treatment | 30.6 | 26.2, 35.2 | 43.7 | 31.0, 57.4 |
| Looked for another job due to personal treatment | 29.8 | 25.6, 34.4 | 45.6 | 32.7, 59.2 |
| Looked for another job due to uncomfortable environment | 31.4 | 27.2, 36.0 | 48.9 | 35.6, 62.4 |

CI: confidence interval

Additional analyses presented in this paper are on file with the authors.