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**WHY EMPLOYMENT DISCRIMINATION MATTERS:  
WELL-BEING AND THE QUEER EMPLOYEE\***

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**ABSTRACT**

Queer people experience poor well-being in many workplaces, yet employment non-discrimination legislation providing comprehensive federal protection from employment discrimination based upon sexual orientation has failed to materialize over the last three decades. Current proposals for a federal Employment Non-Discrimination Act (ENDA) do not fully protect lesbian, gay, bisexual, transgender, and queer (LGBTQ) workers, especially in states that already have better protections. This conceptual article considers the well-being of queer employees within the context of human rights, the impact of historic queer employment discrimination cases, and the impact of historic legislative action. Current strategies for protecting queer employees at the federal level have failed. Suggestions for creating change in the workplace will be explored.

Lesbian, gay, bisexual, transgender, and queer (described collectively in this article as LGBTQ or “queer”) people experience discrimination and prejudice in

\*This work was originally presented as a paper at the National Women’s Studies Association Annual Conference, Denver, CO, November 11–14, 2010.

many workplaces (Badgett et al., 2007). Federal employment non-discrimination legislation providing comprehensive protection from employment discrimination based upon sexual orientation has failed to materialize over the last three decades. However, employment protections for queer workers have gained the interest of key political players. United States President Barack Obama has expressed support for a federal Employment Non-Discrimination Act (ENDA) and “believes that our anti-discrimination employment laws should be expanded to include sexual orientation and gender identity” (White House, 2011).

Jurisdictional protections currently exist in more than 20 states (Human Rights Campaign [HRC], 2009; Law & Hrabal, 2010), but the setting up of widespread federal protections has failed to gain widespread support from policymakers (National Gay and Lesbian Task Force [NGLTF], 2008). As many as 68% of LGBTQ employees report experiencing employment discrimination (Badgett et al., 2007). Employment non-discrimination legislation would protect the employee from employers who “fail or refuse to hire or who discharge any individual, or otherwise discriminate against any individual with respect to compensation for work and with respect to the terms, conditions, or privileges of employment of the individual, because of such an individual’s actual or perceived sexual orientation or gender identity.” Currently, that protection is extended only to queer employees who happen to live in jurisdictions that protect them.

The absence of employment non-discrimination legislation in many states and the absence of other supportive workplace policies for queer individuals negatively affect the workplace well-being of queer people and constitute a human rights issue. Social scientists such as Diener (1984) have defined well-being as a person’s global, subjective experience of satisfaction with his or her quality of life. Workplace well-being means an individual’s cognitive and affective sense of personal satisfaction within the workplace (Page, 2005). Well-being at work matters because work occupies a significant amount of an individual’s time and energy. Berry (2005: ix) notes that

The very fabric of our life revolves around work. Our entire identity encompasses the type of work we are doing—or not doing, for that matter. The type of food we eat, the neighborhood we live in, the clothes we wear, and how we socialize—all somehow are related to our work.

This conceptual article considers the well-being of the queer individual in the workplace, within a human rights framework. The analysis begins by reviewing historic queer employment discrimination cases that have been affected by non-discrimination legislation. A review of the social science literature on workplace well-being follows, and a discussion about how the well-being of queer individuals may be affected by more supportive workplace non-discrimination legislation.

## CONCEPTUAL FRAMEWORK

For the purpose of this discussion, well-being at work is defined as an employee's subjective experience of quality of life at work (Diener, 1984; Page, 2005). Well-being in the workplace constitutes a fundamental and basic human right. Article 23 of the Universal Declaration of Human Rights ([UDHR], for which see United Nations, 1948) notes that

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment . . . the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Yet queer employees are treated differently than the average worker by being denied their basic human rights in many workplaces. They are denied basic dignity and respect in the workplace because LGBTQ identity is a devalued and stigmatized social identity. According to Goffman (1963: 5), the stigmatized person is treated as “not quite human.” The queer employee possesses attributes that make her or him different from the norm in her or his social unit (Jones et al., 1984). Stigmatizing attitudes toward queer individuals are among the last culturally acceptable behaviors against a minority group in society. Though stigmatizing attitudes against LGBTQ people are common among people with conservative faith backgrounds (Adamczyk & Pitt, 2009), stigmatizing attitudes toward LGBTQ people are found throughout the general public. In a study of heterosexuals' use of words such as “fag” and “queer” to refer to one another in an insulting manner, Burn (2000) found that heterosexual males self-report that they frequently use terms indicative of LGBTQ stigma to deride one another. Swim, Pearson, and Johnston (2007: 40-41) found that LGBTQ participants report daily heterosexist experiences, including “comments about the participant or about LGBTQ individuals that deal with stereotypes (e.g., gay males are effeminate or lesbians are “butch”), jokes that involve stereotyping of LGBTQ individuals or hostility toward them, overt threats of violence or expressions of hate, and/or a general dislike or stigmatization of LGBTQ individuals.”

Underlying sexual prejudice is homophobia and/or heterosexism. Homophobia is defined as fear or hostility toward homosexuals (Hudson & Ricketts, 1980). Heterosexism refers to the societal bias that privileges heterosexual behaviors, identity, or norms while discrediting the behaviors, identities, and norms of LGBTQ people (Smith & Ingram, 2004). Herek (2004: 14) comments in a history of homophobia that, although members of the public may or may not have stigmatizing perceptions about LGBTQ people, there appears to be a shared knowledge that LGBTQ desire and identities are very often viewed as “bad, sick, or inferior to heterosexuality”.

The shared knowledge of cultural stigma affects LGBTQ individuals across various life domains, including the workplace. For example, a study by Drydakis

(2009) found that, when potential employers were mailed a pair of resumes that were substantively identical except for a mention in one of them of affiliation with an LGBTQ organization, gay men faced a significantly lower chance of receiving an employment interview than heterosexual men. Thus, stigmatization of LGBTQ individuals may occur at the hiring phase. Several researchers have found that between 25% and 66% of LGBTQ individuals experience stigmatization in the workplace (Croteau & Lark, 2009; Croteau & von Destinon, 1994; Irwin, 1999; Levine & Leonard, 1984). LGBTQ experiences in the workplace include overt, enacted stigma, such as homophobic or heterosexist jokes, verbal harassment, or physical violence. Actions by employers may include actions such as denial of promotion, exclusion from a social function, or lack of provision of benefits such as domestic partner insurance (Irwin, 1999).

LGBTQ identity has been a historically marginalized and stigmatized identity (Dimauro, 2001; Eartman, 2001; Schultz & Goldsmith, 2001). While the UDHR was not written specifically to protect the rights of LGBTQ workers, advocating the rights of queer workers is a logical application of human rights principles. Because all people “are born free and equal in dignity and rights” (United Nations, 1948), the poor well-being of historically marginalized people is a human rights issue. The oppression and stigmatization of queer workers is a violation of their basic dignity and rights.

## HISTORY OF EMPLOYMENT NON-DISCRIMINATION

The queer employee’s struggle for dignity and respect has gone on for many years. Though various protections, such as amendments to the Civil Rights Act of 1964 and a separate Employment Non-Discrimination Act (ENDA), have been proposed by policymakers at the federal level, those policy bills have yet to pass. The federal movement toward employment protections for LGBTQ individuals and toward legislation that protects the rights of the LGBTQ community has often been met with contempt. It is important to consider the history of how policymakers have addressed, or arguably, not addressed, the issue of LGBTQ worker rights.

The passage of Title VII of the Civil Rights Act of 1964 brought increased public attention to the issue of discrimination in the workplace. Employment discrimination became more of a part of public discourse in the United States. Title VII prohibits “disparate treatment” on the basis of belonging to a “protected class” by one’s race, color, religion, sex, or national origin with respect to compensation for work and with respect to the terms, conditions, or privileges of employment (Faley et al., 1999). Absent from the Civil Rights Act of 1964 are worker protections based upon sexual orientation and gender identity. Though some states have since included lesbian, gay, and bisexual as “protected classes,” discrimination against these workers and harassment of them are pervasive (Drydak, 2009; HRC, 2009; Law & Hrabal, 2010; Lewis, 2009;

Weichselbaumer, 2003). This is due in part to the fact that discrimination can be difficult to prove and can be subtle (King et al., 2006; McDonald, Ravitch, & Summers, 2006). Overtly verbally harassing a fellow employee by calling her or him “dyke” or “faggot” and/or being physically threatening is easier to prove than more subtle and more common forms of exclusion, such as giving the queer employee the “silent treatment” or refusing basic courtesies in the workplace.

To date, the proposed federal protections of the queer employee have failed to materialize (HRC, 2009; Law & Hrabal, 2010; NGLTF, 2008), and the widespread federal protections that already exist have failed to gain widespread support from policymakers. The possibility of federal employment protections for the queer employee in the United States was first raised during the 1970s, five years after the famous Stonewall riot, an angry rebellion by the LGBTQ community in New York City against police mistreatment (D’Emilio, 1998). In 1974, Representatives Bella Abzug (D-NY) and Edward Koch (D-NY), supported by the NGLTF, first proposed an equality bill, which would have been titled the Equality Act of 1974, a bill that would have banned discrimination based upon sexual orientation, marital status, and gender in public accommodation, housing, and employment. Though the initial equality measure proposed by Abzug and Koch failed to pass, LGBTQ activists were invigorated by the civil rights movement of the 1960s, the Stonewall rebellion, and the possibility of changing attitudes toward minority groups in the United States. Abzug reintroduced the bill as the Civil Rights Amendment of 1975, which would have added protections based upon sexual or affectional preference to existing civil rights laws. Adding sexual orientation identity to the Civil Rights Act would have been a significant achievement for queer rights, as placing sexual orientation under the scope of the Civil Rights Act would have provided protections to queer workers equal to those provided to other protected classes (i.e., those protected by their race, color, religion, sex, or national origin). However, Abzug’s proposed amendment to the Civil Rights Act did not gain widespread support. Abzug and NGLTF secured co-sponsors for similar antidiscrimination bills in 1976 and 1977; however, efforts to introduce LGBTQ employment protection laws were unsuccessful (NGLTF, 2008).

As the political climate of the 1960s and 1970s changed, the prospect of LGBTQ worker protection from workplace discrimination came swiftly to a halt during the 1980s and 1990s:

Unforeseen by activist leaders, three social and political dynamics converged during the 1980’s and 1990’s to create a “perfect storm” that swamped this early optimism: Increasingly, well-organized antipathy towards lesbian, gay, bisexual, and transgender (LGBT) people because of the rising power of the religious Christian right; the AIDS crisis, into which a critical mass of political energy was necessarily diverted; and third, [the takeover of the federal government, beginning in 1994, by a Republican Party beholden to social conservatives who opposed equality claims of gay people, women, racial minorities, and immigrants. (Chapman, 2007: 6)

Efforts to address the problem of employment non-discrimination at the judicial level through the Supreme Court have been equally unsuccessful. For example, in *Holloway v. Arthur Andersen and Company* (1977), the Court rejected a transgender plaintiff's claim of sex discrimination under Title VII, stating that Congress had only the traditional notion of "sex" in mind. A similar rejection occurred in *Desantis v. Pacific Telephone and Telegraph Company* (1979) on the assumption that "sex discrimination applies only to discrimination on the basis of gender and should not be judicially extended to include sexual preference" (Holt, 1997; McDonald et al., 2006; Rivera, 1980). Though the Court ruled in *Oncale v. Sundowner Offshore Services, Inc.* (1998) that same-sex harassment is actionable under Title VII, the question of LGBTQ harassment was never explicitly considered (McDonald et al., 2006; Paetzold, 1999).

Though the years from the 1980s to the present presented a number of challenges to equal rights in the workplace for the queer community, the 21st century has brought a number of successes (in addition to further failures) by way of protections for the queer community. Proposed employment protections for queer workers shifted from amendments to the Civil Rights Act of 1964 to a separate Employment Non-Discrimination Act (ENDA). A proposed ENDA would provide federal protection from employment discrimination based upon sexual orientation (and, in some versions, gender identity). However, these proposed changes would ultimately have created a "separate, not equal" system for queer employees. Various versions of ENDA failed to be adopted during this period.

The LGBTQ community has made marginal gains in the last decade, prompted by a variety of state-level court decisions. A number of jurisdictions, including the District of Columbia, passed legislation during the the last decade that prohibits discrimination based upon sexual orientation (Ekeberg & Tumber, 2004). State sodomy laws were overturned as was the *Bowers v. Hardwick* (1986) ruling, which stated that an individual is not afforded sexual privacy according to the Constitution. In the Supreme Court's landmark decision, *Lawrence v. Texas* (2003), consensual intimacy between two adults is protected under due process (Chauncey, 2004). Many private-sector, university, municipal, and federal civil service employees who identify as LGBTQ began to enjoy workplace protection from discrimination and gained tangible benefits for their partners including medical insurance, life insurance, bereavement leave, and other benefits (Kovach & Millsbaugh, 1996). However, to date, the federal government in the United States has failed to recognize the importance of employment protections by passing federal employment protections for queer employees.

## THE IMPORTANCE OF WELL-BEING

Well-being and happiness in general have been explored by social scientists and philosophers alike. Well-being has been described as the "ultimate" dependent variable in social science (Helliwell & Putnam, 2005). While human beings

have not reached a consensus on what constitutes the good life, social scientists have come to the conclusion that well-being may be based on either meaningful relationships or material comforts:

The concept of the “good life” varies considerably among individuals. For some, this ideal state is one of wealth and luxury; for others, it is attained through meaningful relationships with friends and families. For still others, the physical comforts of wealth and security are foregone to provide better lives for those in need. These different kinds of individuals would appear to be quite different in external circumstances, yet they might all share a subjective feeling of well-being. (Diener & Lucas, 1999: 213)

Well-being is an overall concept that includes a variety of aspects of satisfaction and health and refers to both global and context-specific evaluations of the individual’s life (Sonnentag, 2001). The concept of well-being is elusive for most social science researchers because there cannot be universal agreement on its elements.

Despite the individual nature of well-being and the lack of universal definitions of well-being and happiness, the correlates of well-being in the workplace have been of interest to social science researchers. Work has been said to be one of the hallmarks of adulthood (Akabas, 1993), and finding meaningful work and satisfying relationships at work seems to be a major component of happiness during adulthood (Hall, 1986). Individuals who are employed in meaningful work tend to be happier than individuals who are not employed (Warr, 1999a). People who live in countries with high levels of unemployment tend to report less happiness than those who live in countries with low levels of unemployment (Warr, 1999a). Though the actual correlates of well-being and happiness are individually and situationally bound, work is at least one component of a person’s unique sense of wellness.

The social science literature has made significant progress in identifying correlates of well-being in the workplace. Well-being in the workplace has (1) individual, (2) interpersonal, and (3) environmental elements (see Figure 1). I will continue this discussion by examining the three components of workplace well-being.

### INDIVIDUAL ELEMENTS OF WELL-BEING IN THE WORKPLACE

Well-being in the workplace is a broad and encompassing construct that is composed of the various life, work, and nonwork satisfactions enjoyed by the individual (Danna & Griffin, 1999). There is no model of individual well-being in the workplace; nor is there any composite of the various conditions within individuals that make them feel dissatisfied in the workplace (Brodsky, 1976). However, the social science literature has identified three primary constructs of

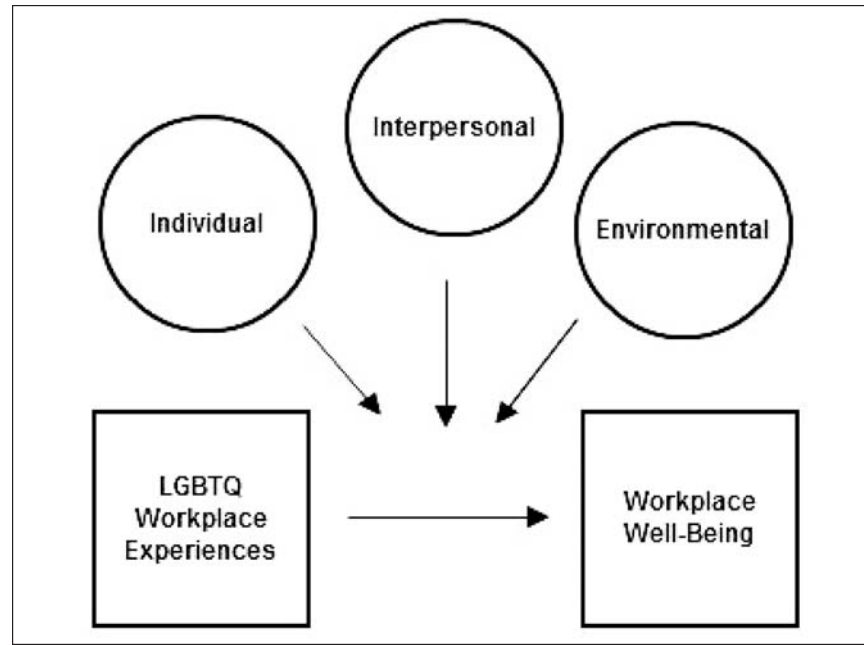


Figure 1. Workplace experiences and workplace well-being.

individual well-being in the workplace: psychological well-being, subjective well-being, and health-related well-being (Danna & Griffin, 1999; Page & Vella-Brodrick, 2009; Warr, 1990). These individual elements of workplace well-being will be explored below.

### Psychological Well-Being

Individual workplace well-being has been conceptually identified by some researchers as psychologically based. Psychological well-being is composed of self-acceptance, positive relationships with others, autonomy, environmental mastery, purpose in life, and the potential for personal growth (Ryff, 1989). Individuals who are psychologically well in the workplace tend to be optimistic, have meaningful social relationships, and possess resources that enable them to work toward goals that they value (Diener et al., 1999). Individuals who have a high degree of psychological well-being on the job tend to have good overall mental health, while those with poor general mental health tend to be more susceptible to work-related stressors (Donaldson-Feilder & Bond, 2004; Jackson & Saunders, 2006; Page & Vella-Brodrick, 2009).



Among people who experience the most threats to their psychological well-being in the workplace are those who experience workplace discrimination. A number of recent studies examined the experiences of well-being among minorities in the workplace. For example, using two national survey datasets, the National Survey of Black Americans and the Detroit Area Study, Forman (2003) found that perceived segmentation by race is negatively associated with African Americans' psychological well-being. Jackson and Saunders' (2006) study of professional African Americans examined whether perceived discrimination and stress related to being the "token" African American (that is, hired only to create the illusion of inclusion) in the workplace was predictive with regard to correlates of psychological well-being (mental health, depression, anxiety, and somaticism [physical pains that have psychological causes]).

Token stress, defined as stress that can result from being the perceived symbolic representatives of a minority group in a workplace (Jackson, Thoits, & Taylor, 1995; Kanter, 1977), impacts psychological well-being in the workplace. Kanter (1977) notes, in her theory of proportional representation, that token stress can arise because tokens feel pressure to overachieve in the workplace in order to prove themselves, and to pave the way for others from their minority group by appearing to set a good example. Token status can cause a great deal of stress in the workplace. For example, King and colleagues (2005) found women's token status to be associated with their perceptions of workplace inequity. Other research findings indicate that token stress and role overload are predictors of work stress (Jackson & Saunders, 2006).

Perceived discrimination has been found to negatively predict psychological well-being in a nationwide probability sample ( $N = 1783$ ) of working immigrants (Jasinskaja-Lahti, Liebkind, & Perhoniemi, 2007). In a study of teachers, academics, and educators, experiences of discrimination in the workplace have been found to increase anxiety and stress levels, to result in loss of confidence, and, as a consequence in some extreme cases, to result in suicidal ideation (Irwin, 2002). Though the empirical evidence on the impact of discrimination in the workplace on an individual's psychological well-being is limited, the social science literature suggests that the individual's experience of well-being may be psychologically based.

### Subjective Well-Being

A closely related component of individual well-being is subjective well-being. Subjective well-being refers to an individual's overall experience in life, a global assessment of the individual's quality of life guided by the individual's own criteria (Diener, 1984). The components of subjective well-being include pleasant affect, such as contentment, pride, affection, or happiness; or unpleasant affect, such as guilt and shame, sadness, depression, envy, and desire to change one's life (Diener et al., 1999). Subjective well-being may be experienced within

the domains of work, family, leisure, health, finances, self, or one's group (Diener et al., 1999). Subjective well-being and psychological well-being are closely related constructs; however, there are some differences between psychological and subjective well-being. Unlike psychological well-being, subjective well-being is not simply the absence of negative factors, as in many measures of mental health, but rather the presence of positive factors (Diener, 1984). In addition, measures of subjective well-being tend to focus on an individual's self-reported values, emotions, and evaluations, while measures of psychological well-being tend to be based upon domains of wellness as defined by psychological experts (Diener & Lucas, 1999; Diener, Sapyta, & Suh, 1998).

Though subjective well-being in the workplace is not entirely separate from overall well-being within other life domains, there seems to be some evidence of a relationship between meaningful employment and subjective well-being. Individuals who are unemployed show significantly lower levels on standardized measures of subjective well-being (Helliwell & Putnam, 2005), while individuals who are employed in meaningful work tend to have feelings of mastery, a sense of progress toward their goals, and positive social relationships (Diener et al., 1998). Happiness, satisfaction, morale, and positive affect determine why people generally experience subjective well-being in the workplace, but the individual's own cognitive and affective reactions to workplace experiences ultimately determine how the individual experiences subjective well-being (Diener, 1984).

### Health and Well-Being

A third component of individual well-being in the workplace is the individual's personal health. Threats to employees' subjective and psychological well-being have been found to negatively affect employees' health. For example, Evans and Steptoe (2002) found that job strain not only is correlated with poor psychological well-being but also results in more absences related to personal illness. Commonly used indicators of poor health-related well-being in the workplace are the individual's psychosomatic complaints and experience of burnout. Symptoms of poor health-related well-being in the workplace may range from headaches, muscle tension, nausea, stomach cramps, or rapid heartbeat (De Dreu, Dierendonck, & Dijkstra, 2004) to more severe gastrointestinal or cardiac symptoms, such as eating problems, heart trouble, and elevated blood pressure (Kaukiainen et al., 2001). High rates of absenteeism and turnover can be a sign of poor individual health-related well-being in the workplace (De Dreu et al., 2004).

Organizations that make proactive efforts to promote wellness among employees tend to have higher levels of individual health-related well-being among their employees. Perceived leadership commitment to health and health support from workmates promote increased health citizenship in the workplace generally (Mearns & Reader, 2008). While health and wellness are only one aspect of the individual's overall well-being in the workplace, with psychological

and subjective well-being as closely related constructs, there is promising evidence that organizations who support wellness tend to have employees who have higher levels of individual health-related well-being.

### INTERPERSONAL ELEMENTS OF WELL-BEING IN THE WORKPLACE

Next in this framework for understanding workplace well-being we come to the interpersonal aspects of the workplace that support an individual's wellness. The opportunity for meaningful interpersonal contact is an important job characteristic that has been associated with well-being in the workplace (Warr, 1999b). Several interpersonal themes are present in the well-being literature, including conflict with others, support from others, and identity congruence, which will be explored below (Bates & Thompson, 2007; De Dreu et al., 2004; Griffith & Hebl, 2002; Warr, 1999b).

#### Conflict with Others

While conflict is an almost inevitable component of any productive workplace, pervasive interpersonal conflict is associated with poor workplace well-being (De Dreu et al., 2004). Workplaces are complex social settings, marked by both informal and formal hierarchies, rules, and regulations, and thus interpersonal discord is likely to occur from time to time (Bates & Thompson, 2007). However, workplace conflict that is balanced by interpersonal respect promotes employees' experience of positive workplace well-being (Warr, 1999b).

The presence of significant workplace conflict that results in interpersonal harassment or violence has an enormously negative effect on workplace well-being. In extreme cases, workplace conflict may result in physical, verbal, or sexual harassment, destruction of property, work sabotage, or aggression, which can be connected to poor workplace well-being (Bates & Thompson, 2007; Irwin, 2002). In other cases, covert workplace conflict is equally damaging to employee well-being (Kaukiainen et al., 2001). Moreover, conflict at work that escalates into overt or covert aggression is often too much for the individual's interpersonal resources to cope with and often results in poor workplace well-being (De Dreu et al., 2004).

#### Support from Others

Positive relationships with others in the workplace create the conditions for positive workplace well-being. King and Cortina (2010) argue that organizations have a responsibility to foster an environment of inclusion and support for queer employees. Quality interpersonal contact in the workplace can be developed through trusting, respectful relationships with colleagues (Warr, 1999b). Strong relationships with one's colleagues, in addition to other forms of interpersonal

relationships, appear to be robustly related to happiness and life satisfaction (Helliwell & Putnam, 2005). Like any other social relationships, workplace relationships tend to be both positive and negative, yet those involving strong interpersonal support contribute to greater employee well-being in the workplace (Bates & Thompson, 2007).

Collectively, the evidence on well-being confirms that forms of **social capital**, particularly in terms of marriage and family, ties to friends and neighbors, workplace ties, and civic engagement, are indelibly **connected to an individual's subjective well-being** (Helliwell & Putnam, 2005). Stressful work-related activities have been found to have a negative effect on the individual's overall well-being, whereas meaningful interpersonal activities have a positive effect (Sonnetag, 2001). Meaningful interpersonal support is a strong predictor of employee well-being, both within the domain of work and outside it (Jang, 2009).

### **Identity Congruence**

A third interpersonal element that impacts the individual's well-being in the workplace is **identity congruence**. Identity congruence refers to the **degree to which an individual's self identity matches with her/his social identity**, in this case, **identity in the workplace** (Ward & Winstanley, 2003). Lack of congruence between an individual's social identity and the way an individual perceives herself contributes to workplace distress (Burke, 1991). On the other hand, interpersonal feedback that is consistent with the individual's workplace identity contributes to more positive workplace well-being (Warr, 1999b).

Interpersonal feedback in the workplace plays a critical role in determining whether the benefits of pursuing identity congruence exceed the costs, particularly for people with stigmatized identities. **A descriptive study of 12 employed lesbians found that sexual orientation disclosure and workplace climate influenced occupational well-being**, suggesting that greater identity congruence for sexual minorities contributes to positive workplace well-being (Driscoll, Kelley, & Fassinger, 1996). Workers who experience identity incongruence out of fear of interpersonal rejection tend to experience less positive well-being in other life domains as well (Griffith & Hebl, 2002).

## **ENVIRONMENTAL ELEMENTS OF WELL-BEING IN THE WORKPLACE**

Though individual and interpersonal elements are powerful predictors of well-being, the role of the environment is not insignificant in this discussion (Helliwell & Putnam, 2005). **Well-being at work is environmentally embedded**, and the employee's opportunity to self-actualize and flourish depends upon the degree to which the environment is supportive (Spreitzer et al., 2005). Environmental factors, particularly job features and the wider social context of

the organization, interact with individual and interpersonal factors to make up the employee's experience of well-being (Bates & Thompson, 2007; Warr, 1999a; Warr, 1999b).

One environmental component of the workplace that strongly influences workplace well-being is perceived organizational support. Perceived organizational support refers to the employee's perceptions about an organization's support for its workers, commitment to them, and care for them. Individuals who perceive high levels of organizational support may feel that they have an investment in preserving the welfare of the organization (Eisenberger et al., 1986; Mearns & Reader, 2008). Supportive organizations recognize that, while workplace well-being is a subjective experience, proactive environmental protections, such as workplace antidiscrimination policies, can objectively provide protection for the worker (Bates & Thompson, 2007; Brodsky, 1976).

The empirical evidence provided by the social sciences supports the idea that organizational support is a strong indicator of workplace well-being. In a survey of Fortune 500 companies, environmental determinants of organizational support, particularly proactive organizational programs and practices, can be seen to contribute to the individual's feelings of well-being within the organization (Shank & Paulson, 1996). Sexual minority employees' well-being, as measured by affective commitment, job satisfaction, and lower work/home conflict, is highly associated with organizational support of equal rights (Day & Schoenrade, 2000).

Organizations have an important role in promoting an atmosphere of diversity and inclusion for queer employees (King & Cortina, 2010). Workplaces can be a microcosm of the rest of society (Akabas & Kurzman, 2005), which may or may not be adaptive to creating environments of inclusion for these employees. However, organizational support in promoting the well-being of the queer employee—regardless of whether or not such activity is viewed favorably by all employees—signals a strong commitment to organizational diversity.

Organizations also have a responsibility for ensuring that queer workers enjoy the same employment rights and privileges as their heterosexual counterparts. Stigma-related experiences, such as homophobic or heterosexist jokes, verbal harassment, or physical violence—which are firmly established in many workplaces (Croteau & Lark, 2009; Croteau & von Destinon, 1994; Irwin, 1999; Levine & Leonard, 1984)—are but one type of environmental factor impacting the experiences of queer workers. Such factors may also include being overlooked for promotion, being given fewer privileges or benefits than heterosexual counterparts (for example, the denial of domestic partner insurance), or being paid less (Irwin, 1999). Wage differences (Badgett, 1995; Blandford, 2003; Clain & Leppel, 2001; Irwin, 2002) are a consistent problem for many queer employees, and represent one of the most tangible environmental factors that impact their workplace well-being.

## DISCUSSION

Workplace well-being can be an elusive construct because a number of individual, interpersonal, and environmental factors come together to constitute well-being for a particular individual. Work, however, is relevant for most individuals—it is the fabric of our lives (Berry, 2005). Engaging in meaningful work that includes subjectively and objectively positive individual, interpersonal, and environmental components is relevant for nearly all adults (Bates & Thompson, 2007; Nelson, Little, & Frazier, 2008). The absence of non-discrimination laws in employment is one of the factors affecting the workplace well-being of queer employees.

There is ample evidence from both the judicial and the legislative branches of the U.S. federal government that LGBTQ workplace issues are still considered marginal and even irrelevant. The Supreme Court's ignorance of the magnitude of LGBTQ harassment was evidenced especially in the *Holloway v. Arthur Andersen and Company* (1977) and *Desantis v. Pacific Telephone and Telegraph Company* (1979) cases, and to a lesser degree in the *Oncale v. Sundowner Offshore Services, Inc.* (1998) case. But many legislative policymakers have virtually ignored the relevance of employment non-discrimination for LGBTQ workers, as is evidenced by the fact that federal employment non-discrimination legislation has still not been passed almost 40 years after it was first introduced.

A significant part of the problem lies, perhaps, within the current strategy for attempting to secure policy protections for queer workers. Recent proposed versions of ENDA simply declare that negative actions, such as refusing to hire or discharging an individual based upon sexual orientation identity, shall be unlawful. ENDA as proposed does not, however, require that employers take affirmative steps to prevent forms of workplace discrimination that are not explicitly related to hiring or firing. LGBTQ communities have historically been marginalized, and simply declaring that they shall no longer be marginalized does not actively work to improve workplace well-being for these communities. For the well-being of queer employees to be truly protected, affirmative steps must be taken by employers to redress years of marginalization. This was implemented for other social and cultural minority groups after the passage of the Civil Rights Act of 1964. Expanding “our current anti-discrimination employment laws” (White House, 2011), rather than creating a separate law, has greater potential for protecting the well-being of queer employees.

Recent political strategies aimed at providing federal protections, while well-intentioned, would fail to promote the well-being of queer employees, because marginalization at work tends to be subtle. Many corporations, as a matter of policy, already prohibit adverse employment decisions based upon LGBTQ identity. However, other, more seemingly neutral employment practices may adversely impact queer employees. For example, corporations may define

“family,” for the purpose of benefits, to include only legally married spouses and children that are under the legal custody of the employee. These policies are especially problematic in states that do not have marriage equality laws, states that disallow adoption by a same-gender partner, and states that expressly prohibit employers from offering marriage-like benefits to same-gender couples. The currently proposed ENDA does not require employers to correct seemingly neutral practices that may, nevertheless, have a profound impact on the queer employees.

Additionally, the current proposal for a federal ENDA is inadequate because the proposal would offer fewer protections than some states already provide. A number of states already have employment protections for LGBTQ people in the workplace. Jurisdictions such as Illinois have included sexual orientation and gender identity in their human rights acts, alongside other protected classes. Any federal protections to be set in place should meet or exceed the protections already provided by many jurisdictions under state civil rights legislation.

Rigorous empirical research has shown the effectiveness of state and local laws (and organizational policies) in reducing both sexual orientation discrimination and prejudice (Barron, 2010; Barron & Hebl, 2010; Ragins & Cornwell, 2001). The introduction of non-discrimination laws has been associated not only with changes in specific workplace behaviors (such as hiring discrimination) but also with an increase in overall tolerance and acceptance in the workplace (Barron, 2010). So formal protections, although they are only a start in the creation of truly non-discriminatory workplaces, can go some way to help change the attitudes of fellow employees.

Efforts to gradually change the attitudes of non-queer employees can have an even greater impact than formal protections. Employment discrimination, for example, is already outlawed in a number of states in the United States; yet employment discrimination still exists in these states. This is due in part to the fact that employment discrimination can be difficult to prove unless overt forms of harassment and discrimination are seen. Subtle forms of discrimination in the workplace, such as excluding the queer employee from social functions or failing to celebrate his or her wedding and/or relationship anniversary, can be difficult to prove and may not rise to the level of “disparate treatment.” Gradual change will be encouraged by educating non-queer employees about LGBTQ issues, and by maintaining a workplace atmosphere that values the contributions and lives of all employees.

As we have seen, judicial and legislative protections for LGBTQ employees are only a small step in improving workplace well-being. Change must also occur within organizations, and it must be encouraged by queer employees themselves. Queer employees must be willing to call attention to the subtle and pervasive forms of harassment in the workplace that may not fit into the category of “disparate treatment.” Queer employees must be willing to call upon their collective power by refusing to work for employers who refuse to

protect them. Additionally, they must speak out publicly about mistreatment. They must call upon their LGBTQ brothers and sisters to boycott workplaces that fail to protect the human rights of all employees.

Queer workers should continue to position themselves as leaders within their organizations. Queer managers can begin by taking affirmative action in hiring other queer employees. They can also make their workplaces safer and better places for existing queer employees by enforcing a zero tolerance policy for harassment of queer employees and discrimination against them. Queer workers must also consider the organizations with which they affiliate. Though the current economic conditions in the United States have left many employees with fewer employment options, queer employees should consider leaving places of employment that refuse to affirmatively protect them. As consumers, queer people should refuse to do business with organizations that refuse to protect queer employees.

Finally, queer employees must call upon researchers to empirically examine the nature of workplace well-being for queer employees. While we can infer that lack of employment protections impacts the well-being of queer employees in real ways, it is important that researchers empirically investigate the lived experiences of queer workers. In addition to testing the relationship between workplace discrimination and employee well-being using quantitative measures, research should also focus on the subjective, lived experiences of queer employees. Future research should address questions such as the following: (1) What are the lived experiences of queer workers? and (2) How do queer workers experience well-being in the workplace? Research should also explore some of the subtle forms of discrimination in the workplace such as queer workers' alienation from coworkers, the ignoring of queer workers (e.g., in "the silent treatment"), or the failure of other workers to acknowledge the relationships of queer workers (e.g., inviting opposite-sex spouses to the work holiday party, but not the same-sex partner of a queer employee). Are subtle forms of discrimination just as harmful as overt discriminatory actions such as name-calling, firing, or refusal of promotion?

Empirical research should further examine the consequences of queer workplace harassment and discrimination. Researchers have examined the consequences of workplace harassment and discrimination in other populations, including the impact of employment discrimination on performance (Singletary, 2009) and the impact of employment discrimination on turnover intentions and workplace helping behavior (King et al., 2005). Future research on the workplace experiences of queer employees should examine the impact of workplace discrimination on performance, turnover intentions, and affectional commitment to the workplace.

Finally, future research should consider how well-being differs among queer people with different stigmatized identities relating to ethnicity or social class. An African American lesbian living in poverty with no job skills, for example, is



in a very different position from a wealthy white gay male who has a highly marketable degree. Identifying with multiple forms of marginalized identities undoubtedly plays an important role in the wellness of queer employees. Researchers interested in the experiences of queer employees in the workplace must consider how identifying with multiple stigmatized identities can impact the LGBTQ worker's well-being.

### SUMMARY

The marginalization of queer people in the workplace is an important human rights issue because queer employees are not “free and equal in dignity and rights” (United Nations, 1948). **Queer employees can be discharged from employment without being provided with an adequate explanation by their employer.** They can be **discriminated against with regard to compensation for work and the terms, conditions, or privileges of employment** without recourse in many jurisdictions. Current proposals for federal legislation protecting queer workers must be expanded so that queer workers are afforded protection equal to that given to other social and cultural minority groups. Educating non-queer workers and ensuring that the workplace atmosphere values all employees have the potential for creating change in the workplace for queer workers. Action by queer workers themselves is also an essential means of creating change.

### ACKNOWLEDGMENTS

The author wishes to acknowledge Kathryn Eisenhart, JD, Associate Professor at the University of Illinois at Springfield, for her valuable feedback on an earlier version of the manuscript.

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