Consequences of Disclosure of Sexual Orientation in the Workplace

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Abstract: All Australian businesses are governed by legislation aiming to prevent workplace discrimination based on sexual orientation and sexual identity with serious penalties applying to companies found contravening legislation. While other Australian studies have examined these issues, Queensland has either not been included or relevant data is not easily identified. This paper presents the results of an exploratory study using a quantitative survey to determine the consequences of disclosure of a person’s sexual orientation or gender identity to colleagues in workplaces in Queensland. Results suggest that while gay, lesbian and bisexual (GLB) workers are more open to disclosing their sexuality as a consequence they are experiencing more discrimination in the workplace, despite anti-discrimination policies. This suggests the need to further investigate companies’ compliance with workplace legislation.

Keywords: discrimination, workplace, GLB, sexual identity, gender, diversity.

INTRODUCTION

Discrimination in gaining employment has been reported by certain demographic groups, such as women, ethnic, national and religious minorities and those who are disabled or a member of a sexual minority (Weichselbaumer, 2001). Most employers recognise race, ethnicity and gender as forms of diversity (Kossek & Lobel, 1996; Miller & Katz, 2002). These groups have been targeted by many organisations to fulfil their equal employment opportunity policies as companies begin to acknowledge the reality that diversity is an attribute embodied in everyone (Miller & Katz, 2002) and transcends a person’s race, ethnicity or gender. However, there are other types of diversities that have important implications for human resource management systems, with one of these being sexual orientation. Human Resources (HR) policies supporting diversity can assist with organisational changes (Kossek & Lobel, 1996) and organisations can lose the varied skills, knowledge and expertise diverse employees may bring. Even so, individuals who do not fit with organisational culture will tend to feel marginalised and may be dissatisfied with their work and their organisation (Miller & Katz, 2002). It is therefore important to examine the impact of this workplace marginalisation in relation to sexual and gender diversity.

Being diverse in terms of sexuality or gender can lead to significant stigmatisation, as reflected by research showing membership of a minority group, may lead to individuals becoming stigmatised by much of society (Berkley & Watt, 2006; Busby & Middlemiss, 2001; Dawson, 2005; Herrington, 2004; Ragins & Cornwell, 2001; Ragins, Singh, & Cornwell, 2007; Troung & Kleiner, 2001). Definitions of social stigma include homosexuality as, according to Goffman (1963), it is considered a blemish on one’s individual character because misunderstandings about homosexuality are widespread. As a result, gay, lesbian, and bisexual (GLB) employees may fear disclosing their sexual diversity and could face physical violence and considerable marginalisation and stigmatisation within the workplace as a result (Pitts, Smith, Mitchell, & Patel, 2006). This is the case of perceived discrimination in the workplace for GLB workers, something highlighted as an even more important area of concern in light of recent research on homophobia in Australia. Homophobia, the fear or dislike of homosexual people and homosexuality (Flood & Hamilton, 2005), was found to vary within Australian States and Territories, with higher instances of homophobia being identified in Queensland and Tasmania with Victoria being identified as the least homophobic. These findings clearly suggest evidence of homophobia in Australia, and that certain states and/or territories are homophobic to different extents. This suggests the need to examine how this impacts on the working lives of GLB people in Australia.
This paper outlines the results of a quantitative study examining the consequences of disclosure of a person’s sexual orientation or gender identity to colleagues in workplaces in Queensland, Australia. The underlying research paradigm for this study was stigma theory, where stigma was defined as a quality that discredits a person and reduces them from a whole person to one that is seen to be less than whole and tainted by that quality (Goffman, 1963).

WORKPLACE DISCRIMINATION IN 1999
The largest Australian study into discrimination in the workplace was conducted in 1999 by Jude Irwin from the Australian Centre for Gay and Lesbian Research (ACGLR) at the University of Sydney in conjunction with the Gay and Lesbian Rights Lobby of New South Wales. Approximately 900 gay men (47%), lesbians (46%) and transgender (7%) (GLT) respondents in New South Wales, the Australian Capital Territory and Victoria took part in the research. One of the major findings of the research was that 59% of respondents had been the subject of harassment or discrimination in their current or previous workplace (Irwin, 1999). Another key finding was that 50% of respondents had been ridiculed in front of colleagues or subject to homophobic remarks or jokes in the workplace.

The research focussed on the experiences of GLT individuals within their current or previous workplace and how this affected their dealings with that company and also how it had affected them in their personal lives. Irwin (1999) reported that on the basis of homosexuality or gender identity 59% of respondents reported experiencing harassment and/or prejudicial treatment in their current or previous workplace (Irwin, 1999). It was also found that whilst a high percentage of lesbians and gay men had experienced harassment, overall transgender people (75%) experienced harassment at a higher rate than lesbians and gay men.

Irwin’s research also showed that homophobic harassment and treatment extended across all occupations and industries regardless of the size of the employing company. However, the research also pointed out that discrimination was far more likely to occur in traditionally male dominated organisations, such as the mining industry, and in traditionally male dominated occupations. These findings are particularly relevant to this research as this study will include rural Queensland where there are many mining companies and employees. Irwin (1999) also indicated positive experiences were reported by GLT employees due to a supportive workplace culture, but fails to note in which industries these positive workplace cultures can be found. Although this research has been very useful in understanding these issues in an Australian context, only three states were included in this study and this is a significant limitation of Irwin’s study.

Discrimination In 2006
Another Australian study (Pitts et al., 2006) covering all states and territories examined discrimination against gay (52%), lesbian (25%), bisexual (10%), transgender (2%) and intersex (2%) (GLBTI) individuals. A further 9% of respondents did not subscribe to the use of labels and Pitts et al, (2006) found that fear of prejudicial treatment or discrimination caused 67% of GLBTI individuals to modify their daily activities. Personal insults and/or verbal abuse were experienced by 59% of respondents and this percentage was higher in major cities although threats of violence and/or physical attacks were more likely in regional or remote areas. As a consequence of their sexuality, 14% of respondents had been physically assaulted and 10% had been refused employment or promotion (Pitts et al., 2006).

Discrimination In 2010
A recent study into discrimination and abuse of GLBTI individuals in the wider construct of society within Queensland was conducted in 2010 by Berman and Robinson. A total of 80% of
respondents (gay 44%, lesbian 40%, bisexual 11% and other 5%) in this study were employed and 9% of perpetrators of homophobic or transphobic abuse were drawn from the workplace, therefore known by the respondent through their place of employment (Berman & Robinson, 2010). This serves to validate the need for a more in-depth study of discrimination in the workplace. Of Berman and Robinson’s respondents, 53% of respondents reported they had been harassed or abused within the last two years on the basis of sexuality or gender identity. Berman and Robinson (2010) stated that the five most predominant forms of abuse and harassment experienced by respondents were verbal abuse, spitting and offensive gestures, threats of physical violence, written threats and abuse and physical attack or assault (without a weapon). Furthermore, 12% of respondents counted the workplace as their most recent experience of abuse, harassment or violence. Fear was a major contributing factor as to why 62% of respondents concealed their sexual orientation or gender identity whilst at work (Berman & Robinson, 2010). Although this study is by far the most comprehensive within Queensland, and Australia to date, little is still known about discrimination against GLBTI people in the workplace. It is the lack of knowledge in this area that underpins the need for further research into discrimination within the workplace. The main research method for this study was utilising the snowball technique to generate responses (Berman & Robinson, 2010).

Therefore, this study sets out to address this gap by examining sexual discrimination in the workplace in Queensland. As legislation against discrimination in Queensland has been enacted for over 17 years, it is important to examine whether or not this legislation is having an impact in the current work environment.

METHOD
As discrimination, stigmatisation, and exclusion are all measurable variables in terms of this research, a quantitative research paradigm is supported as it is objective, generalisable, provides an “outsider” perspective, and is a controlled measure (Blaxter, Hughes, & Tight, 2006; Grix, 2004). A quantitative approach is also appropriate as it allows for ease of replication for future studies into GLB discrimination in the workplace. More importantly, reaching the GLB population can be difficult, with researchers having most success accessing GLB communities by using the internet (Berman & Robinson, 2010; Faugier & Sargeant, 1997; Pitts et al., 2006). This study therefore used an online survey to access GLB individuals, and to allow respondents the option of anonymity and the ability to complete the survey at a time and place that was convenient to them.

To communicate with potential respondents, snowball sampling was used. Snowball sampling begins with selecting potential respondents from the target population; these potential respondents are also called seeds (Salganik, 2006). Once respondents complete the survey, they are encouraged to recruit other potential respondents from within the target population. The new members of the sample are then asked to further recruit others from within the target population. Sampling in this fashion continues until the desired number of respondents is reached. Salganik (2006) states experience has shown this sample selection method is practical and it has already been used to study a number of different hidden populations ‘such as injection drug users and sex workers’ (Salganik, 2006, p.98).

Berman and Robinson (2010) used a snowball technique in Queensland to target GLB individuals. Queensland comprises approximately 1,852,642 square kilometres and using an internet based survey to garner responses from such a wide area where the researcher may not be able to attend in person was deemed appropriate. Berman and Robinson (2010) also used the snowball technique to drive responses to the survey website. An online survey is an important tool to gather responses from an otherwise unknown sample size. The research method used by Berman and Robinson (2010) is a very similar method to that used in this research.
As noted above, hidden populations are typically those in which a population size cannot be
determined. As sexual orientation or sexual identity are not questions that are asked in census
data collection by the Australian Bureau of Statistics, the population size of GLB individuals in
Queensland cannot be pre-determined. Snowball sampling is therefore best suited to GLB
populations whose size is as yet unknown. In this study, research participants for the online
survey were approached from a variety of sources. The sources ranged from University email
lists, personal networks, organisations specifically designed to assist GLB individuals, GLB
websites, GLB events as well as media releases sent to the general press. In addition a Facebook
page was set up and the researcher attended GLB events in Brisbane, Townsville, Cairns, and
Rockhampton handing out fliers to promote the survey and encourage participation. However,
in all instances the snowball methodology was utilised to drive participation in the survey
through asking participants to forward the link of the survey to friends and family that may have
been interested in the research. On completion of the survey, data was analysed using SPSS.

RESULTS
Demographics
Of the 152 respondents to the online survey, the age range of respondents varied from more than
18 to more than 55 years of age with the mean age of the respondents between 30 and 34 years
of age. Most respondents lived in the Brisbane Metropolitan Region (37.5%) or the Fitzroy
Region (27%). Responses were received from all Queensland regions. Regions were defined
according to the Queensland Department of Transport and Main Roads and where postcodes
overlapped regions, the closest major centre was chosen to represent the Region (Queensland
Government, 2010). Respondents who had experienced discrimination in the workplace worked
in a variety of industries. The highest percentage of respondents (22%), worked within the
Health and Community Services industry followed by tertiary education (10%) and government,
administration and defence (10%). The majority of respondents identified as gay males (39%),
lesbian (23%), bisexual female (15%), gay female (7%) or bisexual male (6%). Respondents
recorded that their highest level of education completed was Secondary School at 21.7%
followed by completion of an undergraduate degree at 20.4%.

Sexual Identity Disclosure
Analysis of staff awareness of the respondent’s sexual identity revealed that more than 92% had
disclosed their sexual identity in the workplace and that 40% were comfortable enough in their
workplace to disclose their sexual identity to more than 10 staff members in their workplace.
Respondents indicated that disclosing their sexual orientation or sexual identity was more likely
to include more than one co-worker (38%), whilst disclosure to superiors was most likely to be
to their Manager/Supervisor (30%) rather than an owner/operator (10.7%). Throughout their
working history, the majority of the respondents had experienced discrimination based on their
sexual orientation or sexual identity at either one (36%) or two (34%) workplaces. When asked
if their place of employment had policies in place preventing discrimination, 74% of
respondents stated in the affirmative. Importantly, of the 34% of respondents who had reported
discrimination within the workplace, the reporting had no effect (66%) for the majority. Only
2.7% of respondents reported discrimination ceasing altogether. When asked for the reason
why, 66% of respondents had not reported discrimination within their workplace, responses
for 12.8% of respondents ranged from having no-one to report discrimination to; being not
overly concerned by it; nothing will be done based on past experiences; and that society is
homophobic and assumes heteronormality. Heteronormality is where a person assumes someone
they have just met is heterosexual (Case, Hesp, & Eberly, 2005).

However, 10.7% of respondents reported that they feared repercussions should they report
discrimination within their workplace. When respondents were asked if they believed that

Consequences
of disclosure of
sexual
orientation in
the workplace
Page | 99

NZJHRM, 12(3), 96-
104.
factors other than their sexuality or sexual identity had an effect on discrimination in workplaces, 7.4% of respondents believed gender may have played a part in discrimination within their current workplace. In addition, age (5%) and religion (3%) accounted for the most frequent areas in which discrimination should not be occurring according to the Queensland Anti-Discrimination Act. Some form of action was undertaken by 12.5% of employers once discrimination was reported and the most common course of action undertaken was staff training (8.1%).

**Types of discrimination**
The three most frequently reported types of discrimination based on the respondent’s sexual identity were remarks (27%), ridicule (27%) and jokes (25%). When more than one co-worker were involved discrimination consisted of remarks (59%), ridicule (56%) and jokes (58%). Furthermore, single co-workers most frequently carried out discrimination in written form with threats of physical abuse (100%), as well as verbal threats (57%) and telephone threats of physical abuse (67%). If respondents had experienced discrimination in their current workplace more than three times, the types of discrimination were: death threats (80%), threats of physical abuse via telephone (67%), property damage (33%), verbal threats of sexual abuse (30%), verbal threats of physical abuse (29%) and verbal threats of sexual abuse via telephone (25%).

**DISCUSSION**

**The changing face of discrimination in Australia**
In Australian research, Irwin (1999) highlighted that harassment and/or prejudicial treatment was widespread, with 59% of the respondents experiencing discrimination in their current or previous workplace. The most common behaviour experienced by GLBTI employees were jokes (54%), unwelcome questions (48%), and ridicule (32%). While jokes were the most frequently reported discriminatory behaviour in 1999, ridicule predominates in 2010 potentially indicating discrimination has become more personalised over time. The three most frequently reported types of discrimination in 2010 based on the respondent’s sexual identity were remarks (27%), ridicule (27%) and jokes (25%). Similarly, when more than one co-worker was involved, the most frequent types of discrimination have shifted towards remarks (59%), ridicule (56%) and jokes (58%) in 2010.

<table>
<thead>
<tr>
<th>Year</th>
<th>Jokes</th>
<th>Unwelcome questions</th>
<th>Ridicule</th>
<th>Remarks</th>
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<tr>
<td>1999</td>
<td>54</td>
<td>48</td>
<td>32</td>
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<tr>
<td>2010 One co-worker</td>
<td>25</td>
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<td>27</td>
<td>27</td>
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<tr>
<td>2010 More than one co-worker</td>
<td>58</td>
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<td>56</td>
<td>59</td>
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Ridicule is language or behaviour that is intended to mock or humiliate (Encyclopedia Britannica, n.d.), and in a workplace context would be easier to direct at an individual as opposed to a group. It appears discrimination has become more personalised in contemporary times as these types of behaviour are of a more personal nature. Verbal behaviours like these are more problematic as they leave no evidence discrimination has occurred, thus making it harder to prove that discrimination occurred in the first instance.

Of clear concern is how respondents who experienced discrimination in their workplace more than three times faced very severe forms of discrimination. Death threats (80%), threats of physical abuse over the telephone (66.7%), property damage (33.3%), verbal threats of sexual
abuse (30%), verbal threats of physical abuse (28.6%) and verbal threats of sexual abuse over the telephone (25%) were faced by respondents. Therefore the threat of personal injury as a result of disclosing of sexual identity was very high. This issue should undoubtedly concern Supervisors, HR Managers as well as the Anti-Discrimination Commission of Queensland (ADCQ). Employers have a responsibility under Workplace Health and Safety regulations to provide a safe working environment and this includes a working environment that is free from the threat of personal injury due to discrimination.

Identity concealment
Research conducted in the United States, United Kingdom and Australia strongly suggests GLB employees are most likely to hide their sexual orientation/sexual identity workplaces from fear of prejudicial treatment (Pitts et al., 2006; Ragins & Cornwell, 2001; Ragins et al., 2007; Wright, Colgan, Creegan, & McKearney, 2006). However, this study has found GLB employees within Queensland have a high disclosure rate within their workplace which supports previous research in New South Wales and Victoria conducted by Irwin (1999). Approximately 92% of respondents of the present study had reported disclosing their sexual orientation/sexual identity to staff within their workplace. This represents the highest reported disclosure of sexual identity in the workplace to date. This research demonstrated that the majority of respondents (61%) reported having experienced discrimination in two or more workplaces, despite 74% of respondents’ workplaces having policies to prevent discrimination from occurring. In previous research conducted by Irwin (1999), approximately 35% of participants identified they had been the target of homophobic behaviour or harassment in a previous workplace. While we would expect research in contemporary times to show this decreasing in the push towards more inclusive workplace policies, this study has shown the rate of discrimination against GLB employees has in fact increased from 35% to 61% in the space of 12 years. This study, along with previous research (Irwin, 1999), has demonstrated that workplace policies are not necessarily effective in managing discrimination in the workforce. Training, proactive management staff and effective workplace policies are all ways in which to combat the gap between discrimination and workplace policy. However, further research within this area needs to be undertaken to ascertain the reasons why workplace policy is failing to address discrimination.

There has been a significant shift since 1999 in Australia that showed 51% of respondents were ‘out’ within their workplace, compared to the findings of this study of 92% suggesting employees are more likely to disclose their sexual orientation/sexual identity at work. There is also a significant gap between the processes supposedly supporting gay, lesbian and bisexual (GLB) employees and discrimination, with high levels of discrimination still occurring (54%), despite 74% of workplaces having policies addressing discrimination. This suggests a shifting workplace environment for GLB people in terms of their experiences, one marked by the tension between a willingness to disclose and yet an increasing tendency to experience discrimination.

Implications for Practice
All organisations within Australia must adhere to Government legislation including anti-discrimination legislation. Within Queensland, organisations must adhere to the Queensland Anti-Discrimination Act 1991 which specifically prohibits discrimination against GLB employees. Under the Queensland Anti-Discrimination Act 1991, an employer, regardless of their size, is potentially responsible for behaviour of a worker or an agent, which contravenes the Act; unless it can be shown that all ‘reasonable steps’ have been taken to reduce what is called vicarious liability. Although ‘reasonable steps’ are not defined within the Act, the impact that this has for organisations is that they must actively implement precautionary measures to
minimise the risk of discrimination and harassment. One such method is the introduction of an anti-discrimination policy.

The researcher suggests that anti-discrimination policies should contain definitions of terminology, contact information for support officers, the complaint resolution process, a confidentiality statement, who is responsible for administering the policy, examples of harassment and discrimination and the possible outcomes associated with reporting discrimination. The Queensland Government legislation does not dictate how large or small anti-discrimination policies should be. Therefore, current policies that have been written to address discrimination may be ineffective in handling complaints with regards to discrimination faced by GLB employees due to their lack of substance. This study shows that having policies has neither a positive effect nor a negative effect on GLB employees in the workplace. However, despite policies being in place, discrimination is still occurring within the Queensland workplace and all HR Managers need to be aware of this and proactively implement anti-discrimination training.

Queensland Government legislation provides some measure of recourse for individuals who face discrimination and one of those avenues is to seek assistance from the Anti-Discrimination Commission of Queensland (ADCQ). The ADCQ provides information on their website on how to lodge a complaint, the process and procedure and also information regarding the grounds of unfair treatment. Should the ADCQ be unable to resolve the complaint it may be forwarded to the Queensland Civil and Administrative Tribunal (2010). This research has shown that only one person from the entire sample had reported discrimination to the ADCQ. This shows that the ADCQ may be ineffective in reaching one of their target audiences. One of the aims of the ADCQ is to promote equality across the board and to provide training options for organisations. It is vastly important that the ADCQ address issues relating to GLB employees and that employers have access to information from the ADCQ in determining how best to address discrimination within the workplace. The ADCQ must also promote itself to business managers and HR Professionals so that they are aware of the services that the ADCQ offers and can refer their employees to the ADCQ if appropriate.

This is the one of the very few studies within Queensland that has specifically questioned respondents about the ADCQ although the ADCQ does carry out its own surveys. The ADCQ offer an education service to organisations, which provides training programs on anti-discrimination and harassment. It is unclear from the information provided on the ADCQ website whether these programs include sexual orientation and/or gender identity. As the information is unclear on the ADCQ website, it is therefore difficult for HR Professionals to determine whether a training package based on discrimination against sexual orientation and/or gender identity will meet their organisation’s requirements. It is suggested that the ADCQ elaborate on the training packages available and if a package does not exist that manages diversity within the workplace in relation to GLB individuals, a package should be urgently considered.

It is essential that Human Resource (HR) Professionals promote and leverage diversity and build inclusion to achieve and sustain higher levels of performance and open up their organisation to a wide variety of views, opinions, ideas and thoughts (Johnston & Malina, 2008). Organisations that do not promote leverage and diversity run the risk of losing the opportunity to tap into the varied skills, knowledge and expertise of GLB employees. HR professionals also need to consider the effects of discrimination on GLB employees and put mechanisms in place in which to address anti-discrimination to ensure that their organisation is meeting the requirements of relevant legislation. This is particularly vital considering the
sometimes serious impact these forms of discrimination have on the GLB workers who are subjected to it in Queensland workplaces.

Discrimination within the workplace not only affects the individuals involved or the organisation for which they work, but there are also ripple effects that can be seen within society. Respondents have noted in this study that workplace discrimination not only affects them personally and their work, but also their personal relationships. Furthermore, sexual identity discrimination results in a high degree of illicit drug usage and an increase in the amount of alcohol consumed. In the long term, discrimination within the workplace has effects on support services for people with drug and alcohol addictions and also on mental health organisations including hospitals for individuals who are managing the effects of discrimination. This places an economic burden on society for the increased use in services. Lessening GLB discrimination within the workplace would reduce the increased demands on these services within society.

CONCLUSION
This study has highlighted that discrimination is still directed at GLB employees in Queensland workplaces despite moral and ethical considerations and potential legal ramifications. Human Resource Practitioners must ensure anti-discrimination policies are effective in combating discrimination within workplaces and also ensure training conducted addresses GLB issues. Practitioners must also ensure that adequate support services are provided for GLB employees if they face discrimination within the workplace. Human Resources Practitioners can also encourage GLB participation within the workplace through providing GLB specific information such as services available within the local area. Practitioners may also like to support GLB events within their local community with the financial support of their organisation. Industries that have been highlighted by this study with higher levels of discrimination should undertake immediate reviews of systems, processes and support structures to ensure they are meeting the needs of their GLB employees. An examination of previous Australian studies strongly suggests gay, lesbian and bisexual employees experience discrimination in workplaces. This study confirms workplace discrimination against gay, lesbian and bisexual individuals still exists in Queensland, Australia in 2010. This leaves little doubt there is more to be done to improve workplace understandings of GLB diversity and overcome discrimination to improve the workplace lives of GLB people.
REFERENCES


