

Gay & Lesbian Rights Lobby

Workplace discrimination

The Pink Ceiling is Too Low

The Gay and Lesbian Rights Lobby and Australian Centre for Lesbian and Gay Research have recently completed research, *The Pink Ceiling is Too Low* (1999), which shows that workplace discrimination against lesbians, gay men and transgender people is very prevalent.

Workplace discrimination is widespread

Discrimination is common and occurs in all occupations and industries. It can occur whether you work for a large or small organisation; whether you're a boss or just starting out.

Discrimination at work takes a variety of forms

This varies from dismissal or abuse to more subtle forms of ostracism and exclusion. Ridicule, belittling and homophobic jokes are among the most frequent.

Harassment, destruction of property and violence also occurs in and around the workplace. Research into violence against lesbians has revealed that perpetrators are often work colleagues rather than strangers.

Not surprisingly, discrimination has serious effects on health, work performance and career opportunities.

Key findings of our research

- 900 gay men, lesbians and transgender people from NSW, the ACT and Victoria participated in the research.
- 52.8% of participants had been the subject of harassment or discrimination in their current employment.
- 50.3% of participants were ridiculed in front of colleagues or subject to homophobic remarks or jokes in the workplace.
- 28.3% of participants had been the subject of aggressive, inappropriate or unwelcome questions about their status and 21.7% of participants had been 'outed' in the workplace against their will.
- 11.3% of participants had experienced verbal abuse, including threats of physical and sexual abuse.
- Over 17% of participants felt that their careers had probably been restricted because of their homosexuality.

The Pink Ceiling is Too Low is available at our website:
www.girl.org.au

Hard copies can be obtained from the Australian Centre for Lesbian and Gay Research

FACTSHEET

Workplace discrimination is not legal

Discrimination on the basis of homosexuality or because you are transgender is unlawful in NSW under the *Anti-Discrimination Act 1977*. There are also often clauses in awards which mean that discrimination on many grounds, including sexuality, is not allowed. In cases where the lesbian, gay man or transgender person is sacked, they may also be able to make a claim of unfair dismissal.

Unfortunately, exemptions in the Anti-Discrimination Act undermine its effectiveness. For example, gay and lesbian teachers have been dismissed from private schools and can do little about it as these institutions are allowed to discriminate under the Act. Religious bodies also operate effectively outside the law.

Some discrimination is caused by governments

Employment discrimination includes denying benefits to partners and other family members such as parental leave, relocation expenses, partner travel and superannuation, including the denial of death benefits. If you want to find out more about couple benefits or superannuation, see our fact sheets on these topics.

What to do if you are discriminated against at work

There are a range of options depending on your workplace and other circumstances. If you are discriminated against on the basis of homosexuality or transgender status (including being dismissed), you can make a complaint to the Anti-Discrimination Board. You may have an unfair dismissal claim if you have been fired and can make a claim in the industrial courts. Many workplaces have mechanisms such as equal opportunity policies and practices which enable you to make a complaint without going to an outside body if you wish. And your union should help you (if you're a member) regardless of whether your workplace has such policies.

What makes a good workplace

It wasn't *all* bad news. Our research also revealed that some gay men, lesbians and trannies worked in supportive environments where they were able to produce their best work without fear or favour.

Positive experiences happened in workplaces characterised by a workplace culture that promoted difference. Homophobic behaviour and attitudes were not tolerated. These workplaces often had policies and practices that ensured everyone got a fair go. Trannies, gays and lesbians were able to feel safe and their contribution was valued.

Unions need to help

Your union is there to represent all its members and ensure they are treated fairly. It should help you if you are experiencing discrimination. One of the most disappointing findings of *The Pink Ceiling is Too Low* was that few people had received help from their union. However, the union movement has given a clear signal that it wants to change this and the report was launched by then ACTU President Jennie George. So if you want this situation to change, tell your union about the report and ask it to help make positive changes in your workplace and industry.

Discrimination needs to stop

The Lobby fights discrimination against lesbians and gay men. If you would like to help or make a donation to our work, please contact us.

You don't have to be experienced to get involved. You just have to want to make a difference.

For more information or to find out about the campaign for equal rights contact us at:
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