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Expanding Pride to Our Workplaces

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Expanding Pride to Our Workplaces

Eric C. Christiansen, *The Recorder*

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Eric Christiansen

With the issue of same-sex marriage being litigated in the federal courts, and early-stage political sentiments being voiced by 2016 presidential candidates, LGBT rights and equality have been in the news a great deal lately. In part, this is because a late-June decision from the U.S. Supreme Court is expected to be the most significant affirmation of gay equality the court has ever made. And the announcement is projected to be made within a few days of the largest Pride events across the country. But the recent focus on marriage equality can obscure the varieties of discrimination LGBT persons experience. A judicial victory will end state and local discrimination in relation to civil marriage law but it is only one step toward full equality. The next step for LGBT equality will more directly involve LGBT people's interaction with their employers and businesses.

Gay or straight, most of us interact with regular businesses and private institutions far more than we do with the government. This creates real equality concerns because in the majority of states you can still be denied housing or healthcare—or be fired from your job—for being gay. In most states, businesses can still deny you goods and services based on your sexual orientation. And protections for transgender persons are even more limited. For LGBT people—even in 2015—our gender identity or sexual orientation is sometimes met with hostility or disapproval from employers, landlords, healthcare professionals, and businesses.

As business leaders, we need to recognize that our policies, our workplace culture and our institutional ethos radically impact the lived experience of equality for our LGBT customers and employees. In a discriminatory world, passivity (i.e., just ensuring you don't actively discriminate) can easily send a mixed or unintended message. Even in progressive places like the San Francisco Bay Area, LGBT folks have an experience of discrimination and disfavor that shapes their expectations.

Many who read this will inevitably think "My company has a non-discrimination clause" or "We have openly gay people in the office," but there are deeper questions to ask. Have we meaningfully assessed the experience of inclusion our transgender employees have? Have we tangibly demonstrated our commitment to equality with our customers? Does our HR department genuinely understand the special burdens experienced by LGBT people in a discriminatory society? Pride month is an excellent opportunity to assess our passive presumptions about the level of actual fairness exhibited by our businesses.

In addition to honoring Pride month in a company email or sponsoring an LGBT happy hour, we should announce tangible actions to assess and improve our company's inclusiveness. An outside consultant can safely gather actionable insights from your employees. Hire one. Leverage the insights of your internal LGBT affiliation group by seeking specific suggestions for increasing LGBT leadership in the company—and report back on progress. Organizations like Out & Equal Workplace Advocates offer helpful and accessible resources for a range of employers. Use them to create an action plan for identifying positive short-term changes and setting longer-term goals to advance equality at work.

As business and community leaders we have the capacity to create workplaces that are not just tolerant but truly inclusive. We can model businesses that are not merely non-discriminatory but are actually welcoming. And, with the attention Bay Area companies receive these days, we have an opportunity to exemplify LGBT-inclusive business and employment practices to a global audience.

That would be something to be proud of.

The Recorder welcomes submissions to Viewpoint. Contact Laurel Newby at lnewby@alm.com.

Eric Christiansen is a professor of law at Golden Gate University School of Law. He graduated from the University of Notre Dame and the University of Chicago and earned his law degree from New York University. He teaches constitutional law and human rights at GGU Law, and was formerly a non-profit management consultant and corporate finance lawyer.