

October 29, 2024

Philadelphia City Council
1400 John F. Kennedy Blvd.
Philadelphia, PA 19107

Chair Thomas, Vice Chair Landau and Members of the Committee on Legislative Oversight,

Thank you for the opportunity to provide written testimony on barriers experienced by LGBTQ+ people in Philadelphia related to employment pursuant to the Council's resolution to examine disparities faced by LGBTQ+ communities.

I am submitting testimony in my capacity as Legal Director of the Williams Institute at UCLA School of Law. The Williams Institute is an interdisciplinary research center based at UCLA Law that focuses on sexual orientation and gender identity law and public policy. I have worked with the Williams Institute for more than 16 years and, in that time, have extensively studied the existence and impact of employment discrimination against LGBTQ¹ people. My work has been published in academic journals; appeared hundreds of times in the media; and was cited by two U.S. Presidents, the Supreme Court, and several members of Congress and state legislatures.

My research shows that employment discrimination and harassment against LGBTQ people is persistent and widespread. An original survey conducted by the Williams Institute in 2023 found that, at the national level, almost half (47%) of LGBTQ employees have experienced discrimination or harassment (including being fired, not hired, not promoted, or being verbally, physically, or sexually harassed) in the workplace at some point in their lives.² Rates of discrimination and harassment were particularly high among transgender and nonbinary employees, LGBTQ employees of color, and employees who are open about being LGBTQ at work.³

This study also showed that discrimination and harassment against LGBTQ employees is ongoing despite existing legal protections. Many employees reported recent incidents of discrimination and harassment occurring after the Supreme Court's 2020 decision in

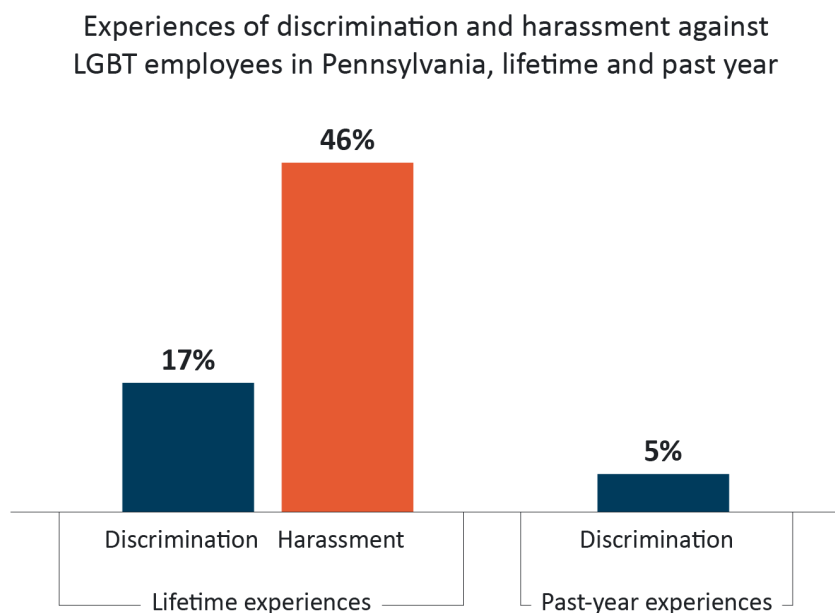
¹ The terms LGBTQ and LGBT are both used throughout this testimony. While LGBTQ is used as a general, umbrella term, LGBT is used in instances where the underlying data or study referenced was limited to LGBT people.

² BRAD SEARS ET AL., WILLIAMS INST., LGBTQ PEOPLE'S EXPERIENCES OF EMPLOYMENT DISCRIMINATION AND HARASSMENT 2 (2024).

³ *Id.*

Bostock v. Clayton County, extending non-discrimination protections to LGBTQ employees under Title VII nationwide. About one in six (17%) LGBTQ employees reported that they had experienced discrimination or harassment within the prior year.⁴

These national findings mirror what studies show us about the employment experiences of LGBTQ people in Pennsylvania. A 2021 Williams Institute study documented evidence of discrimination against LGBTQ people in Pennsylvania and assessed the impact of such discrimination on their health and well-being and the state’s economy.⁵ An original survey conducted by the Williams Institute in 2021 found that 47% of LGBTQ employees in Pennsylvania had experienced employment discrimination or harassment at some point in their lives, and 5% had these experiences within the prior year—the year following the Supreme Court’s decision in *Bostock*.⁶



Source: Williams Institute Employment Experiences Survey, 2021

The survey asked respondents to provide more details about their experiences of discrimination and harassment.⁷ Examples of these accounts include:

⁴ *Id.*

⁵ CHRISTY MALLORY, LUIS A. VASQUEZ & KATHRYN K. O’NEILL, WILLIAMS INST., THE IMPACT OF STIGMA AND DISCRIMINATION AGAINST LGBT PEOPLE IN PENNSYLVANIA (2023).

⁶ *Id.* at 3.

⁷ *Id.* at 22-23.

“I had male co-workers try to touch me then follow up by saying, ‘If you let me, I can turn you straight.’”

- Black cisgender sexual minority woman

“I am asexual and 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 naïve or just wanted to be special, and neither were characteristics of a qualified team lead.”

- White cisgender sexual minority woman

“I am a very private person so I don’t always tell everyone my identities. I have had co-workers and management both speculate on my sexuality and gender identity, in front of me and behind my back. I have had people touch me inappropriately in reference to my perceived sexuality. I also often heard jokes at the expense of LGBTQ people that were not directly related to me.”

- White bisexual non-binary person

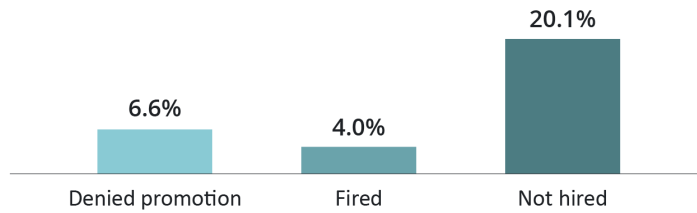
“I was told to take out the trash because it was my duty. Then a group of men tried to abuse me. When I gave up fighting for myself, they hit my head against a trash can and called me names.”

- Black transgender gay man

Other studies have shown similar rates of discrimination and harassment against LGBTQ employees in Pennsylvania. For example, the 2015 U.S. Transgender Survey found that among Pennsylvania respondents who had a job or applied for a job in the prior year, 6.6% reported having been denied a promotion, 4.0% reported having been fired for a job, and 20.1% reported having not been hired due to anti-transgender bias.⁸

⁸ NAT’L CTR. FOR TRANSGENDER EQUALITY, 2015 U.S. TRANSGENDER SURVEY: PENNSYLVANIA STATE REPORT 1 (2017), [https://transequality.org/sites/default/files/docs/usts/USTSPASStateReport\(1017\).pdf](https://transequality.org/sites/default/files/docs/usts/USTSPASStateReport(1017).pdf).

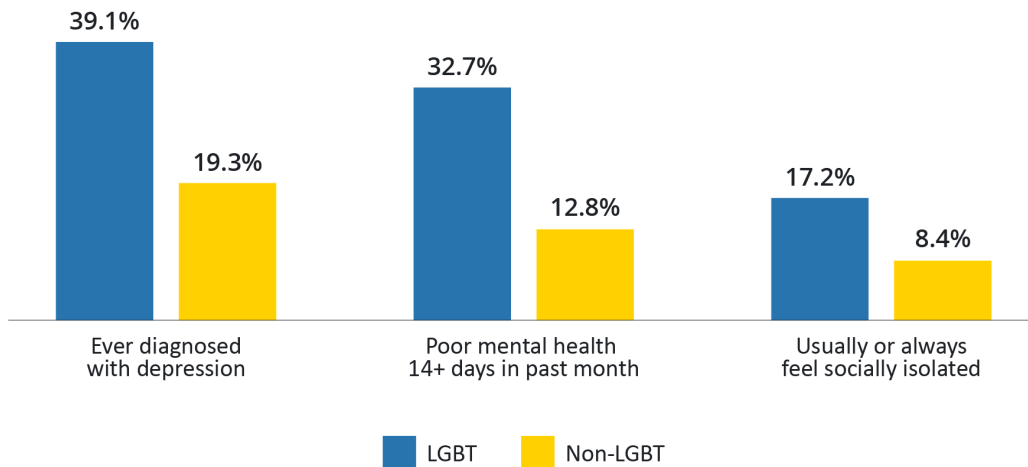
Employment discrimination due to anti-transgender bias among Pennsylvania USTS respondents who were employed or had applied for a job in the past year



Source: 2015 USTS

These experiences of discrimination and harassment can negatively impact LGBTQ people, their employers, and the state.⁹ In terms of individual-level outcomes, research has linked employment discrimination to lower wages for gay men and transgender people and health disparities for LGBTQ people.¹⁰ Data from the 2022 Pennsylvania Behavioral Risk Factor Surveillance System indicate that LGBT people fare worse than non-LGBT people along a number of indicators that are associated with experiences of stigma and discrimination, including depression, poor mental health, and feeling stressed.¹¹

Health disparities between LGBT and non-LGBT people in Pennsylvania



Source: Pennsylvania Behavioral Risk Factor Surveillance System, 2022

⁹ MALLORY, VASQUEZ & O’NEILL, *supra* note 5 at 31-57.

¹⁰ *Id.* at 31.

¹¹ 2022 Pennsylvania BRFSS data analyzed by the are available at Tables and Trendlines by Topic, PA.GOV, <https://www.pa.gov/content/dam/copapwp-pagov/en/health/documents/topics/healthstatistics/behavioralstatistics/behavioralriskpaadults/documents/state-report/2022trends.html> (click on drop down menu to select topics) (last accessed Oct. 23, 2024).

Discrimination and harassment against LGBTQ people can also harm employers. Research has linked experiences of discrimination against LGBTQ people to reduced workplace engagement, impaired psychological health, and decreased productivity and job satisfaction.¹² For example, the 2021 Williams Institute employment experiences survey found that 11% of LGBT employees who live in Pennsylvania have left a job because of how they were treated by an employer based on their sexual orientation or gender identity at some point in their lives, and 38% have looked for another job because of how they were treated by their employer or because the workplace environment was uncomfortable for LGBT people in general.¹³ Given the costs to employers associated with reduced productivity and increased turnover, the impact on employers could be significant.¹⁴

By contrast, supportive workplace policies for LGBTQ people have been linked to positive employer-level outcomes, including improved employee recruitment, increased engagement and productivity, greater job commitment, and other benefits.¹⁵ In fact, research shows that employers often adopt LGBTQ-supportive workplace policies because they make good business sense.¹⁶

Stigma and discrimination against LGBTQ employees can also impose costs on the state. For example, employment discrimination can result in LGBTQ people being unemployed or underemployed and, in turn, more reliant on state benefits.¹⁷ To illustrate these impacts, the 2021 Williams Institute study used data from the U.S. Transgender Survey and Medicaid enrollment to estimate the increased burden on Medicaid due to anti-transgender discrimination.¹⁸ The analysis found that an estimated 21% of transgender adults in Pennsylvania who had ever lost a job due to discrimination were enrolled in Medicaid, compared to 7% of transgender adults in the state who had never experienced employment discrimination.¹⁹ The elevated need for Medicaid coverage among transgender people who had experienced discrimination cost Pennsylvania an estimated \$912,000 each year in Medicaid expenses.²⁰

In addition, research has shown that poor health “can affect people’s ability to be productive at work, reduce labor force participation when people cannot work, and burden

¹² MALLORY, VASQUEZ & O’NEILL, *supra* note 5 at 49.

¹³ *Id.* at 50.

¹⁴ *Id.* at 46-51.

¹⁵ *Id.*

¹⁶ BRAD SEARS & CHRISTY MALLORY, WILLIAMS INST., ECONOMIC MOTIVES FOR ADOPTING LGBT-WORKPLACE POLICIES (2011), <https://escholarship.org/uc/item/2nr871sf>.

¹⁷ MALLORY, VASQUEZ & O’NEILL, *supra* note 5 at 51.

¹⁸ *Id.* at 51.

¹⁹ *Id.* at 52.

²⁰ *Id.* at 53.

public health care funds when individuals rely on emergency care rather than regular or preventative care.”²¹ When LGBT people experience poorer health outcomes than their non-LGBT counterparts, there are economic costs beyond those that would exist in the absence of the disparity.²² As described above, LGBT people in Pennsylvania are more likely to have been diagnosed with depression, experience poor mental health, and feel stressed all of the time. The excess prevalence of these health outcomes among LGBT people likely results in increased costs to the state economy (and to employers), including costs associated with loss of productivity in the workplace, absenteeism from work, increased health care costs, and increased costs associated with suicidality.²³

Research confirms that LGBTQ people across the country, including in Pennsylvania, continue to experience discrimination, harassment, and other issues related to employment despite existing legal protections. Research also shows that these experiences are likely taking a toll on LGBTQ people and employers within the city, as well as on local and state governments. These findings indicate the need for continued efforts to both understand and address issues faced by LGBTQ people in Philadelphia workplaces.

Thank you for this opportunity to present testimony on these issues.

Sincerely,

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The Williams Institute at UCLA School of Law

²¹ M.V. LEE BADGETT ET AL., WILLIAMS INST., THE RELATIONSHIP BETWEEN LGBT INCLUSION AND ECONOMIC DEVELOPMENT: EMERGING ECONOMIES (2014), <https://williamsinstitute.law.ucla.edu/publications/lgbt-inclusion-economic-dev/>.

²² MALLORY, VASQUEZ & O’NEILL, *supra* note 5 at 53.

²³ See *id.* at 55 (estimating the per person cost associated with Major Depressive Disorder in 2021 to be \$16,454.64).