

‘THE PINK CEILING IS TOO LOW’

***WORKPLACE EXPERIENCES OF LESBIANS,
GAY MEN AND TRANSGENDER PEOPLE***

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Summary

This collaborative research explored the workplace experiences of 900 gay men, lesbians and transgender people.

The research found that harassment and/or prejudicial treatment on the basis of homosexuality or gender identity was widespread with 59% (532) of the participants experiencing this in their current or previous workplace. While a high percentage of lesbians, gay men and transgender people experienced such treatment, overall transgender people were the group most likely to be the victims of this treatment.

The homophobic behaviour reported by the participants included sexual and physical assault, verbal harassment and abuse, destruction of property, ridicule, belittling, and homophobic jokes.

Prejudicial treatment in the workplace included unfair rosters, unreasonable work expectations, sabotaging and undermining of work and restrictions to career. Forty one participants considered they had been dismissed from their most recent job because of their homosexuality. Several participants also reported they had been denied workplace entitlements that were available to heterosexual colleagues such as partner travel, superannuation, and compassionate leave.

Homophobic harassment and prejudicial treatment spanned all occupations, industries and types and sizes of the employing organisations. However discrimination was more likely to happen in traditionally male dominated occupations and industries.

The effects of this homophobic behaviour and prejudicial treatment were extensive and included effects on the individual and their workplace performance. The effects on individuals included increased stress, depression, illness, loss of self confidence, increased alcohol and drug intake and attempted suicide. Workplace performance was negatively effected as a result of increased leave due to stress related illness, participants not wanting to be at work and having to be constantly on guard. The existence of homophobic behaviour and harassment effected the workplace culture often creating a hostile and unsafe environment for out or suspected lesbians, gay men and transgender people.

While a high percentage of participants were out to at least someone in the workplace 10% (90) chose not to tell anyone in their workplace that they were gay, lesbian or transgender. Many participants were out selectively because they felt unsafe to be entirely open about their sexuality. Those participants who were out to everyone had often chosen workplaces where they felt safe and where *'I can be myself'*. In these situations there was little likelihood of these participants experiencing homophobic discrimination.

Only a small percentage of those people who were the recipients of homophobic treatment took action. Those who did take action were most likely to confront the harasser or discuss the issue

with management. Very few participants chose to use the legal avenues that exist. The main contributing factors to this decision were the anticipated long time delays, exposure of their sexuality and little chance of a positive outcome. Unions did not play a major role in assisting people to take action.

The positive workplace experiences of participants were characterised by a workplace culture which promoted difference (rather than just accepted or tolerated it), that is, where gays, lesbians and transgender people felt safe and where their contribution was acknowledged and valued.

ZARA

Zara is a lesbian in her forties who is employed in a specialist unit in a major university in NSW. She has experienced discrimination on the basis of her sexuality in her past two workplaces. In her present workplace things are beginning to improve with a new boss not tolerating homophobic behaviour. However many years of discrimination and the resultant stress has left its toll on Zara. She has been exposed to verbal harassment, threats of physical violence to both herself and her partner, her office being trashed, anonymous hate mail and phone calls, property damage, being outed and being marginalised. Zara also considered that she may not have been promoted as a result of her sexuality.

As a result of this constant discrimination Zara has experienced ongoing health problems. She is constantly suffering physical illness, which she believes is related to her ongoing depression and stress. She has been on anti-depressants for some time and has been forced to take stress leave. The ongoing nature of the discrimination has also eroded her self confidence and self esteem. At times she feels extremely guilty about the situation and has from time to time started to feel she was responsible for it. It has had an impact on her personal life where the stress at times has been so intense that she has found it difficult to function in her relationships. Zara did make a complaint to the EEO officer at her workplace and also contacted the union. Neither were helpful.

STEVE

Steve is a twenty-five year old tradesman who is an Indigenous Australian. Steve is not really 'out' at work although he has told his boss and a few workmates that he is gay and believes everyone knows as a result of gossip. When he began his apprenticeship he was told that everyone had to be initiated into the job. This was the given practice and culture. His initiation was being held down while he was sexually assaulted by ten co-workers. He did report this to the boss who told him that it was in his best interests to keep quiet as it was only meant as a harmless bit of fun. Steve knows that the boss did tell his workmates that they had gone a bit far this time. Steve did not report this to the police because of his past experiences with the police in a mission where he lived where the local policeman would call him a cat and tell him he should be ashamed of himself.

Steve was continuously harassed verbally, physically and sexually throughout his apprenticeship. He believes that the reasons for this discrimination are a result of both his Aboriginality and his sexuality. As a consequence of the sexual assault Steve became very depressed and contemplated suicide. He took a considerable amount of leave from work, which resulted in him being warned that his apprenticeship was at risk. He also started drinking excessively. He did complete his apprenticeship and survived by attempting to ensure his own safety by doing such things as volunteering for jobs where there was only one or two workers required and staying away from closed spaces with his workmates. "I learnt to live with the situation. I had to because I didn't have many job options".

Introduction and Background

1.1 Introduction

Workplace experiences of many gay men, lesbians and transgender people have often been characterised by various forms of homophobic harassment and discrimination. While some of this is overt and easily identified, other forms of harassment and discrimination are more insidious and often disguised, but can result in gay men, lesbians and transgender people feeling unsafe in their workplace and often needing to hide their sexuality. This study examined the extent of such workplace harassment and discrimination, the forms it takes, the processes used and the effects it has on the individual, the workplace and the community generally. It also examined the adequacy of legal and other options available to lesbians, gay men and transgender people who have experienced homophobic harassment and discrimination in their workplace.

Homophobic discrimination in the workplace has been an issue on the agenda of lesbians, gay men, bisexual and transgender people in Australia since the early 1970's when concerns were raised by Camp Inc, a group of gay and lesbian activists, about employment practices in the armed forces. Concern was heightened when a group of gay men and lesbians came out publicly with some of them being sacked as a consequence. Since this time there has been some research undertaken in Australia, which has confirmed the existence of homophobic discrimination in the workplace. It has been the activism around this issue, and other types of discrimination (for example on the basis of age and gender), which has been instrumental in the enactment of anti-discrimination legislation in relation to the employment of gay men and lesbians in all states in Australia, with the exception of Western Australia.

1.2 Previous Research

1.2.1 United States of America

There has been considerable research undertaken into the employment experiences of gay men and lesbians in the USA. While this research has been undertaken by academic researchers and lesbian and gay community groups, Ostenfeld (1996) posits that the USA literature is more heavily oriented towards academic research, in contrast to Europe, which is dominated by research undertaken by community groups. The community activist research that has been done in the USA has focussed on workplace issues rather than legislative and related policy implications, which is, he argues, a consequence of the decentralisation of industrial relations. As a result there is a great deal of data available on companies with positive lesbian and gay policies. Effort has also been made by organisations such as the National Lesbian and Gay Task Force, to organise conferences and other ways to facilitate communication and give impetus to the on-the-ground activism required where there is a decentralised system of workplace governance. Much of the USA literature and research is focused on gay and lesbian professional workers (for example

Adam 1981; Stewart 1991; Weinberg and Williams 1974; Woods 1993). Olsen (1987) in a study of teachers in USA showed that making decisions about becoming a teacher, staying in teaching and coming out in the workplace, are highly individual and very complex. This research demonstrated that for any gay or lesbian teacher to be out was a risk, with prejudicial treatment a likely outcome. Woods (1993) explored the coping strategies of gay men in corporate life and identified three groups: "...counterfeiters, who fabricate heterosexual identities ... integrators, who are known to be gay; and the biggest group, avoiders". 'Avoiders' fear that if their sexuality is known they will lose their mentors and run up against 'glass ceilings'. Woods' research demonstrated that gay men in corporate life either opt for 'entrepreneurial flight' (forming their own companies), or, more often they "... cap their ambitions and watch the clock, or find a ghetto in the company". Stewart (1991) argues that we can

.. expect serious improvement in the workaday lives of gay men and lesbians to come through the confluence of four forces. First is corporate leadership, meaning visible CEO support for workplace diversity and diversity training. Second is the U.S. military's slowly changing attitude. Gay executives believe it is a key to overcoming homophobia, as it has been in the struggle against racism ... Third is the continuing growth of grassroots homosexual groups within corporations and across industries ... Last is simply the determination of the gay men and women of corporate America to be themselves."

Research undertaken by Friskopp and Silverstein (1995) explored experiences of lesbians and gay men around specific issues such as being closeted or coming out; discrimination and success; role models, mentors, and networking; race and gender issues; parents, partners, children; and HIV/AIDS. In relation to coming out they found that most lesbian and gay professionals have come out at work - some selectively and others completely, with those who come out successfully having allies at home and at work. It was considered by many better to come out at work than to be found out or to be suspected of being gay. There are a number of different methods of coming out successfully at work, and those who have come out at work report the most happiness with their careers and their personal lives. Both fully open and selectively open gay professionals are behind some of the most visible changes in the business world, such as non-discrimination policies, domestic partner benefits, diversity training, and recognition and funding for gay employee groups. The study concludes that companies that discriminate against gay and lesbian employees are precluded from the largest and best pool of job applicants, and that gay professionals in the business world are creating important changes which will lead to equality for gay people in every aspect of life.

1.2.2 Research in Britain

An extensive survey was completed by the Stonewall organisation in Britain in 1992/93 with nearly 2000 people who identified as lesbian, gay or bisexual responding (Palmer 1993). The survey explored issues such as discrimination, harassment, avoidance and concealment, equal opportunities, and equal pay for equal work (focusing on superannuation and other benefits). The

report of the research included details of the legal situation in relation to gay and lesbian employment issues, and made recommendations for amendments where necessary. 'Good practice guidelines' for employers were also included in the survey report. The major form of discrimination identified at work was harassment (48%). The major forms of harassment were jokes or teasing (79%), homophobic abuse (51%) and aggressive questions (41%). Five percent had experienced physical violence. Just 19% of respondents suspected they were denied promotion, and 17% suspected they were denied a job because of their homosexuality.

Other research of workplace experiences of gay men and lesbians in Britain has identified a number of issues which include:

- fear of dismissal (Greasley 1986; Palmer 1993)
- the fear of non-support from trade union (Greasley 1986; Lesbian and Gay Employment Rights 1987)
- extensive harassment (Greasley 1986; Palmer 1993)
- the desire not to have to be at work (Gay Rights at Work Committee 1980; Greasley 1986)
- the fear of dismissal (Greasley 1986; Lesbian and Gay Employment Rights 1987)
- the fear of prejudicial treatment (Greasley 1986; Palmer 1993).

1.2.3 Research in Australia

As in the European case, the impetus for much of the Australian research on lesbian/gay/bisexual/transgender employment issues has been from community/activist groups. Statutory authorities, particularly in New South Wales, have also made significant contributions. The survey undertaken by Gays and Lesbians Against Discrimination (GLAD) in Victoria in 1993, has been the most comprehensive investigation of employment related discrimination against lesbians and gay men. Other research has touched upon employment related discrimination, particularly the research undertaken by the Gay and Lesbian Rights Lobby in its Anti-Violence Project. *The Streetwatch Report* (1990) and the Anti-Discrimination Board of NSW inquiry into HIV and AIDS related discrimination (1992) constitute the major research into violence directed against the lesbian and gay communities. These reports establish that homophobia is widespread as a response to hate crimes against the lesbian and gay communities.

Investigations by the Anti-Discrimination Board of NSW (ADB) in relation to discrimination and homosexuality commenced in 1978. Published in the ADB's report "*Discrimination and Homosexuality*" in 1982, surveys by the ADB, along with submissions to the ADB and a phone-in, indicated widespread discrimination. Of the data collected by the ADB, complaints that Commonwealth Employment Service staff placed discriminatory comments on the personal record cards of job applicants such as '*Homosexual - Not to be employed*', epitomise the employment discrimination found to exist by the investigation (Anti-Discrimination Board of NSW 1982, pp. 407-410). Subsequent to this the Anti-Discrimination Board in NSW has undertaken several studies on various aspects of discrimination against lesbians and gay men. In 1990 the NSW Anti-Discrimination Board investigated various forms of discrimination against lesbians and a seminar

was convened at which the issue of discrimination against lesbians was addressed. In 1991 an Inquiry into HIV and AIDS discrimination was initiated. This Inquiry specifically addressed the extent of discrimination against people who have, or are presumed to have, HIV or AIDS. It addressed how current laws, policies and practices in both the public and private sectors affect HIV/AIDS related discrimination; as well as the options open to counter HIV and AIDS related discrimination. In relation to employment discrimination, the Inquiry found discrimination in various areas. In selection and recruitment, discrimination was found in relation to homosexual men who were discriminated against on the basis of assumptions about the risk of HIV or AIDS. HIV antibody testing was also found to be a discriminatory practice at this stage of the employment relationship. In relation to terms and conditions of employment, there were occasions when benefits available to other employees were not available for people with HIV (for example, longer periods of sick leave). HIV-related harassment in the workplace was 'widely reported' and included behaviours ranging from subtle hostility to verbal and physical abuse. Breaches of confidence were also commonly reported in the workplace.

In NSW the Gay and Lesbian Rights Lobby initiated *The Streetwatch Report* (1990), *The Off Our Backs Report* (1992) and *The Count and Counter Report* (1994). *The Streetwatch Report* explored the experiences of sixty-seven people who had experienced hate violence and found that over 3% of the violence was not in public locations. While workplace was not a specific category it was assumed that some of the violence had happened in the workplace. *The Count and Counter Report* examined reports of violence from November 1991 to June 1992 and found that, overall, just under 5% of attacks were in a workplace or an educational institution setting. *The Off Our Backs Report*, which specifically explored violence against lesbians, found that 21% of incidents relating to lesbians occurred at the workplace or place of study. The results of the *Off Our Backs Report* differed from the other two reports in that 'a greater proportion of survivors reported violence as being ongoing'. Recent research on workplace experiences of lesbians was undertaken by Nicole Asquith (1997), who explored lesbians' experiences of the workplace. Discrimination and harassment in the workplace was widespread amongst the participants of this research, although in some instances it was difficult to identify whether gender, or sexuality, or the interplay between them was the cause of this discrimination. The research also identified the many difficulties experienced by lesbians in taking action against discrimination.

In Victoria GLAD (*Gays and Lesbians Against Discrimination*) undertook a major survey which explored discrimination faced by lesbians and gay men in Victoria (GLAD 1993). The survey specified situations or circumstances in which discrimination might take place, asking respondents to indicate if each situation had been experienced. In the area of employment, respondents were asked about being refused a job, being refused a promotion or a raise, being harassed by an employer or by fellow workers, being pressured out of a job or sacked and breach of confidentiality. The participants were also asked about related areas of discrimination (such as in education) and whether or not lack of recognition of their sexuality had ever adversely affected them. The survey reported differences in the experience of discrimination in employment on the basis of whether the respondent was 'in the closet' or out at work. There were just over a thousand respondents to the survey and around 45% of those had experienced some form of

discrimination at work. Of these, around 71% had been harassed at work, just over 40% had experienced breach of confidentiality and 26% had been either pressured out of a job or sacked. Respondents who were open about their sexuality at work experienced more discrimination. For example, of those who were out at work, 73% experienced verbal abuse, 44% experienced threats of violence and 20% experienced physical abuse. Of those who were not open about their sexuality, 63% experienced verbal abuse, 32% experienced threats of violence and 14% experienced physical abuse. The GLAD survey confirmed the existence of workplace abuse against lesbians and gay men. The purpose of this research project was to further explore the extent and effects that homophobic treatment and discrimination has on lesbians, gay men and transgender people.

The Research

This research was a collaborative project undertaken by the Australian Centre for Lesbian and Gay Research (ACLGR) and the NSW Gay and Lesbian Rights Lobby and funded by the Australian Research Council.

2.1 Aims

The specific aims of the research were

- to explore the workplace experiences of gay men, lesbians and transgender people
- to identify the extent of discrimination in the workplace against gay men, lesbians and transgender people
- to explore gay men's, lesbians' and transgender people's experiences of discrimination in terms of:
 - collegial relationships
 - effects on career
 - impact on health and overall well being
 - responses of unions and employers
 - to assess the adequacy of legal and other responses to discrimination.

2.2 Methodology

This research utilised a combination of both quantitative and qualitative methods. These included a self-completion survey, focus group interviews and individual interviews.

2.2.1 Survey

One of the aims of the research was to consider the extent of workplace discrimination experienced by lesbians, gay men and transgender people. In order to be able to assess this, it was considered critical that the survey focus give participants the opportunity to identify both experiences of homophobic harassment and discrimination as well as positive workplace experiences. The survey was developed after extensive consultation with key representatives from gay, lesbian and transgender, and mainstream community organisations who have expertise on, or who deal with, discrimination in the workplace on a day to day basis (eg Lesbian and Gay Anti Violence Project, community legal centres, ACON). The survey was piloted with forty people. It was then analysed and amended. The survey was widely distributed throughout Sydney and regional areas of NSW. It was advertised extensively in the gay and lesbian media as well as in various newsletters and in some mainstream specialist publications (eg nursing). It was distributed through venues, bookshops, cafes, gyms and various community organisations. It was handed out in King Street, Newtown and Oxford Street, Darlinghurst on two Saturdays. The full survey was printed in the *Sydney Star Observer*. In addition surveys were distributed at the Mardi Gras Fair

Day in Sydney in February in 1998 and at the Gay and Lesbian Fair in Melbourne in March 1998. Throughout the process the researchers attempted to facilitate and encourage participation in the research by groups that, for many reasons, are often not represented in research (eg people with disabilities, gays, lesbians and transgender people from non-English speaking backgrounds, Indigenous Australians, and those living in rural areas).

The survey explored the experiences of gay men, lesbians and transgender people in their current or most recent workplaces in great detail, including experiences of homophobic harassment and discrimination. Experiences of harassment and discrimination were also explored in previous workplaces. The effects of this treatment, the actions taken and the outcome of these actions were also explored in relation to both current and previous workplaces. There was opportunity in the questionnaire for people who were interested in being interviewed about their workplace experience to include their name and a contact number or address with their returned questionnaire or to send it in separately. There was also the opportunity in the survey for participants to elaborate on some of their experiences. Over 940 surveys were returned, of which 900 were useable.

2.2.2 Individual Interviews

It was originally anticipated that thirty lesbians and gay men would be interviewed in order to 'flesh out' the issues that were identified in the survey. However there was an overwhelming response, with 150 people offering to be interviewed. Fifty-two of these (twenty-seven lesbians, twenty gay men and five transgender people) participated in individual interviews and fifty others were invited to participate in focus group interviews. It was considered important to have a range of different experiences (gay, lesbian and transgender; urban/rural; age; ethnic and racial background; type of employment etc). This determined to a large extent who was invited to participate in either individual or focus group interviews. The individual interviews explored in detail all aspects of the participants' workplace experiences. If the participants had not experienced homophobic harassment or discrimination, the focus was on identifying the positive aspects of the workplace. If participants had experienced homophobic harassment or discrimination they were given the opportunity to discuss what forms this took, its effects on their life generally and the outcomes of any action they may have taken.

2.2.3 Focus Group Interviews

The focus groups were held in January/February 1998. Participants were grouped in the following ways:

- lesbians who were living in a non-metropolitan area
- gay men and lesbians who are out and have not ever experienced discrimination
- gay men and lesbians who are out and have experienced discrimination in a previous job
- older gay men
- people who have taken action against workplace discrimination.

2.3 Data Analysis

The completed surveys were coded and analysed with the use of SPSS. The qualitative data obtained in the survey was analysed thematically. The interviews and focus groups were electronically recorded and summarised. They were then analysed thematically. The data obtained from the analysis of the survey and individual and focus group interviews, provides the basis of this report. The quantitative data in the report was obtained from the survey, with the qualitative data obtained from the individual interviews and from the focus groups and the self completed questionnaire.

The Participants and Their Workplaces

3.1 About the Participants

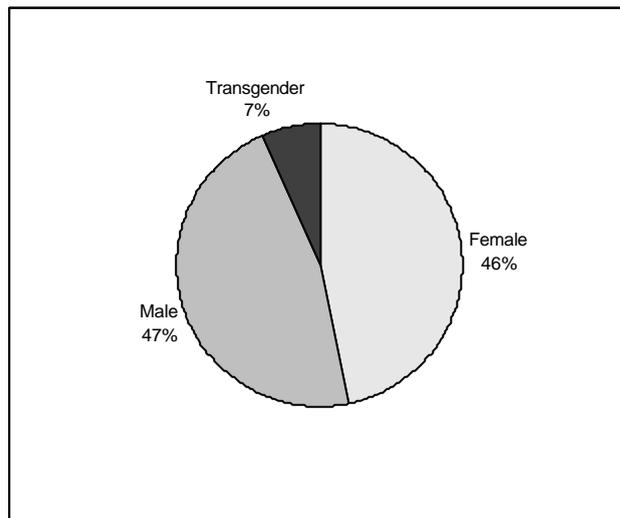
3.1.1 Location

As previously mentioned 900 people participated in this research. The majority of the participants came from NSW and ACT (517) and Victoria (336) with fewer than ten participants from other states and the NT.

3.1.2 Gender

As can be seen in *Figure 1*, there were almost equal numbers of men (416) and women (415) who completed the survey. Fifty-nine participants identified as transgender; twenty of these were female to male, and thirty-nine male to female.

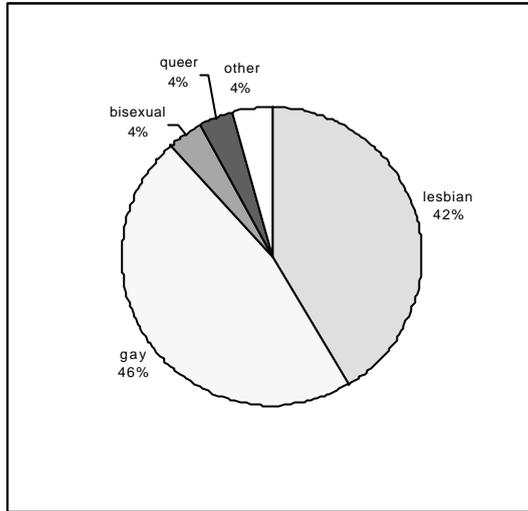
Figure 1 Gender



3.1.3 Sexuality

As can be seen in *Figure 2*, there were more participants who identified as gay (416) than identified as lesbian (368). The disparity between the two was largely because thirty-nine people identified as 'other'. Over half of these were transgender people who identified as heterosexual, with the remaining participants either identifying as 'dyke' or not wanting to be put into any category. Several women identified as gay (18). More women (21) than men (7) identified as bisexual. This was reversed in relation to those identifying as queer, with men (17) outnumbering women (9).

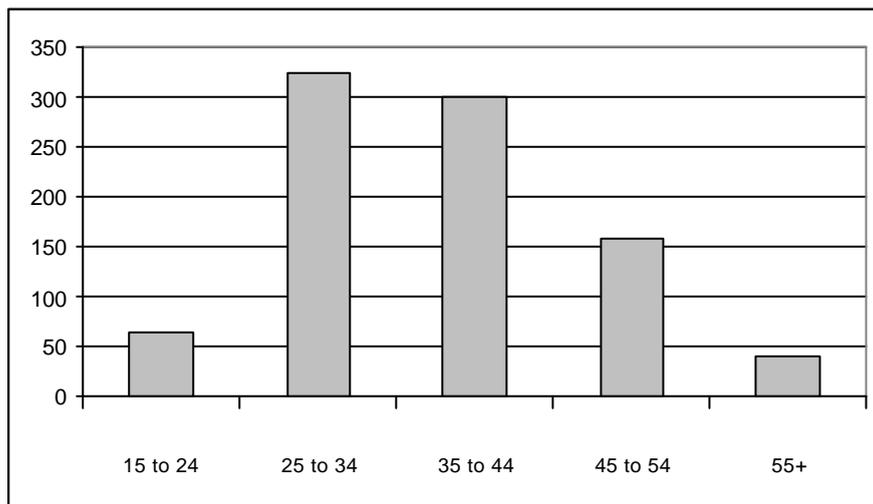
Figure 2 *Sexuality*



3.1.4 Age

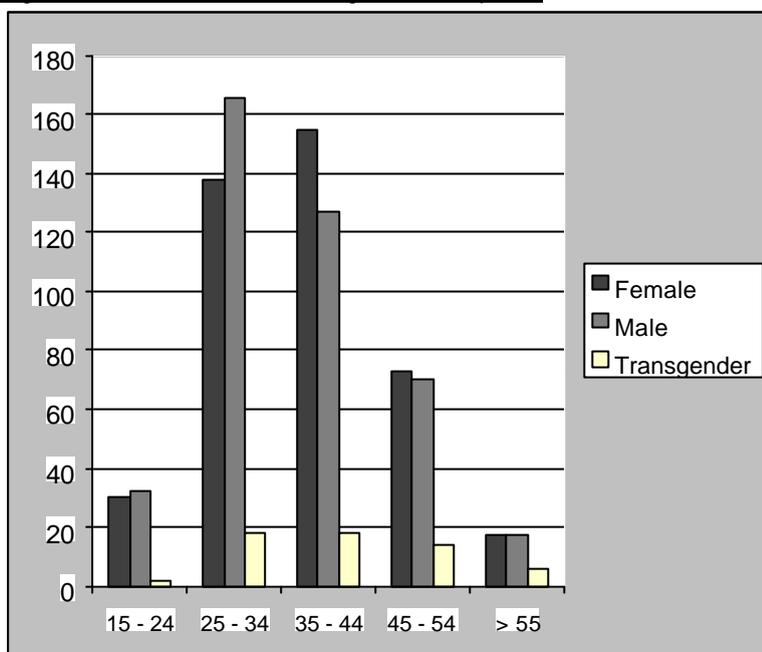
The majority of participants were between the ages of twenty-five and forty-four (see *Figure 3*). The youngest group (under 25) and the oldest group (over 55) represented less than 12% of those who participated in this research. The mean age of the participants was 37 years old. The mean age of gay men was 36 years old, lesbians 37 years old, and transgender people 40 years old.

Figure 3 *Age*



From *Figure 4* it can be seen that there was a higher percentage of men in the two lower age groups (that is, less than thirty-five years old) and more women in the older age groups with the exception of the over fifty fives, where there were equal numbers of men and women.

Figure 4 Gender and Age of Participants



3.1.5 Ethnic and Racial Background

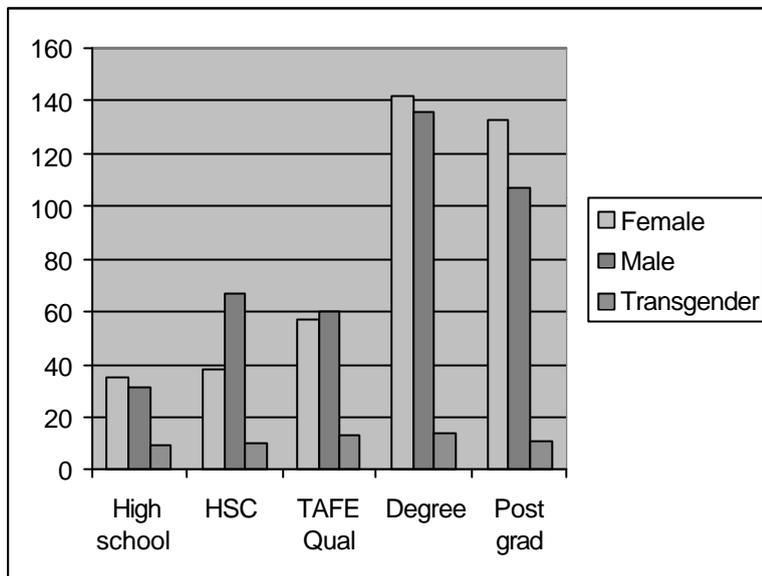
The majority of participants identified as Anglo Australian with all other groups comprising just over 26%. Of these, over two thirds identified as being Australian combined with an English speaking country (eg Canada, USA, UK) with under one third identifying as Australian combined with a non-English speaking country (eg Italy, Greece). Just over three percent of participants identified as Indigenous Australians and a similar percentage came from non-English speaking backgrounds. Over ninety percent identified that English was the main language they spoke at home.

3.16 Education

The highest education qualification completed by the largest number of participants was a university degree (33% or 294). Twenty-eight percent (253) of the participants had a postgraduate qualification as their highest qualification (see *Figure 5*). Over 34 % (124) of the lesbians who participated had completed a postgraduate qualification, 24% (99) of gay men had completed a postgraduate qualification and just over 18% (10) of transgender people had completed a postgraduate qualification. Just under 15% (131) of the participants had a TAFE qualification as their highest qualification (a similar percentage of gay men and lesbians). Just

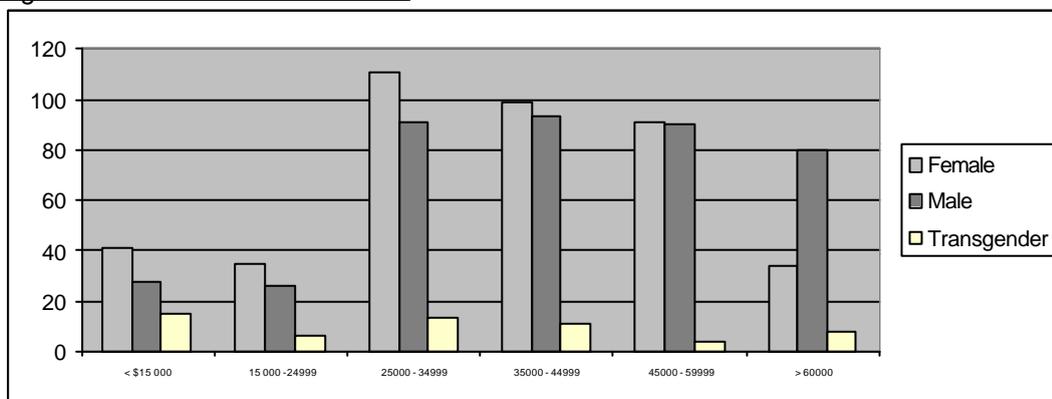
under 13% (116) had the HSC or equivalent as their highest qualification (over 16% of gay men and just over 9% of lesbians fell into this category).

Figure 5 Gender and Highest Educational Qualification Achieved



3.1.7 Income

Figure 6 Gender and Income

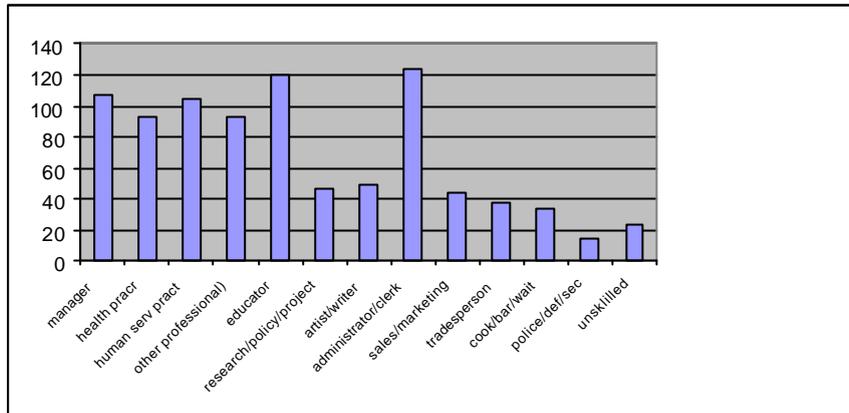


As can be seen in *Figure 6* the vast majority of participants earned between \$25,000 and \$60,000, with around 17% earning less than \$25,000 and 14% earning more than \$60,000. Women were over represented in the four lowest salary groups (that is less than \$45,000) and under represented in the over \$60,000 group.

3.2 Occupations

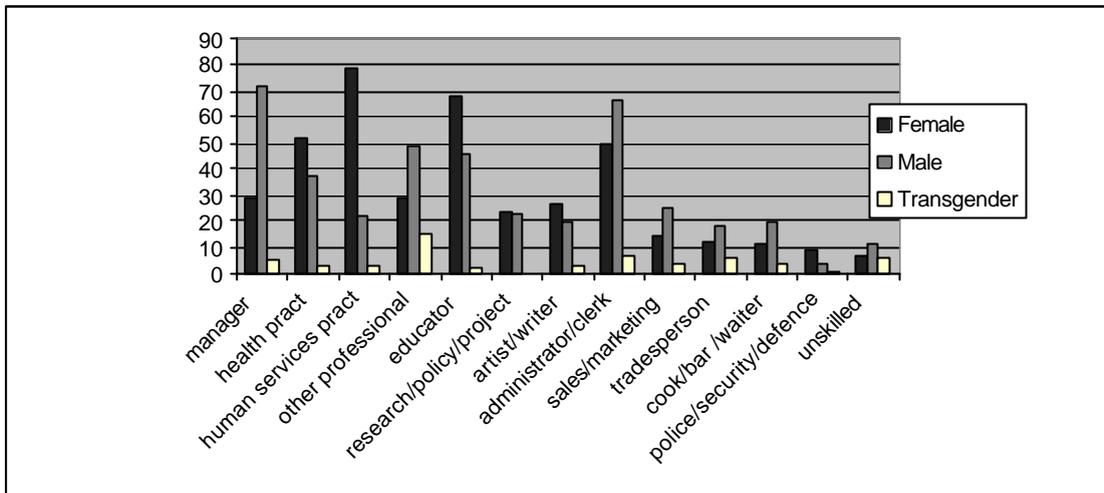
Participants were employed in a variety of occupations. For the purposes of analysis these were clustered into thirteen groups.

Figure 7 Occupation



As can be seen in *Figure 7* administrator/clerk (124) or educator (120) were the most common occupations of the survey participants. These were closely followed by managers (107); human service practitioners (105); health practitioners (93); other professionals, including lawyers, accountants, architects, engineers (93). Lesbians were most likely to be human service practitioners, educators, and health practitioners. Gay men were most likely to be employed managers, administrators and educators. Transgender people were spread throughout the occupation groups with the largest numbers of both male to female and female to male being employed in the professions (eg lawyers, architects, engineers, accountants). Women were more likely than men to be employed as health practitioners, human service practitioners, educators, artists and writers, and police, security and in the defence forces whereas men were more likely to be employed as managers, other professionals (eg architects, accountants engineers, lawyers), administrators, sales and marketing personnel, hospitality workers (eg waiters, cooks), trades persons and in other unskilled areas (see *Figure 8*). Almost 80% (720) of participants were employed full-time with the remainder being employed either part time or casually. Just under two fifths (39% or 349) had been employed for between one to three years with a third being at their current employment for more than five years.

Figure 8 Gender and Occupation

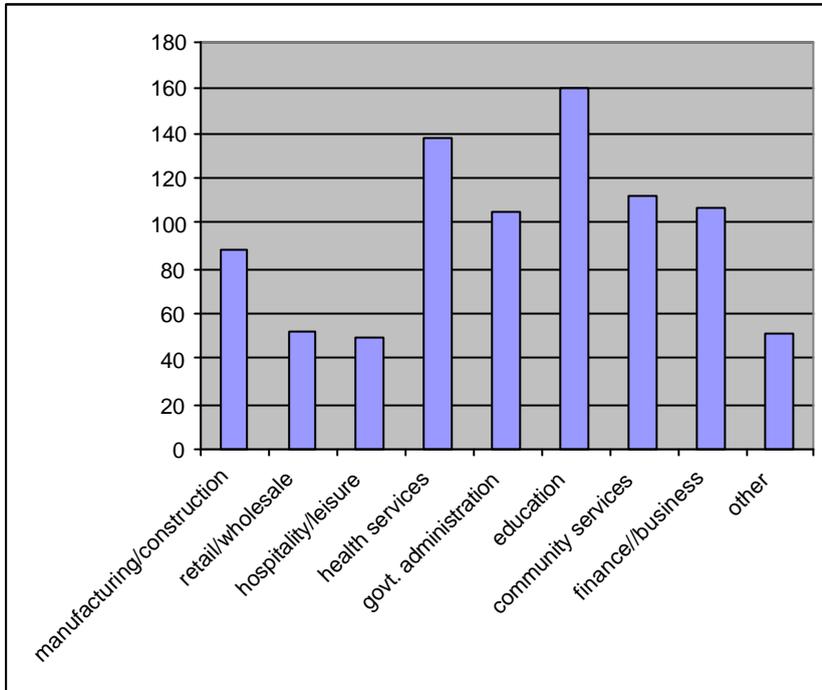


3.3 Where Participants were Employed

3.3.1 Industries

The participants were employed in a range of industries. For the purpose of analysing the data these were grouped into nine industries. As can be seen in *Figure 9* employment was most frequently in the education industry (158 or 19%) followed by health services (138 or 16%), community services (111 or 13%) and finance, communication and business (107 or 12%). Almost 63% (252) of lesbians were employed in three sectors: community services, health services and education. Gay men were more evenly distributed across industries, with 16% (65) being employed in finance or communication. 15% (62) in education, just over 13% (54) in health services, 13% (53) in government administration and just over 12% (50) in manufacturing/construction/mining. Although only small numbers of transgender people completed the survey almost a third of those who identified as male to female worked in the manufacturing/construction/mining industry while over 56% (33) of those who identified as female to male worked in either finance, communication, government administration or in the manufacturing industry.

Figure 9 Industries Where Participants were Employed

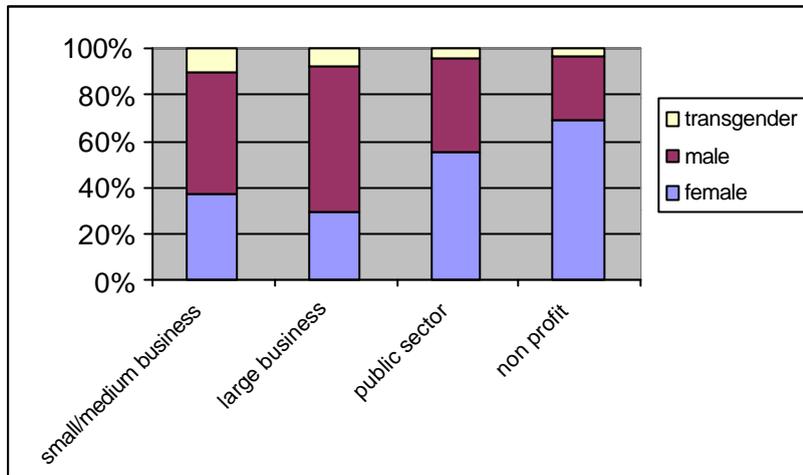


3.3.2 Type and Size of Workplace

Participants worked in various types of organisations (see *Figure 10*). Almost 37% (331) of the participants were employed in the public sector, with 26% (232) being employed in large business organisations. Just fewer than 18% (161) were employed in small and medium business organisations.

Non-profit organisations accounted for under 14% (122) of participants. Over 42% (155) of lesbians worked in the public sector with a further 20% (74) working for non-profit organisations. Over 66% (275) of gay men worked in large business organisations (145) or the public sector (130). Transgender people were spread throughout all types of organisations.

Figure 10 Gender and Type of Organisation



3.4 Union Membership of Participants

3.4.1 Membership

Just over 69% of participants (624) identified that they were in employment that was covered by a union, with 41% (376) being members of their union.

3.4.2 Gender and Union Membership

Of those who were in employment covered by a union, lesbians were more likely to be union members than gay men and transgender people.

3.4.3 Income and Union Membership

Those earning between \$35,000 and \$59,000 were most likely to be members of unions (74% or 289) with those earning less than \$25,000 least likely to be union members.

3.4.4 Age and Union Membership

In relation to age, older participants were most likely to be union members with over 80% (152) of those older than 45 being union members compared to 57% (47) of those under twenty-five.

3.4.5 Industry and Union Membership

Those who were working in the education industry were most likely to be union members, with 82% (129) being members. The next most likely to be union members were those working in health services (74% or 102) and government administration (66% or 68). Those working in retail/wholesale (52% or 27) and the information technology and finance/business (55% or 58) industries were least likely to be members of unions.

3.4.6 Occupation and Union Membership

In relation to occupations those working as educators (86% or 100) were most likely to be union members. Those working as health practitioners (80% or 72) and tradespersons (80% or 27) were also highly likely to be members of unions. Those least likely to be members of their unions were managers (47% or 47) and cooks, bar attendants, waiters and kitchen hands (42% or 8).

3.4.7 Type of Employer and Union Membership

Those working in the public sector were most likely to be union members (75% or 248) with those working in small or medium sized business being least likely to be union members (62% or 99).

3.5 Employers and Discrimination

Over 52% (469) of participants were employed in workplaces where employers were pro active in attempting to prevent discrimination. This included discrimination on the basis of one or more of the following: gender, age, ethnicity/race, sexuality and disability. The type of action taken by employers included the employment or nomination of a grievance or EEO officer; development of specific policies and the implementation of training programs in relation to discrimination. These related to any type discrimination and did not necessarily include discrimination related to homosexuality although this may have been included.

Those who worked as managers, health practitioners, human services practitioners and administrators were most likely to work in organisations where there had been some action taken by employers to prevent discrimination. The managers and human service practitioners were more likely to experience either substantially or partially improved work environments as a consequence of these changes. Those who worked as trades persons, waiters/cooks/kitchenhands, or as unskilled workers were least likely to work in organisations where employers had taken any action to prevent discrimination. However, when action was taken these employees were highly likely to experience a much improved working environment.

The types of industries where action was most likely to be taken were government administration and community services. Action was least likely to be taken in construction/manufacturing/mining and in the hospitality and leisure industries. The majority of participants working in all industries other than hospitality and leisure considered that when employers took some action there was likely to be some positive flow on.

3.6 Overview

The majority of the respondents were well educated AngloAustralians whose main language was English. The majority lived in either the Sydney or Melbourne metropolitan areas. Almost 80% of participants were employed full-time with the remaining being employed either part time or casually. Just under two fifths had been employed for between one to three years with a third being at their current employment for more than five years. Lesbians were most frequently working in education, community services or health services and although they had higher education qualifications than gay men they were likely to be earning less. Gay men were more

evenly spread throughout industries but were most frequently working in the finance or communication industries. Just over a third of the participants were members of unions. Over half the participants were in workplaces where employers had taken some form of action to prevent or address discrimination.

4

Workplace Experiences

Participants identified both positive and negative workplace experiences. From the huge array of negative practices described there were two main categories.

1. *Homophobic behaviour, harassment and discrimination*

This included homophobic jokes, verbal and physical harassment, destruction of property and threats which were directed at the participants. The perpetrators of this type of behaviour were generally work colleagues or clients.

2. *Prejudicial behaviour, treatment or practices.*

This included such treatment as being overlooked for promotion, not being offered the same opportunities as heterosexual staff and the sabotaging of work. In some situations the perpetrators were work colleagues at the same level as the victim but in many other situations they were employees in a supervisory position who had the power to decide who is offered opportunities (such as overtime, additional training, good shifts). Another form of prejudicial treatment was a denial of entitlements available to heterosexual colleagues (such as partner superannuation, partner travel and family health benefits).

The existence of discrimination in both current and previous workplaces of the participants was widespread, with 59% (532) of participants experiencing some form of homophobic behaviour or prejudicial treatment in their current and/or previous workplaces. Just over 67% (248) of lesbians, 57% (236) of gay men and 75% (44) of transgender people experienced this behaviour or treatment. Around 41% (368) of participants overall did not specify experiencing any discrimination in their current or previous workplaces and many of these identified positive workplace experiences. The first section of this chapter will provide an analysis of the participants' experiences of homophobic harassment and prejudicial treatment. The latter part of the chapter will focus on the positive experiences of gay men, lesbians and transgender people in the workplace.

4.1 Extent of Homophobic Behaviour, Harassment and Discrimination

While this study focused mainly on current or most recent workplaces, there was opportunity for participants to identify whether they had experienced homophobic behaviour or prejudicial treatment in previous workplaces.

Overall just under *fifty-two percent* (475) of the participants identified that they had been the target of homophobic behaviour or harassment, had been treated prejudicially or been denied particular benefits available to heterosexual work colleagues in their **current** workplace. A further 37% (234) considered they **may have** experienced this behaviour or treatment. Many of the

participants commented how difficult it was for them to be sure they were being discriminated against.

It's really hard to know. Sometimes I would go the tearoom and they would be laughing and it would just stop when I came in. I know from one of the other staff there were rumours that I was a lesbian. I felt unsafe and lost confidence in myself. At the time I didn't see it as discrimination but now I might.

I got a lot of harassing phone calls. I didn't know who they were from but I suspected they were from someone at work.

I suspected I was not encouraged to apply for promotion because I was gay but I could never really prove it.

In previous workplaces just under 35% (313) considered that they had experienced homophobic harassment or discrimination and a further 11% (96) considered they **may have** experienced homophobic harassment or discrimination.

4.2 Types of Homophobic Behaviour, Harassment and Discrimination in Current or Most Recent Workplaces

The homophobic behaviour experienced in both current and previous workplaces was similar and included being the target of homophobic jokes, unwelcome questioning or disclosure about sexual orientation, transgender identity or HIV status, accusations of paedophilia, social exclusion, threats of physical and/or sexual abuse, actual physical and sexual abuse and property damage. Participants also experienced prejudicial treatment in relation to work practices that they considered discriminatory. These included unfair rosters; the undermining of work; unfair work expectations; over supervision of work; loss of, or threat of loss of, promotion; loss of overtime; limited or no salary increase; loss of, or threat of loss of, job; and being isolated from other employees. Another form of prejudicial treatment experienced by participants was the denial of partner entitlements normally available to heterosexual employees. These included entitlements to partner superannuation; leave to care for an ill partner or partner travel entitlements; parental leave and compassionate leave.

4.3 Homophobic and Unwelcome Behaviour in Current Workplaces

As can be seen in *Table 1* experiences of homophobic behaviour in current workplaces from employees or management was extensive.

Table 1 Homophobic Behaviour in Current Workplaces

Homophobic Behaviour	Yes	Maybe
Jokes	285	128
Unwelcome questions	255	63
Disclosure	195	73
Questions HIV	68	24
Ridiculing	168	78
Accused of paedophilia	42	38
Accused of sex harassment	59	27
Accused of invading space	55	55
Social exclusion	173	97
Sexual harassment	118	27
Threats of sexual abuse	71	35
Threats of physical abuse	99	11
Sexual abuse	23	3
Physical abuse	27	5
Property damage	46	16

4.3.1 Homophobic Jokes and Remarks

Being the target of homophobic jokes or remarks was the most frequently experienced form of homophobic behaviour with almost 31% (285) of participants experiencing this in their current workplace with an additional 14% (128) considering they may have experienced this. Many of the participants commented on the insidious nature of this form of homophobic harassment.

I was the butt of jokes, treated with fear and contempt.

It is hard to pinpoint, it was just remarks stupid things like ‘The cucumber’s missing. Maybe he took it’ but it made me not want to be there. I didn’t feel a part of that workplace.

4.3.2 Inappropriate Questioning

Almost 29% (255) of participants were asked questions related to sexual orientation, gender or transgender identity, which they considered were either inappropriate, aggressive or unwelcome.

A middle manager verbally challenged me about dress and hairy legs and underarms. This was all personal and inappropriate as I always wore sleeves, long pants and a high standard of casual dress.

I am the subject of curiosity. People are dying to ask questions because for many I am the first lesbian they have met. I can understand it but sometimes it's unwelcome and intrusive.

4.3.3 Outed

Just under 22% (195) experienced unwelcome disclosure of their sexual orientation or transgender identity.

I was outed in my work by a colleague who saw me somewhere. After that he told everyone at work and just hassled and asked me offensive questions all the time. I mentioned to the offender that these remarks or questions were inappropriate. It often worked in the short term but the behaviour usually returned. Sometimes I just couldn't be bothered with the hassle. I didn't involve my union because it would just cause more stress.

4.3.4 Seen as a Health Threat

Thirty-three participants (3.7%) believed that they were excluded from social and other activities because they were perceived as a health threat while 68 (2.7%) were asked 'unwelcome' questions about their HIV status.

After a disagreement with a co-worker, another co-worker complained to our supervisor on his and other staff members' behalf that I was a health threat to them and they did not feel comfortable working in the same environment. The supervisor seemed to feel this was a legitimate complaint. I reported the supervisor to my union. He was counselled and it was recommended that he attend an HIV awareness course. I don't know if this happened because I left to go to a safer work environment.

I took a couple of days off work because I was ill. I came back and discovered that my boss had told staff that I had something wrong with my blood so rumours began about my being HIV positive with the result that I experienced quite negative reactions from other staff.

4.3.5 Social Exclusion

Social exclusion both within and outside the workplace was experienced by almost 30% (220).

I worked for a partially Christian organisation. Some Christian co-workers were not accepting and I was excluded from various functions and felt I was not one of the gang.

I experienced non-inclusion, verbal abuse, disdain and condescension.

4.3.6 Ridiculing

Ridiculing about sexual orientation or transgender identity was experienced by 19% (168) with almost 9% (78) considering they may have experienced this behaviour. Lesbians were most likely to experience social exclusion, while gay men were slightly more likely to experience ridiculing and unwelcome disclosure of sexual orientation.

There was this sort of picking on me – making me look stupid in front of the boss.

My boss belittles me in front of everyone in the office – he picks on me for the smallest thing and remarks on it loudly so everyone can hear.

4.3.7 Verbal Abuse

Over 11% (102) of the participants experienced verbal abuse. This often included threats of sexual and physical abuse.

I was constantly exposed to verbal harassment and abuse and, on some occasions, threatened with physical abuse. It scared me and I made sure if I ever left the office after dark there was someone with me. Really offensive pornographic material was put on my desk.

There is verbal denigration behind the person's back although sometimes gays and lesbians are actually verbally abused. We are referred to as 'bloody poofs' or 'deisel dykes'

4.3.8 Physical Abuse

Twenty-seven people had experienced actual physical abuse. Seven were lesbians, sixteen were gay men and four identified as transgender. A further ninety-nine had been threatened with physical abuse.

My employers were not supportive when I was physically assaulted by a client. The funding body and management committee worked towards forcing me to leave after explicit anti lesbian messages were graffitied on the walls of my workplace in 6 foot high letters.

4.3.9 Sexual Abuse and Threats of Sexual Abuse

Twenty-three participants experienced sexual abuse. This comprised twelve gay men, six lesbians and five transgender people, four of these being male to female. An additional fifty-five

participants were threatened with sexual abuse. Some participants experienced physical, sexual and verbal abuse.

I got these phone calls at work. They would say that all I needed was a good fuck and I'd better watch out because one day I would get one. It really freaked me out.

4.3.10 Damage to Property

Damage to property was experienced by forty-five participants. Twenty-five were gay men, sixteen lesbians and four transgender people.

I constantly had my office trashed, graffiti on my desk and around my office and explicit gay magazines left on my desk. I didn't know who was doing it and although I had a supportive workplace it just ate away at me.

4.4 Perpetrators of the Harassment

There was more than one perpetrator in over 67% (315) of situations where participants had experienced homophobic harassment or behaviour. In 251 (53%) of situations it was a manager, supervisor or employer who was the perpetrator. In over 32% (153) of situations the perpetrator was a client, service user or consumer.

4.5 Prejudicial Practices in the Workplace

Participants identified that assumptions about their homosexuality or transgender identity often led to prejudicial treatment particularly in relation to work practices. They also commented that, in many instances, this was difficult to substantiate and, while homophobic attitudes may have been underlying particular decisions, this was never explicitly acknowledged. Over 41% (372) considered that they had, or may have, experienced prejudicial or unfair treatment in their workplace as a consequence of their homosexuality.

4.5.1 Undermining, Sabotaging or Scrutiny of Work

The most frequently mentioned form of prejudicial treatment was the undermining or sabotaging of work where 25% (218) considered they had or may have been exposed to this form of discrimination. Those working in the public sector were more likely to identify this form of discrimination than those working in other sectors. Many participants experienced closer scrutiny of their work. Some felt they were 'punished' because they were gay, lesbian or transgender by being given the worst jobs, the worst rosters or being sidelined in a section that no-one liked working in. Others felt colleagues often sabotaged their work.

They do things like not giving me messages so I am unable to do my job properly

My boss gives me things to do that I can't do. I can't do them and my performance appraisals aren't good. He doesn't do this to straight guys.

4.5.2 Restriction of Career

Over 17% (148) considered that they had or probably had their careers restricted because of their homosexuality. This was most likely to be identified as an issue by those working in the public sector and in large business. As there was a higher percentage of gay men employed in the business sector it is not surprising that gay men were more likely to experience this form of discrimination.

4.5.3 Unreasonable Work Expectations

Just under 14% (117) of participants considered that there were unreasonable work expectations placed on them as a consequence of their homosexuality or gender identity. Those working in large business and the public sector were more likely to experience this type of treatment.

4.5.4 Threat of Loss of Promotion or Loss of Promotion

Just under 16% (135) considered that they were threatened with loss of promotion, while almost 16% considered that had not been promoted because of their homosexuality or gender identity.

4.5.5 Oversupervision, Unreasonable Work Expectations and Additional Work Appraisals

Just under 17% (144) considered that unreasonable work expectations were placed on them because they were lesbian, gay or transgender. Around 14% (117) were of the view that their work was oversupervised, and over 12% (104) considering they were expected to meet additional work appraisals.

My workplace experience was positive until I complained to my boss about a colleague making anti-gay comments. My boss was incredulous that I could be insulted by these comments. After this I was exposed to close inspection of everything I did. I had to have all my correspondence checked, I was accompanied to meetings I had previously gone to independently, I was no longer allowed to undertake many of the tasks I had previously done. I was also socially excluded from office functions and required to supply a medical certificate when I took leave to care for my ill partner but still had my pay docked, my dress sense was often challenged and my relationship with my partner was referred to disparagingly.

I experienced complete invisibility, no acknowledgment for work performance, no appraisals, and also verbal harassment.

4.5.6 Unfair Rosters, Limited or No Salary Increase, Loss of Earning or Overtime Opportunities

Almost 9% (77) considered that they were given unfair rosters as a consequence of their homosexuality. A further 11% considered they experienced discrimination by not being given a salary increase with 7% (57) considering that they were treated unfairly in relation to extra earning opportunities such as overtime.

4.6 Denial of Workplace Entitlements

One of the forms of unfair treatment identified by many of the participants was the denial of workplace privileges available to many of their heterosexual colleagues, on the basis of their homosexuality or gender identity. This occurred generally in situations where there are pre conditions to be eligible, such as being married, or in a marriage type relationship, generally presumed to be heterosexual. One hundred and seventy two participants (20%) identified that they had been refused privileges which were generally available to their heterosexual colleagues. This is a systemic issue that effects many gay men and lesbians but the respondents to this question were only those who had actually applied for entitlements. Many participants commented that they did not complete this section of the survey because they did not apply for entitlements knowing they would be refused. In other words many of the participants in the survey (in some instances up to 44%) saw themselves as ineligible to apply for these because the message was clear that these benefits were not available to them.

I don't even bother applying because I know I would be refused.

I haven't applied for any special leave to care for my partner who is ill because someone else in a similar situation got rejected.

4.6.1 Superannuation

One hundred and twenty one participants (14%) had been had been refused entitlement of their partner to superannuation. This represents those who applied and were rejected. However many participants indicated that they would not even bother applying because they are not eligible. Others commented they would not apply because it would involve being out which posed a problem in their workplace. Some were fearful this would cost them their jobs.

I haven't been denied entitlement to superannuation but it would just not be allowed.

There is no point fighting super funds beyond what the movement is doing.

I have been tormented physically and verbally by management and staff over a period of years and have been told that my partner cannot get my super. Superannuation TRUSTEES insist they have the right to allocate funds in case of

death and ignore one's written requests on grounds that nominated persons are not 'blood family'.

I work in a Catholic school and I am not out. If I asked for my partner to be included in my superannuation I would out myself and that would be the end of my job.

4.6.2 Compassionate leave

Fifty three participants (6%) had been unable to obtain leave to care for an ill partner while forty three (5%) had been refused compassionate leave.

My partner was ill but I was told if I took any more leave I would be sacked. I resigned.

My partner died but no-one even acknowledged his death or how important he was to me. I got leave to attend his funeral and they took that off my holidays.

No-one knew I was gay. They thought I was single and fancy free. How could I apply for leave to care for my partner.

4.6.3 Other

Sixty-three (7%) participants noted that they had not been able to include their partner in work travel in a similar way to heterosexual couples. Again many commented they would not even apply because they were convinced such a request would not be granted. Nineteen participants had been refused parental leave.

I think it would be too difficult to obtain these so I haven't even applied.

I was challenged about the appropriateness of my partner accompanying me on a trip (partners can accompany employees for one trip per year). It was implied that this applied only to those couples who were legally married. I challenged this and as a consequence my partner did come with me.

I don't get parental leave- a gay man with a child, no way.

My partner could travel with me occasionally but I doubt that I would get the financial benefits that my straight friends get when their partners travel so I don't even consider it.

4.7 Dismissal and/or Unemployment

Forty-one (5%) people considered that they had lost their most recent job as a consequence of being homosexual with an additional fifteen people (1.5%) of the view that they *may have* lost their jobs as a consequence of their homosexuality.

I was discharged from the defence forces because I was gay and then reapplied when the rules changed but was rejected. I decided never to hide my sexuality again because of the trauma I went through but found it difficult to get teaching jobs because of the fear I was a paedophile.

Of those who considered they had been dismissed, twenty-three were gay men, twelve were lesbians and five were transgender.

Sixty-one participants (7%) who were currently unemployed said that this was a direct effect of discrimination in the workplace.

4.8 Resignation, Not Apply or Be Refused a Job

Just under 17% (145) considered they had been refused a job on the basis of their homosexuality or transgender identity, with just under 16.5% (141) considering they may have been refused a job. This was slightly more likely to happen to gay men than lesbians. Over 47% (28) of transgender people considered that they had been, or may have been refused employment on the basis of their transgender identity. For the majority of those who considered they had definitely been refused a job as a consequence of their homosexuality or transgender identity this had happened since 1990 (72% or 203) and for almost 29% (82) in the last two years. Those in the age group under 25 were most likely to be refused a job than those in the other age groups.

Almost 28% (242) had resigned or not applied for particular employment as a consequence of their homosexuality or transgender identity. This had been the experience of more than half the transgender participants (51% or 30) and for over a quarter of the lesbians (26% or 97) and gay men (26% or 108). Again this was most likely to occur in the under twenty-five age group.

In a job interview I was asked if my sexual preference would effect my work with young people. Would they have asked this question to a heterosexual? I withdrew from the interview process.

I decided to leave the job because of perceived institutional homophobia. I knew I was going to be the only one if I came out and I had no wish to stay in that world any more.

I have not applied for jobs with young people because I've feared assumptions of paedophilia.

I withdrew my application for a job because of discriminatory treatment in a job interview.

4.9 Multiple Discrimination

Around 35% (315) of participants had experienced multiple forms of workplace discrimination, in addition to that based on their sexuality, with an additional 19% considering they may have experienced multiple discrimination.

Just over 64% (238) of lesbians, and 44% (182) of gay men considered that they had or may have experienced multiple forms of discrimination. Gender was the most likely other additional type of discrimination with 32% (285) of participants experiencing this. Lesbians were much more likely to experience this form of discrimination. Just over 61% (227) of lesbians and just under 14% (58) of gay men considered they had definitely experienced gender discrimination. It was unclear from the data obtained what this meant for gay men. The age groups most likely to experience discrimination on the basis of gender were between 25 and 44.

I was an apprentice in a factory and I was dismissed because they did not have appropriate facilities - a women's toilet. There was however a strange threat of 'Oh my god, she's a queer.' I did continue my apprenticeship but as a woman in a male dominated trade, I found this really stressful. My girlfriend supported me through this often forcing me to go to work. I felt depressed, emotional, on edge, always anxious and lost confidence in myself. I still sometimes believe that I shouldn't apply for jobs, I think I haven't got a hope because they can tell by looking at me that I am a dyke.

Have experienced more social and work discrimination by being female more than lesbian.

Discrimination on the basis of gender was followed by age, class, ethnicity, location, race, religion and disability and HIV status.

I am in a fairly privileged position within a government department but I will probably not proceed any higher within the organisation. This is because of my Aboriginality. As an Aboriginal person I experienced the structural and institutional discrimination that all Aboriginal people face as part of their everyday existence. This often results in Aboriginal people being less likely to be amongst the high achievers and those that hold political power.

It is difficult to say why I was discriminated against but I think it had more to do with being a woman than a lesbian and being an older and stropky woman.

Overall lesbians were more likely than gay men to experience multiple forms of discrimination, with under 33% (122) of lesbians and 51% (211) of gay men explicitly identifying that they **had not** experienced any forms of discrimination other than on the basis of their homosexuality. Gay men were more likely than lesbians to experience discrimination on the basis of race and ethnicity, however lesbians were more likely than gay men to experience all other forms of discrimination especially in relation to gender, age and class.

It is important to note that numerous participants referred to the complexity of discrimination and how difficult it was to really identify the basis of discrimination.

4.10 Where Homophobic Behaviour, Harassment or Prejudicial Treatment Occurs

4.10.1 Type and Size of Workplaces

The type of organisations where participants were most likely to experience homophobic behaviour or harassment or prejudicial treatment were large business organisations. Almost 56% of the participants who worked in these organisations considered they had experienced such treatment or behaviour. These were also the type of organisations in which a higher percentage of gay men than lesbians were employed. Those who were employed in small/medium business organisations employing fewer than 50 people were least likely to experience discrimination (46%). It is interesting to note that those people who were self employed were also quite likely to experience discrimination - half those who were self employed had experienced discrimination often from clients or customers and, in some cases, from their work colleagues.

4.10.2 Industry

Those who worked in the manufacturing/mining/construction industries were more likely to experience homophobic behaviour, harassment or prejudicial treatment (62%). This was closely followed by those working in the retail/wholesale industry (58%) and education (56%), with those working in the hospitality and leisure areas (25%) and finance and communication (47%) as least likely to experience this behaviour or treatment. With the exception of education, these were all industries where a higher percentage of gay men than lesbians were employed.

I became a teacher in 1991 and heard the most homophobic comments I have ever heard. My attempts to point out this homophobia were either dismissed or laughed at. In 1995 my work was called into question. I was closely scrutinised and disciplined for no reason. I was treated differently by the principal and others. I ended up being forced out. I suffered emotionally and financially. I used to be out and confident and now I am not out and feel a loss of identity.

4.10.3 Occupations

Those who were working as police, security offices and as defence personnel were most likely to experience homophobic behaviour, harassment or prejudicial treatment. While only small numbers of this occupation category participated in this survey (15), all had experienced some form of this behaviour or treatment. This was followed by those working as tradespersons (76%), unskilled workers (63%), sales and marketing personnel (61%) and educators (60%). Those least likely to experience discrimination were research and project officers (31%) followed by those working as administrators (42%). More gay men than lesbians worked as tradespersons, in unskilled jobs and in sales and marketing. More lesbians than gay men were employed as teachers and academics.

4.11 Positive Workplace Experiences

A number of the participants identified that they had positive workplace experiences. Some had previously experienced harassment or discrimination and as a consequence of this had actively sought workplaces where they would not experience such behaviour or treatment. Others who were out in their workplace had never experienced discrimination. Their workplaces were characterised by a promotion of difference in all forms (sexuality, race/ethnicity, age). This created an environment where everyone was valued for their contribution.

My workplace is tolerant of difference. This is one of the reasons I decided to come out when I came here. All the staff and students who know me know I am a lesbian and that my partner works here.

Working in women's services has allowed me the joy of not having to worry about being a lesbian as a workplace issue. I am equally supported by my straight and lesbian colleagues and feel respected in my job.

In my previous job I experienced harassment and abuse which made me very depressed. I lost confidence and didn't think I'd ever feel positively about work again. Where I work now is very good. They are fine about me being gay. My partner has his own staff card and is on my superannuation statements. Not bad for a small town.

Working in education concerned with adults is a rare experience. Colleagues are tolerant, not intrusive, and management is bound by Anti-Discrimination legislation. Adult education has for me been a positive area to work.

Some commented on their employer's commitment to supporting and promoting diversity in terms of the development of workplace structures such as EEO committees.

I work for a large company in a professional capacity as a network supervisor. It is well known that I am gay and my partner and I socialise with a number of straight

colleagues. Probably because I am gay I have a role as one of the four EEO officers for the company. I see this as a great vote of confidence in my capabilities and not negative in any way. My partner is covered by the staff health scheme and if I was relocated interstate or overseas my partner would be relocated with me on the same terms as a heterosexual partner. The Company's Anti Discrimination and Diversity Policy are very specific about discrimination based on sexuality. The Company takes the view that where local laws do not cover the situation adequately the company will base its decisions on the UN human rights policy.

The company I work for has strong internal policies on equal opportunities and any form of discrimination. I know of many transgenders, gays and lesbians working here and do not believe that any have suffered discrimination except in minor and isolated incidents. The company has a long history of supporting gay and lesbian and transgender communities.

Others commented that their workplace was positive because of the attitudes of both senior staff and other personnel.

My current workplace has been a good experience and has improved my life and confidence outside work mainly because the boss who is a lesbian has made it clear to staff, students and parents that the school does not tolerate homophobia. Staff support this and students are dealt with immediately and appropriately. For the first time in my working career I have not heard a single homophobic joke or assumption in staffrooms.

In the last ten years I have worked in environments that are very safe. I have been open about my sexuality. Both my jobs have been in the public sector and I have found colleagues and management very supportive. For example I have been granted compassionate leave when a friend died and there is no favouritism for heterosexuals.

I am fortunate to have a lesbian boss and colleagues. For the first time ever I feel safe at work. It took a long time to trust this. Our senior boss knows our sexuality as do a number of other staff members. He is supportive of us. He is straight.

4.12 Overview

The workplace experiences of lesbians, gay men and transgender people varied from being positive to being extremely negative. Those who were happy in their workplaces commented on the active role taken by management to promote diversity and the positive attitudes of other work colleagues. However over 59% (532) of the participants had experienced some form of discrimination. In some situations gay men, lesbians and transgender people experienced abusive or harassing behaviour because of their sexuality or gender identity. In other situations their work was called into question or they were disadvantaged by being given poor shifts or not encouraged

to apply for promotion. Many were also not regarded as eligible to apply for the entitlements available to heterosexual colleagues. Some of these participants had made decisions to seek employment where they could be open about their sexuality and still feel safe. Others made decisions to tell no-one about their sexuality in order to protect themselves from homophobic discrimination. The next section of the report explores the complex decision about coming out in the workplace.

5

Out or ‘in the closet’

5.1 Who is Out at Work

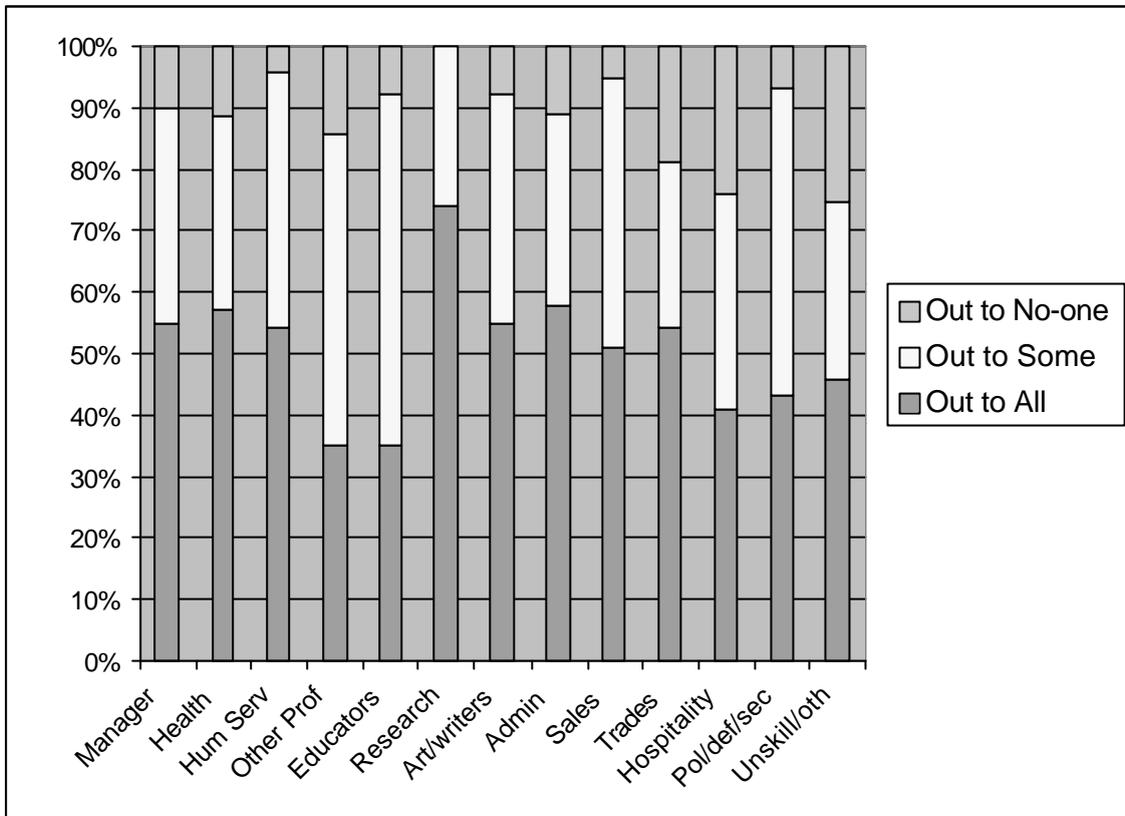
Almost 90% (795) of participants were either out to everyone or selectively out in their workplaces. Fifty one percent (448) were out to everyone in their workplace and 39% (448) were selectively out to people with whom they felt safe. Just over 10%(90) were not out to anyone in their workplace (see *Table 2*). This is a similar finding to research done in the USA by Friskopp and Silverstein (1995) in their study of lesbian and gay professionals in the workplace.

Table 2 Occupation and Out in Workplace

Occupation	Out To All	Out to some	Out to No-one	TOTAL
Manager	58	37	11	106
Health Practitioner	54	29	10	93
Human services Pract.	56	44	4	104
Other professionals	33	47	13	93
Educators	41	67	10	118
Research/project officers	35	12	0	47
Artists/writers	27	18	4	49
Administrators	71	38	14	123
Sales/marketing	22	19	2	43
Trades	20	10	7	37
Hospitality	14	12	8	34
Police/security/defence	6	7	1	14
Unskilled/other	11	7	6	24
Total	448 (51%)	347 (39%)	90 (10%)	885 (100%)

As can be seen in *Table 2* those most likely to be out to everyone in their workplace were research and project officers with the least likely being educators and other professionals. Educators were, however, most likely to be out selectively. Those working as personnel in hospitality and those working in unskilled occupations were the most likely group to be silent about their sexuality in their workplace. Those participants working as human services practitioners were least likely to be silent about their sexuality (see *Figure 11*).

Figure 11 Occupational Groups and Openness about Sexuality in the Workplace



5.2 Out To Everyone

Almost 51% (448) of the participants were out to everyone in their workplace. Of these over 89% actively chose to be out for ‘positive’ reasons. These included being proud about their sexuality; being honest; making a political statement; and working in a safe environment.

Some of these participants considered that as they had always been out there was no decision to make.

I came out in the womb.

I have always been out and refuse to lie for the comfort of others.

Others considered that their sexuality was an integral part of their identity and sense of self. Related to this was the importance for some to be honest, open and proud about who they are and their relationships.

It's who I am.

Being honest and open is the only way to live.

Honesty; being true to myself and proud of my lifestyle and gorgeous partner.

A personal desire for honesty and pride in being a dyke.

Standing up and believing in myself and proud to be part of the gay community.

Others commented that their choice to be out was a political one and influenced by a wish to contribute to change.

Being honest about who I am is a political statement for me.

Choosing to be out plays an important part in furthering the possibility of changing attitudes to more acceptance of difference.

My reason is political so the dominant culture is not so exclusive - I have nothing to lose.

Some people were out in their current employment but had not been out in their previous workplaces. Many of these commented on the amount of energy it took to lead a double life and how much easier it was not having to be 'on guard'. Many also commented that previous experiences of discrimination and its effects were influential in their decision to be open about their sexuality.

I was tired of living with deceit and I decided to change my approach when I moved to another job.

I had bad experiences with a previous employer so this time I made sure that this workplace wanted out people.

I was discharged from the Royal Australian Air Force about seven years ago and decided never to hide my sexuality as a result of the trauma.

Over 30% (132) of those who were out to everyone chose this option because they considered they had a safe workplace. Some of these had actively sought jobs where they could be out; others had been open about their sexuality at their employment interview; others were employed in organisations where diversity was not only tolerated but promoted. Many of these worked in lesbian and/or gay organisations or where lesbians and gay men were visibly present in the workplace or where the senior staff were openly gay or lesbian. Many commented on the positive attitudes of both work colleagues and management. Others commented on the structures and

policies in their workplace that were there to protect them from discrimination on the basis of their homosexuality.

In my workplace there is a strong representation of other gay and lesbian staff, a gay manager, two gay team leaders and open-minded colleagues.

My particular work environment in the inner city is pro gay and there are many gay people where I work.

The supportive non-discriminatory attitude of most workers and the corporate structure has made me feel safe about being out.

I felt it was safe to be out because of the anti-discrimination legislation and public sector management policies.

Around 10% (45) of those who were out to everyone did not necessarily see this as their choice. They were either outed or felt forced to come out for what one described as ‘negative’ reasons. These included coming out to protect themselves from blackmail and gossip. Many of these participants experienced their workplaces as unsafe and homophobic.

Gossip, whispering and innuendo seemed to be a major contributor in ‘pushing’ some people to come out in the workplace. Others considered it safer to be out to pre-empt any gossip and innuendo.

It was rumours about my sexuality from other workers that pushed me into coming out.

I had no choice, word spread quickly and I was outed.

It was the lunch room gossip. After I came out they had nothing to talk about.

I had to come out to avoid allegations of misconduct.

I was getting hassled by this guy at work who thought he was in love with me and I said I was a lesbian and it then got around.

Most of those who did not choose to be out considered their workplaces to be unsafe with homophobic attitudes prevailing. For many this raised concerns about their future and their career path as they considered that they were often treated prejudicially because they were not heterosexual.

Being out has compromised my safety and had possible ramifications for career advancement as the environment is very homophobic and racist.

Transgender people often considered they had no choice about being open about their sexuality. Few considered they had a choice especially those who had chosen to have surgery and remain in their current employment throughout the treatment.

As a transsexual there is no choice about being out in the workplace.

I had no choice I was in transition.

Unavoidable as I changed gender on the job. I am a transsexual (post op) my breast growth and general female behaviour made it very obvious.

For many transgender people while they considered they had no choice about being open about their gender identity it was important for them to be open about their sexuality.

I didn't want to hide any more. Being open helped me to relate more honestly.

I am sick of hiding this. I feel much more comfortable about being open although I didn't at first.

5.3 Out to Selected Work Colleagues

Around 39% (347) of the participants were selectively out, choosing to be out only to some of their work colleagues. Some of these chose only to be out to other lesbian, gay and transgender work colleagues (55 or just over 6%) while others (292 or 33%) chose to be out to selected work colleagues including both lesbian, gay, transgender, bisexual or straight people. The occupational groups most likely to choose this option were sales/market and educators.

The reasons participants chose to selectively come out follow a markedly different pattern to those who were out to everyone. Just over 50% (175) were selectively out either because they considered their sexuality to be part of their identity or because they felt their workplace was relatively safe. Despite this they still considered it was only safe to come out to some people in their workplace. Just under 20% (68) considered that their workplace was homophobic or unsafe and were fearful of the consequences of coming out to everyone. This included fear of losing their job or their chances for promotion, fear of losing the respect of work colleagues and/or fear of losing friends

It is about knowing who to trust and the need to protect career prospects.

I'm only out to the other out gays and lesbians and a few straights who I feel comfortable with. I would prefer to be out to all co-workers but the environment is not safe.

Just under 23% (78) made a choice to come out to someone at work because of the need to tell someone and not feel so isolated. Many who were only out to one or two staff commented on the need to be able to communicate with someone honestly at work and also about the personal costs of always being on guard. Lesbians were twice as likely to state this as the reason for selectively coming out.

I came out to a co-worker because I wanted to be able to talk about my private life and not make excuses.

I am only out to safe people but I do not hide it if someone asks.

My negative experiences and my sense of isolation influenced my decision to be partially out in my current workplace.

5.4 Out to No-one

Just over 10% (90) of participants were not out to anyone in their workplace. The overwhelming majority chose not to be out because they worked in environments that they considered were unsafe and hostile towards gays, lesbians and transgender people.

The general conservative ambience of this industry, my status as a boss of older, male conservative employees.

I would get the sack (if I was out). It's a church school.

My work is in a very male dominated, hetero environment, which would be described as very homophobic.

Many of those who were not out to anyone referred to fear. They cited that if they were to be open about their sexuality they feared the consequences. This included fear of both physical and verbal harassment (often based on what they had seen or heard about in relation to other gay, lesbian or transgender colleagues). One lesbian commented that she was not out and so had not experienced overt discrimination because she could quite easily *pass* as heterosexual. She went on to say her choice about coming out was influenced by her observations of how other gay men and lesbians were treated so negatively and that she was fearful of being treated the same way. Others were apprehensive of being open about their sexuality because of the fear that it would have a negative effect on their career.

I wouldn't dare to be out; it would mean being out of a job.

General homophobic comments made by management and staff, which make me frightened of what might happen if they knew I was gay.

Many who worked in what they called ‘conservative environments’ commented on the risks of coming out. Those who worked for some religious organisations were particularly wary. Yet others were fearful of being marginalised in the workplace and the loss of their authority or their loss of friends. Others commented that they considered sexuality was a private/personal issue and did not effect their work performance. However other participants who were silent about their sexuality did not share this view. Many commented on the link between being open about their sexuality and their level of productivity at work.

I work in the aged care industry employed by the XXX (church) If they found out I was a lesbian I'd be gone.

I work for a church school. This would mean immediate dismissal.

My decision to be closeted was influenced by a possible loss of authority, apprehension of hostility and the loss of friendships.

I have experienced a lifetime of discrimination.

It is no-one else's business but mine, it's not relevant to my workplace performance

Being on guard takes a lot of energy - sometimes I feel like I don't want to be at work, I feel so down.

5.5 Coming out and workplace culture

Deciding whether to come out is often a difficult and complex decision. People often choose to do this because they consider that their sexuality is an integral part of their identity. Many of these people choose to work in organisations where there is little or no likelihood of them being treated in a homophobic way and feel safe to be open about their sexuality. These are often organisations that have a diverse range of employees, often have structures and policies in place to protect their employees against prejudicial treatment and discrimination and have a workplace culture that is safe and accepting and respectful of difference. Several participants worked in environments where diversity was not only encouraged but, as one participant said, *‘embedded into the structure, it's part of the workplace culture. You would not survive here if you did not support diversity’*. Several of these people talked about how in this situation there was no decision to be made about coming out and how positive it was not to have to use their energy to contemplate how and when they would come out. It is therefore not surprising that some employees who are **out by choice** are less likely to experience prejudicial treatment and discrimination.

However not everyone is in a position to make a choice about coming out. Some are outed or forced to come out. For many of these the workplace environment is filled with tension and they view their work life as negative often because of the explicit and subtle forms of discrimination they experience. Many of these consider this has negative consequences for their workplace productivity with much of their energy being used to deal with the hostile environment of the workplace.

Some lesbians, gay men and transgender people choose to be out only to colleagues who they can trust in their work place. For many it is a difficult and complex decision to decide whether to come out and, if so, to whom. For those working as educators the most popular option was to be selectively out with many commenting on how the process of deciding to be open to selected work colleagues about their sexuality was often distressing. This may be further complicated in particular climates, such as the recent Wood Royal Commission's focus on paedophilia and homosexuality. A study of teachers in USA showed that decisions about becoming a teacher, staying in teaching and coming out while teaching are highly individual and very complex (Olsen 1987). The research demonstrated that for any gay or lesbian teacher to be out was a risk with prejudicial treatment a likely outcome. In many situations students make homophobic remarks based on gossip and innuendo that a teacher is gay or lesbian.

The smallest group of participants chose to be out to no-one. The most frequently given reason related to fear; many feared the consequences of being open about their sexuality. They feared the effects it would have on their career, they feared they would lose friends, they feared being marginalised in the workplace and in some situations they feared for their safety. In a workplace environment that was hostile they were not going to risk being out but many lived in fear of being 'found out'. They considered their workplace performance was effected by this because of the need to be constantly on guard. Others considered their sexuality is no-one's business but their own and that they did not consider it effected or related to their work performance.

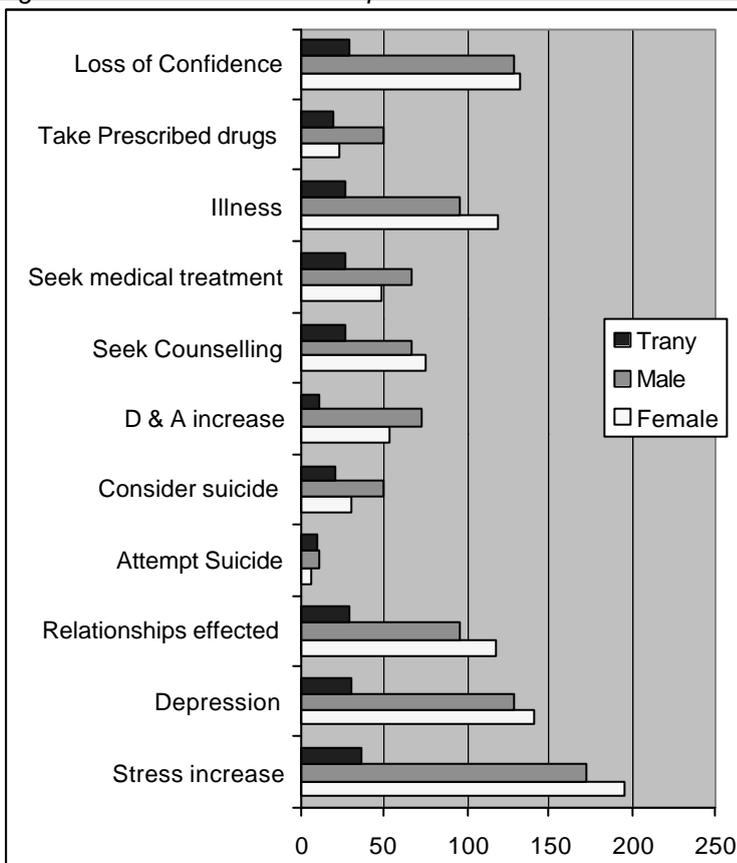
Workplaces that are hostile and in which gay men, lesbians and transgender people feel unsafe or feel the need to disguise their sexuality or gender identity are less supportive than those in which they can be open about their sexuality. When gay men, lesbians and transgender people are able to be open about their sexuality this is associated with general psychological and social wellbeing and enhanced work performance and is more likely to be associated with job satisfaction.

The effects of working in a negative or hostile work environment will be further explored in the next section of this report.

The Effects of Discrimination

The effects of homophobic behaviour, harassment and prejudicial treatment were many and varied, often depending on a number of factors, including the type and nature of the discrimination.

Figure 12 Effects of Homophobic Treatment or Harassment



6.1 Effects of Homophobic Harassment or Prejudicial Treatment

As can be seen from *Figure 12* the effects of being exposed to homophobic workplace harassment and prejudicial treatment were extensive with almost all the participants who had experienced this behaviour or treatment identifying various negative effects. Only 24 (5%) of the participants who had experienced homophobic harassment or unfair treatment commented that it had no effect on them.

6.1.1 Stress and anxiety

The most commonly mentioned effect was an increase in stress and anxiety with over 76% (405) of those who experienced some form of homophobic behaviour experiencing this. This was experienced by 79% (196) of the lesbians, 73% (172) of the gay men and 88% (37) of the transgender people. Many participants linked their increased stress and anxiety to being in constant fear. For many who were not out it was about the fear of their sexuality being exposed, and the consequences of this. Many feared they would be treated prejudicially, would lose their job, or would risk their career. For many the high levels of stress resulted in them taking time off work and not wanting to be there.

Jokes and ridicule and a sense of isolation cause stress resulting in me feeling bad about myself which effects the work I do.

Led to stress and considerable period off work without pay.

Became stressed about whether or not to come out to the groups of young people.

Often in my work it is very subtle - choices as to whether or not to come out. This is stressful but does not amount to discrimination.

I'm not really out at work so I am in constant fear and anxiety of being found out and I would get the sack. It's a church school.

6.1.2 Depression

Just over 60% (321) of those who had experienced homophobic harassment or treatment commented that this had resulted in them becoming depressed. Of those who were the recipients of homophobic behaviour or prejudicial treatment 89% (39) of transgender people, 60% of gay men and 56% of lesbians experienced depression.

When I was constantly referred to by a colleague as a poofster it caused depression.

I became emotionally ill and depressed due to intense period of harassment by my former boss. He was eventually transferred after I took action with union support.

6.1.3 Illness

Over 45% (241) of the participants who had experienced discrimination considered they had become ill as a consequence of this treatment. Many commented that this was related to the stress in their lives resulting from their negative workplace experiences.

I was under so much stress I became really ill. The doctor said that my slow recovery was due to my work stress.

I had migraines all the time. Eventually I couldn't stand it any more and I left and the migraines left too. It was like a miracle – a weight off my shoulders.

6.1.4 Loss of confidence

Just under 55% (290) of those who experienced discrimination commented that one of the effects was the loss of confidence in themselves and their ability to perform adequately at work. Over 53% (132) lesbians, 55% (129) gay men and 68% (30) transgender people experienced loss of confidence.

I just didn't believe in myself anymore. My self confidence was so undermined. Even in my new job it took a long time for me to trust myself again.

The sort of discrimination I have experienced has mostly been in the form of dyke/poof jokes or homophobic comments directed at me or other gays and lesbians at work. I am sometimes able to call it for what it is and this has to some degree stopped people making these comments around me. However it still eats away at my sense of equality with other workers. I feel them looking with distaste upon me - this is to do with other things too like being perceived as a bit of a political radical and a feminist etc.

The constant stress had eroded my confidence and self esteem. I began to think about how I had contributed and began to blame myself for the situation. I know I shouldn't think like this but sometimes I just can't help it.

6.1.5 Negative effects on relationships outside the workplace

Almost 46% (243) of those who experienced discrimination commented that their relationships outside work were effected by their negative workplace experiences. This effected 30% (75) of the lesbians, 28% (67) of the gay men and 59% (26) of the transgender people who had experienced discrimination.

Support from women was invaluable to my survival. Bad experiences impacted on my intimate relationship –this was magnified because we were living in a country town and the gay and lesbian community is small.

It really had a negative effect on my personal life. It was so emotionally draining that my relationships with my lover and my friends were severely affected.

6.1.6 Contemplate or attempt suicide

The experience of homophobic harassment and/or prejudicial treatment had caused 100 (19%) participants to contemplate suicide. Transgender people were most likely to contemplate suicide

(45%), followed by 21% of gay men and 13% of lesbians. Twenty-seven people actually attempted suicide as a consequence of the harassment or prejudicial treatment they experienced.

For me the depression was so extreme that I had thought about suicide. I even collected a lot of sleeping tablets but I couldn't go through with it.

I thought what's the point of living if it's as bad as this.

6.1.7 Sought medical attention or counselling

Just under 27% (141) of those participants who had experienced discrimination had sought medical attention, generally around issues such as the treatment of depression or increased stress. Transgender people (45%) and gay men (21%) were more likely to seek medical attention than lesbians (13%). This is reflected in the taking of prescription drugs with transgender people (43%) and gay men (21%) more likely to be prescribed drug users than lesbians (9%). However lesbians (48%) were more likely to seek counselling than gay men (41%). Sixty eight percent of transgender people who had experienced discrimination sought counselling.

I always seemed to be at the doctors.

It was so bad I went to see a counsellor. She helped me see it was not my fault and that I would be better to leave. So I did.

6.1.8 Increased drug and/or alcohol use

Increased drug and alcohol use as a consequence of homophobic harassment and treatment was much more likely amongst gay men (31%) than transgender people (25%) and lesbians (21%). Overall 137 (26%) participants commented that they had increased their alcohol or drug intake as a consequence of their experiences of discrimination.

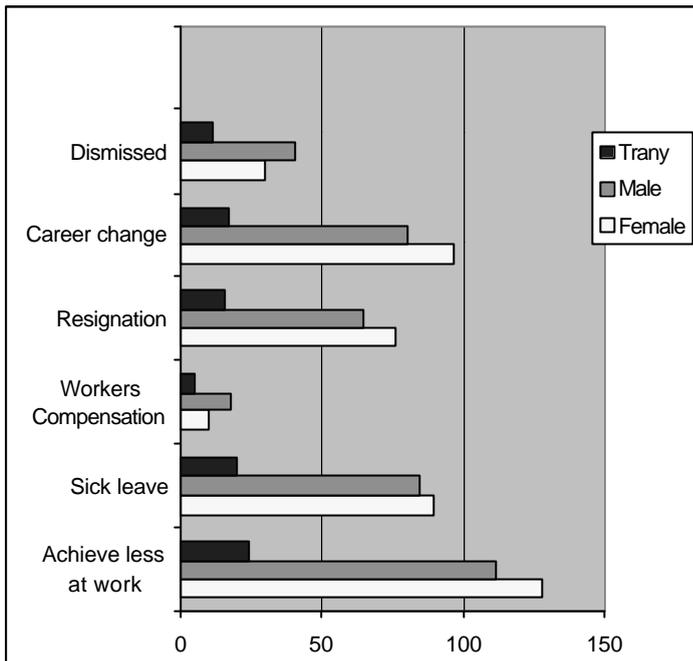
I found it so stressful that I really got into the booze.

I smoke dope anyway but I was so stressed and it helped me cool out. I was spending about a quarter of my salary on it but it did help me.

6.2 Effects on Participant's Work

Many of the participants identified the effects that experiences of homophobic harassment or prejudicial treatment had on their work and productivity (see [Figure 13](#)).

Figure 13 Effects on Work



6.2.1 Achieve less at work

Just over 48% (256) of those who experienced discrimination considered they achieved less at work. This effected 55% (24) of transgender people, 51% (128) of lesbians and 48% (112) of gay men. Sixty-three of the participants indicated that their work environment was so hostile that they could rarely work to their full capacity.

I didn't ever want to go to work. It was so terrible but I used up my sickies quickly and I couldn't afford not to go.

I didn't trust anyone there. I was always looking behind my back. There was no point me putting effort into work it just didn't count.

6.2.2 Sick leave

Just over 36% (194) commented that they had taken sick leave as a direct consequence of their homophobic treatment. Forty-eight participants commented that they had taken extended periods of sick leave. Over 44% (237) of those who experienced discrimination had considered taking sick leave as a consequence of negative experiences in their workplace.

I was off work on stress leave for four months once. When I went back things had changed there and it wasn't nearly as bad.

Because of my experience of extreme homophobic abuse I took several periods of stress leave and my file has been marked that I am emotionally unstable.

I took sick leave sometimes not because I was sick but because I couldn't face going in.

6.2.3 Workers Compensation

Thirty-three participants had applied for workers compensation as a direct consequence of their experiences of discrimination in the workplace. Many of their claims related to stress but some related to injury and illness as a result of stress.

I applied for workers comp because I cut my hand. I am usually careful but the stress preoccupies me sometimes.

I applied for workers compensation because of the stress. I didn't think I'd get it but it was worth a try. Given what they put me through I deserved it.

6.2.4 Resign

Just under 30% (157) of the participants who considered they been treated in a prejudicial way had resigned as a result of this experience. Fifty four percent (284) had considered resigning.

I left through fear (I became scared for my life) and I couldn't and did not want to cope with it. I wanted to put it out of my mind as fast as possible. The experience was so distressing that I felt too depleted emotionally physically to fight a 'battle' and I knew it would be a 'battle'. I protected myself by not taking action. In my present job I made a point of being incredibly visible as a lesbian before I started working. At the interview I kept referring to my community - the lesbian community. Also I spoke of my partner to co-workers to gauge their reaction. Also the area I work in has many lesbian and gay clients and this is a huge influence on people's acceptance.

I did everything to avoid going to work. In the end I resigned.

6.2.5 Career change

Just over 36%(194) had decided to change career as a consequence of their experiences of discrimination.

I left that job because they forced me out but now I'm pleased. I decided on a career move. I was careful where I chose to work and it has worked out really well.

I decided that after so much harassment I needed to work in a totally different area so I retrained.

6.2.6 Dismissed

Ninety-one (17%) of those who were discriminated against considered that they lost their jobs as a consequence of their sexuality.

I worked in a Child Care Centre and the Director knew I was a lesbian before I started. However when staff and a parent asked I denied nothing. Subsequently I was pushed and hounded about everything I did but I wouldn't leave voluntarily so they sacked me.

They said it was my work but there was no problem till someone saw me at Mardi Gras. The trouble started then. My work didn't change. It was their attitude.

6.3 The Effects on Workplace Culture

Many of the participants commented on the effect that the existence of homophobic behaviour and harassment had in the creation of a negative culture in the workplace. For example many of those who experienced being the target of homophobic jokes or being socially excluded commented that while these types of homophobic behaviour may seem minimal, they nevertheless contributed to the creation of a workplace culture that was hostile and unsafe and where it was often necessary to be 'on guard'. For many this reinforced their difference in a negative way and created an atmosphere of intolerance. Others, however viewed it differently; as one gay man *said 'it was a blessed relief to be excluded'*. Likewise some considered behaviour such as social exclusion had no effect on their performance at work while others considered it did have an effect on their work performance and their sense of self.

I could not put all of myself into the job. It ate away at my self confidence and made me ask who I am.

I hate it here. Every day I dread coming to work and wonder what will happen next. I often wonder what it would be like to have a job where you can put your heart and soul.

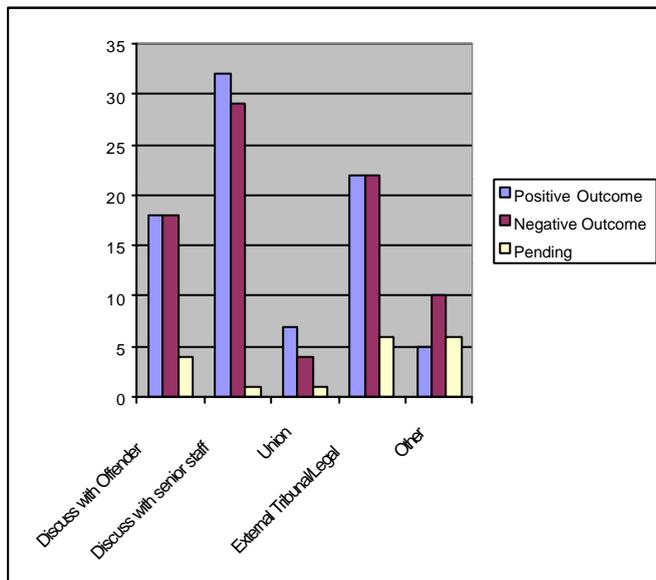
Legal and other Action Taken by Participants

While experiences of homophobic behaviour, harassment and unfair treatment were extensive, only a small proportion of the participants who experienced this chose to take action. Of the five hundred and thirty two (59%) who experienced discrimination, only one hundred and ninety three (36%) had taken some form of action.

7.1 Type of Action Taken

The actions taken were various (see *Figure 14*) and included confronting or discussing the matter with the harasser/s, or taking some form of legal action.

Figure 14 Outcome of Action Taken



7.1.1 Discussion with senior staff or management

The most frequent response of those who did take action was to speak to a senior staff person (62). The chances of a positive outcome in these situations was over 50%.

I notified senior management and confronted offending co-workers. Senior management reprimanded 2-3 co-workers who engaged in demeaning behaviour towards me in pre transition.

I went to my supervisor and then to management. I was advised to resign and when I wouldn't I was forced to attend counselling. In the end I understood that solutions would not be forthcoming and the end result would be that it would result in more trouble than it was worth and perhaps the loss of my employment. I did not go to the union because it was a right wing union and very homophobic.

My supervisor called a team meeting against my wishes about my discrimination. This resulted in an escalation of the abuse as I had anticipated. The reason that I had not taken action was that I was fearful of reprisal. I had contacted the ADB and was told I needed evidence. The reason I did not involve the union was because the delegate was homophobic and part of the harassment. I took no action for 12 months then when the situation escalated I went to my boss who did not want to do anything about it.

I approached my boss after getting harassing phone calls from students who had also graffitied parts of the school. The students were identified and dealt with appropriately. The school was very supportive.

I wrote a letter to my employer and the union. My employer backed me up investigated my complaint and the abuser was fired. The union was hopeless.

7.1.2 Discussion with Harasser

The second most frequent response was to discuss the issue with the harasser. The chance of achieving a positive outcome in these situations was just under 50%. In some of these situations it was only when there was no positive change in the behaviour of the harasser that the senior staff member was approached.

When a group of students were verbally and physically harassing me I confronted them individually and asked them if they would like to be seen as people who discriminate against other people on the basis of race, sexuality etc. I told them I was disappointed with them as I'd always thought they were decent people and that their actions were illegal. They responded by being embarrassed and apologised and the homophobic activities have now stopped. I did it this way because, on some occasions, I did not know who was responsible. I wanted to handle the situation myself as I didn't feel comfortable outing myself to the boss. I was never prepared to deal with this issue publicly so did not approach the union but rather sought support from other lesbian teachers.

I confront the person and call it for what it is. For example, after the telling of a homophobic joke I say to the person 'I'm so surprised that you would be so homophobic.' The response is either 'It's only a joke' or 'Sorry I forgot you don't have a sense of humour' or 'Lighten up.' Sometimes people apologise. I don't always take action. For example, sometimes if I feel unsafe or it wouldn't make any difference to their attitudes anyway.

I confronted the person concerned saying that as a lesbian I was deeply offended by her ridiculing of a workmate whom she perceived to be gay. She cried at first and then asked me why I was taking it so personally.

Many participants tried a number of different strategies to deal with the harassment. For some this was to no avail and they left their employment as a result of this ongoing harassment which was never really dealt with by their colleagues or employers.

Many men in the building industry seem to perceive my lesbian sexuality as a challenge or a threat and exhibit sexual behaviour towards me. I have written to management, had verbal confrontations with offenders, have tried to ignore it but it does not work and I have left the job in all instances. It's difficult for a woman to work in a traditionally male profession and this is further complicated by being a lesbian.

7.1.3 Contacting the union

In response to a general question asking what action participants who had experienced homophobic behaviour or prejudicial treatment had taken, only twelve participants specified that they had sought assistance from the union. Seven of these were happy with the outcome. The low numbers are perhaps partly explained by their views that the union would not be able to assist them.

The union did not want to know.

I didn't involve the union because I didn't think I would get support from them.

I approached the union but they were too frightened to act as they feared that others would lose benefits because of my complaint.

I didn't think that this was an issue that the union would be involved in. I handled it myself and transferred to another branch.

The union is pretty ineffective on issues such as this.

While some felt negative about contacting the union others felt positive. However for some, the decision was not quite as straight forward as taking the union's advice.

The union gave me a sense of security. They were a useful catalyst, which encouraged me to take action. My boss supported me and when in one situation I was thinking about going to the ADB, the offender apologised 'profusely' for any 'misunderstanding'.

I did see a solicitor but was depressed and struggling to survive financially so did not fight it. I had no energy and was feeling very unconfident at the time. The union were supportive but I was unable to pursue the course of action they suggested as it involved confronting my boss.

While only twelve participants identified that they contacted the union when asked what action they took against experiences of homophobic harassment or prejudicial treatment. This conflicted with data obtained from a later question, specifically asking if participants had contacted the union. In response to this question 67 participants indicated that they had approached the union for assistance. Overall forty-one percent (376) of the participants were union members. Of those who experienced some form of unfair treatment or homophobic behaviour two hundred were union members but only 67 identified they sought assistance from the union. A further fifteen who were not members of a union sought union support. Of all those who sought union support half commented that this assistance was helpful while the others found it unhelpful. The reasons given for not seeking support from the union were varied but the most common response was related to the unlikelihood of union involvement contributing to a positive outcome. Fifty-one participants did not consider the union would take any action on their behalf. Thirty-seven considered that it was not worth involving their union. Some of these considered that the issue was minor and they could resolve it themselves. Others considered that the personal costs for them (eg being outed, fear of dismissal) outweighed the possible gains. Eleven considered that the discrimination was insidious and subtle and would therefore be difficult to substantiate. Eight considered that the union was part of the discrimination. Others considered the union was primarily involved with traditional union activities such as wages and other workplace conditions and while this may have included discrimination on the basis of gender, age and race/ethnicity it often did not include discrimination on the grounds of homosexuality.

7.1.4 Pursuing the matter legally

Fifty participants took some form of legal action against their employer or the harasser. This could have included taking action against unfair dismissal, making a complaint to the Anti-Discrimination Board of NSW or another tribunal. The outcomes of these actions were regarded as positive by half of the participants.

I currently have a complaint lodged with the ADB for denial of travel concession for my partner and son. This is still pending.

I was fired. I took it to court and was reinstated and then I left. The union were very supportive throughout the process.

I took legal action through the courts for stress by harassment and discrimination. I received a small financial settlement at court but am continuing to negotiate superannuation and long service leave issues.

7.1.5 Other action

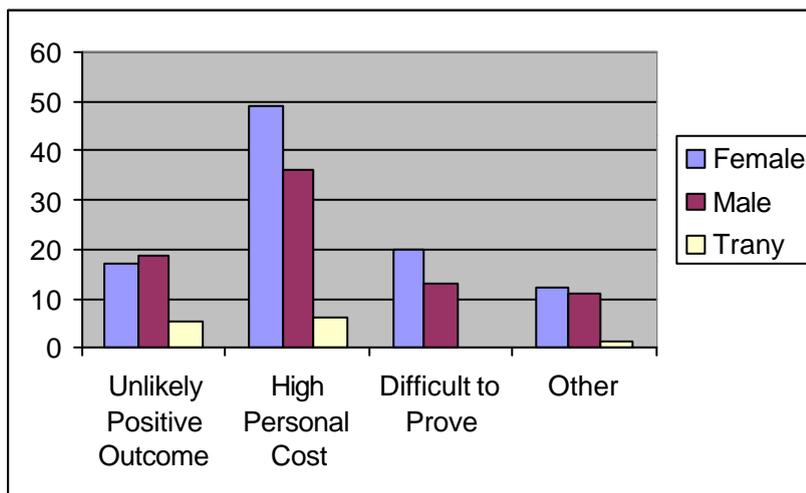
The ‘other’ category was made up of seven people who resigned and moved to other employment. (Only some of those who resigned constructed this as taking action.) Included in this group were fourteen people who had made an official complaint within their workplace to an EEO or grievance officer. The outcomes seemed to be less positive with only a third regarding their action as having beneficial effects.

Overall excluding the eighteen situations where outcomes were still pending, half the participants were happy with the outcome of the action they took.

7.2 Making a choice to Take No action

Sixty-four percent (339) of the participants who had experienced homophobic harassment or prejudicial treatment indicated that they had taken no action. Of these, 189 (56%) specified reasons for not taking action. For this group a higher percentage of women than men chose not to take action (see *Figure 15*).

Figure 15 Gender and No Action Taken



7.2.1 High personal costs

The most common reason given for not taking action related to the high personal costs of taking action. For many this included fear of the consequences of taking such action. For example, the fear of being outed or of experiencing physical violence was a powerful deterrent against taking action. Being labelled a troublemaker or being fearful of losing employment were other deterrents to taking action against discrimination. Other comments related to the severe effects of discrimination which can leave the victim exhausted and with little energy to pursue action.

Fear and overwhelmed by the legal processes.

I was scared of losing my job and being outed.

I just had no energy left. I was so emotionally drained by the abuse and threats.

I had no self esteem or confidence and I was not really aware of the processes.

The organisation just closes ranks and protects their own - you just put up with it, toughen up and deal with it yourself on a personal level. You just put up with it as far as the institutional level or get out and leave. My experience has toughened me overall. Its made me more resolute that I'm not taking shit from anyone. It's OK to be gay if you don't draw attention to yourself.

I did not take any formal action about my discrimination. I was convinced that given what I'd seen other people go through it was better to tough out the situation but this was at a great personal cost.

My own personal wellbeing. I couldn't stand the extra pressure involved in taking action. I perceived my employer as the discriminator.

7.2.2 Unlikely positive outcome

The second most frequent reason for not taking action was the participant's view that there was little likelihood of a positive outcome (41). This included a group of participants whose employers indicated explicitly that homosexuality was not acceptable (eg church organisations and the defence forces). It also included those participants who considered that taking action would serve no beneficial purpose but was likely to provoke further abuse. Some of the participants in this group had also considered talking court action but decided against it because, after reflection, they considered that the long time delays would prolong or exacerbate the situation. Some referred to the pointlessness of taking action because they considered they would not get a fair hearing. Yet others decided that the issue was minor and they could deal with it themselves.

I did not believe I would get a fair hearing and I did not want to be labelled as a troublemaker.

The issue was so minor I considered I could deal with it myself. As it happened I was wrong and I ended up leaving.

I thought it would be too much trouble. It would cause a furore in a Christian organisation.

As I thought that it would have achieved nothing except increasing the discrimination or lead to my job being lost.

7.2.3 Difficult to substantiate

The third most frequent response related to the difficulty of substantiating the harassment. In some situations this was because the identity of the harasser was unclear. In other situations it was because the harassment was subtle and therefore it was difficult to provide evidence. Numerous participants stressed that they were not sure whether they were the recipients of homophobic behaviour or treatment, which made it difficult for them to even consider taking action.

The discrimination was too covert and action could probably exacerbate the situation. I did not believe I would get a fair hearing and I did not want to rock the boat.

Pornographic material was left on my desk regularly but I had no idea who the offender was. I suppose I could have spoken to management but that would just draw attention to me.

It is impossible to take action as the discrimination is so subtle and if I took action I would be in a vulnerable position. It would be like a public outing.

7.2.4 Other reasons

The other reasons given for not taking action included leaving the employment so not needing to pursue any action. While some participants saw this as taking action others constructed it as choosing not to take action. Ten people commented that they did not take action but had resigned from their employment as, for them, this was the most appropriate way to deal with the harassment.

I knew I was leaving this job so taking action or involving the union would have been futile. I am now in another job, completely out and proud.

I resigned. I didn't see what else I could do. If I had stayed I would not have pursued anything and I would be miserable. I still haven't got another job but I'm just about ready to start applying.

7.3 Overview

The decision to take action, challenging homophobic behaviour and prejudicial treatment in the workplace is a complex one. Only 36% (193) percent of those who did experience homophobic behaviour or unfair treatment did take action. Only half of these considered the outcome of this action was positive, that is 18% (84).

Those who did not take action chose not to do so for a variety of reasons including high personal costs to themselves and little chance of a positive outcome. If the workplace was experienced as a hostile or unsafe environment then the likelihood of taking action to confront the behaviour or treatment was diminished. On the other hand, if the workplace and its personnel promoted diversity, the likelihood of action was increased.

For many of the participants taking action involved exposing aspects of their life which they were not prepared to do. For these people the choice was often to either walk away from their employment or to leave the discrimination unchallenged.

8

Conclusion

This research has shown that workplace harassment and prejudicial treatment of lesbians, gay men and transgender people on the basis of their sexuality or gender identity is prevalent. From this study 59% (532) of the participants had experienced some form of this behaviour or treatment at some time in their working life. For 52% this was in their current or most recent employment. For many it was not a single incident, but was ongoing and effected the way they felt about themselves, their workplace and their colleagues. It contributed to a hostile environment, which had a powerful influence on the lives of gay men, lesbians and transgender people, often extending far beyond the workplace itself.

Discrimination occurred across all industries, occupations and types of organisations. It tended to be more prevalent in industries, occupations and organisations that were in traditionally male dominated areas. However, it was certainly not limited to these occupations and industries. There was also much more likelihood of experiencing discrimination in particular types of organisations which traditionally opposed homosexuality, such as some church-based organisations or the defence forces. Particular social climates also contributed towards prejudicial attitudes about homosexuality. For example, some participants reported that the Wood Royal Commission had the effect of increasing fears about homosexuality and paedophilia, particularly in some workplaces. This seemed to have an effect on teachers or those people who worked with children. Some of these participants had chosen not to work with children as they considered that the risk of being accused of paedophilia was too high. For some, issues such as this raised the dilemma about whether they should be out in their workplace.

Some participants chose to be entirely open about their sexuality in their workplace, others were open to selected work colleagues and others out to no-one at all. Some of those who were out to no-one reported they had not been exposed to discrimination because they could quite easily *pass* as heterosexual. Many who were out to everyone considered there was little risk that they would experience discrimination because they had actively chosen workplaces that were *gay, lesbian and transgender friendly*, where they knew they could safely be open about their sexuality. Those who were out selectively to some work colleagues chose not to be entirely open about their sexuality because they did not feel safe and were fearful of the consequences if their homosexuality or transgender identity was exposed. Many of those who were either out to no-one or out selectively, identified that 'cutting off' an important part of their life was debilitating, often causing them considerable stress and anxiety. Some reported that constantly being 'on guard' had negative effects on their work performance.

The consequences and effects of homophobic harassment and prejudicial treatment were extensive. Many participants commented that working in a negative environment had profound effects on their overall health and well being. Some reported that their experiences of illness, increased anxiety, depression and the loss of confidence were directly related to negative treatment in their workplace. The existence of homophobic behaviour or prejudicial treatment in the workplace had the potential to create a hostile environment, where gay men, lesbians and transgender people frequently considered their contributions were not valued. As a result some of the participants considered that their work performance was effected negatively because they were often ill, took extensive sick leave or just did not want to be at work.

This research has shown that while the effects of homophobic behaviour and prejudicial treatment on gay men, lesbians, and transgender people were extensive, that overall there was a general reluctance to take action. This particularly applied to legal action or other action outside the workplace. The reasons reported were many and complex but generally fell into one (or more) of three categories. Firstly participants identified the long time delays as a deterrent to taking legal action. Secondly they reported that the difficulty in proving the existence of homophobic behaviour or prejudicial treatment posed an obstacle. Many commented that they were unsure who the perpetrator was, while others commented they knew who it was, but could not prove it. Yet others commented that particular forms of prejudicial treatment were difficult to substantiate. Thirdly, the high emotional cost of taking action was identified. Many participants reported that their exposure to homophobic behaviour and prejudicial treatment had been so debilitating they did not want to pursue action. Others commented that the likelihood that their homosexuality or gender identity would be publicly exposed was problematic.

There was a general reticence by participants to involve unions to support or act on their behalf, as many saw unions in their traditional role of improving wages and conditions of workers, which they did not perceive including issues related to homophobic harassment. Many also commented on the lack of awareness or minimal interest unions took in challenging homophobia in the workplace.

Many of the participants reported that their workplaces were gay, lesbian and transgender friendly and therefore positive places in which to work. In some of these workplaces employers have actively chosen to promote diversity in the workplace and have been pro-active in ensuring that the rights of **all** their employees are protected. Some participants reported that homophobic behaviour and attitudes are not tolerated and on occasions when they are exhibited the harassers are severely reprimanded, thus contributing to the creation of a workplace culture where this behaviour is not acceptable. These workplaces often also have policies, processes and structures that reinforce respect for difference. Some of the participants commented that in these situations they consider that they are valued and seen as making a productive contribution to the workplace.

This research demonstrated that discrimination against transgender people was extensive. While the numbers of transgender people who participated in this survey were not high (59), an extremely high percentage of these had experienced discrimination (80%). Many transgender

people commented that discrimination occurred when they were seeking jobs, thus excluding them from employment. Some remarked that they had no choice about being open about their transgender identity as they underwent transition in the workplace. Transgender people reported that the effects of this harassment and prejudicial treatment were wide-ranging and resulted in a diminishment of their capacity to be productive in the workplace. Discrimination in the workplace against transgender people is a major issue of concern and justifies further research.

The participants in this study reported numerous forms of negative behaviour and practices that fell into two categories. The first was harassment and homophobic behaviour. This was usually perpetrated by either an individual or groups of work colleagues or clients with homophobic beliefs or attitudes. The behaviour ranged from homophobic jokes and social exclusion to physical and sexual abuse. The second category was prejudicial treatment or behaviour or what some participants labelled by some participants as 'unfair work practices'. This included such issues as not being considered for promotion and unfair rosters. This behaviour can be perpetrated by a work colleague at the same level as the victim, but it is more likely to be someone in a supervisory position who has the power to offer or limit opportunities to employees. This then becomes a form of institutional discrimination. A systemic form of prejudicial treatment was the denial of entitlements available to heterosexual colleagues.

Employers and unions have responsibility and a duty of care to protect employees against discrimination of any kind. It is the employer's responsibility to ensure that employees are protected against homophobic harassment and prejudicial treatment. The creation of a safe, productive and inclusive workplace is dependent upon employers creating a workplace environment where there are dis-incentives for perpetrating homophobic harassment and prejudicial treatment. Employers need to be active in challenging individual, institutional and systemic discrimination in the workplace. While employers may not be actively reinforcing homophobic practices and behaviours, they collude with these practices by not actively challenging them. The need for close examination of employment and workplace practices to ensure that people are all treated equally is paramount. It is only by doing this and creating transparent policy, procedures and practices that inclusive workplaces will be created.

Unions need to play a critical role in challenging homophobic behaviour and prejudicial treatment in the workplace. The core business of unions is the enhancement of workplace conditions for members. Many participants in this study did not even consider approaching the union because they perceived the union as mainly being concerned with wages and more traditional conditions. Some also saw their union as being homophobic so did not feel safe to approach them. Unions need to take a pro-active stance in ensuring that **all** their members have access to their services and that the working conditions of **all** members are conducive of a positive workplace environment.

In June 1999 in NSW the Full Bench of the Industrial Relations Commission NSW ordered that an anti discrimination clause be inserted in all awards in NSW. This clause will be inserted by way of a general order which means that it will automatically included in every award. It includes discrimination on the basis of race, sex, marital status, disability, homosexuality, transgender

identity and age. This surely provides a way forward for employers and unions to work collaboratively to achieve workplaces that are free from discrimination of any type.

The challenge exists for unions and employers to work together to counter homophobic harassment and prejudicial treatment and to produce workplaces that offer equal opportunities to all workers and do not reflect the experience of one of the participants in this study who recounted *'The pink ceiling is too low.'*

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Appendix