

**ANTI-GAY/LESBIAN  
DISCRIMINATION IN  
NEW YORK STATE**

EMPIRE STATE  PRIDE AGENDA

MAY 2001

# Anti-Gay/Lesbian Discrimination in New York State

## Analysis of a Statewide Survey Conducted by the Empire State Pride Agenda

This report is based on an analysis of 1,891 surveys completed by individuals across New York State from January through March 2001.<sup>1</sup>

One conclusion is inescapable: anti-gay discrimination remains a persistent problem in New York State. Over half the respondents (54%) said that within the last five years they had experienced discrimination based on their sexual orientation in employment matters, in a public accommodation, or in housing.<sup>2</sup> This underscores the need for New York State to amend its human rights laws to include discrimination based on sexual orientation.

### Employment Discrimination

In New York, anti-gay job discrimination in employment is pervasive, with more than one-third of the respondents (36%) experiencing some form of job-related discrimination within the last five years.

- 8% were *fired* because of their sexual orientation.
- 27% were *verbally harassed* at the workplace because of their sexual orientation (e.g., being called names such as “faggot,” “dyke,” “bulldagger,” “sissy,” “queer,” or other anti-gay words).
- 7% were *physically harassed* at the workplace because of their sexual orientation (e.g., chased, followed, or threatened with physical violence).
- 10% were given a *negative performance evaluation* because of their sexual orientation.

*“After 23 years of service on my job, the newer men coming into the company called me names and harassed me because I was openly gay. I was forced into retiring early.”*

*“After 16 years of satisfactory service, (I) was told by work supervisor: ‘Now that you have confirmed your sexual orientation you will be viewed as a liability.’”*

- 12% were *denied a promotion* because of their sexual orientation.

*"The bosses, in fact, would make comments like, 'we are very kind to keep you here. Most people would not tolerate having an employee who lives an alternative lifestyle.'"*

The prevalence of anti-gay discrimination in the workplace forced large numbers to conceal their sexual orientation on the job: 43% said they felt obligated to hide their sexual orientation at their place of employment for fear of discrimination. This figure is nearly identical to the result of a random sample poll conducted in the New York City metropolitan area in February 2001.<sup>3</sup>

*"I have had an incredible amount of fear of coming out in the workplace because of my sexual orientation. Fear of safety, being fired, poor performance on evaluations, etc. Because we are not protected in law I have had to hide my sexual orientation in employment situations."*

*"I work for a large advertising agency. I look straight and am perceived as straight. Therefore, people speak very freely in front of me. Comments are always made regarding gay men in particular. Women who are not overly feminine but who are very strong are called dykes. Many of these women are in fact straight. With these kinds of comments, I do not feel comfortable coming out."*

**Job Discrimination by Age.** Respondents in the 45-64 years of age range were disproportionately terminated because of their sexual orientation. (While they comprised 34% of the total, they represented 45% of the total number terminated.)

**Job Discrimination by Gender.** There were no significant differences between lesbians and gay men in the rates of various forms of job discrimination.

**Job Discrimination by Race.**<sup>4</sup> The survey indicates that gay Latino/as are more likely to be physically harassed or receive a negative performance evaluation than gay African Americans or whites.

FORM OF JOB DISCRIMINATION	RACE		
	African American	Latino/a	White
Verbal Harassment	27%	28%	26%
Physical Harassment	5%	11%	7%
Neg. Performance Evaluation	7%	16%	9%
Denied Promotion	6%	12%	12%
Terminated	4%	8%	8%

#### **Job Discrimination by Sexual Orientation.**

Bisexuals were somewhat less likely to receive a negative performance evaluation or be terminated because of their sexual orientation than gay men or lesbians. They were significantly less likely to experience verbal harassment at the workplace. It is possible that these lower rates of discrimination are because bisexuals were significantly more likely to conceal their sexual orientation on the job than gay men and lesbians (62% vs. 43%).

FORM OF JOB DISCRIMINATION	GAY OR LESBIAN	BISEXUAL
Verbal Harassment	27%	19%
Physical Harassment	7%	5%
Neg. Performance Evaluation	10%	8%
Denied Promotion	12%	10%
Terminated	8%	7%

#### **Concealing Sexual Orientation on the Job.**<sup>5</sup>

More women reported concealing their sexual orientation on the job than men (48% to 40%, respectively), also consistent with a recent random-sample poll.<sup>6</sup>

**Impact of Employment Discrimination on Earnings.** Studies have found that because of employment discrimination, gay men and lesbians generally earn *less* than their heterosexual counterparts. A 1995 study found that gay men earned as much as 27% less than heterosexual men with the same backgrounds (education, experience, race, occupation, and place of employment). A 1997 analysis of 1990 census data had nearly identical findings.<sup>7</sup>

## Public Accommodation Discrimination

The survey reveals surprisingly high rates of anti-gay discrimination in public accommodations such as restaurants, hotels/motels, and stores. Nearly half of the respondents (49%) said they had faced some form of discrimination or hostility in a public accommodation based on their sexual orientation.

One in four said they had been subjected to *verbal harassment* because of their sexual orientation. Verbal harassment was most likely to occur in stores (46%) and restaurants (43%), followed by hotels/motels (22%), and in a doctor's, dentist's or other professional's office (21%).

*"While buying a bike I met with a salesperson at the store. I was accompanied by my boyfriend and we put a deposit on a bike. We came back a few days later to get the bike and the salesperson said they sold it. When I complained about having left a deposit, the salesperson very loudly said, 'get the f--- out of here you faggots' and continued to repeat this in front of everyone in the store including the manager/owner."*

Five percent reported being *physically harassed* and six percent being *denied service* in a public accommodation. As with verbal harassment, the most common places for these acts were restaurants (66%) and stores (63%), followed

by hotels/motels (41%) and in a doctor's, dentist's or other professional's office (40%).

*"...mainly in stores I get refused because I am with another woman. I got neglected by six salespeople and two managers in one day, all over trying to buy a bed in (a national department store)."*

PUBLIC ACCOMMODATION DISCRIMINATION	
Type of Discrimination	% Respondents
Made to feel unwelcome	37%
Experienced inappropriate treatment or hostility	27%
Verbally harassed	25%
Denied service	6%
Physically harassed	5%

## Concealment to Avoid Harassment or Discrimination

The survey revealed that over two-thirds of gay New Yorkers (68%) conceal their sexual orientation in the workplace, on the street and elsewhere to avoid harassment and discrimination:<sup>8</sup>

*"The reason I haven't had any problems is because people don't know I'm gay. I would be afraid to tell at work or where I live. I would be afraid of getting hurt because people do not like gay people."*

- 63% conceal their sexual orientation on the street.

*"We avoid showing we are a couple in public."*

- 43% conceal their sexual orientation on the job.

*"Because I work in a male dominated environment I keep my personal life in the closet due to fear of harassment."*

- 43% conceal their sexual orientation from their neighbors.

*"I have had to conceal my sexuality from most everyone even in social settings for fear of discrimination."*

- 28% conceal their sexual orientation from their parents or siblings.
- 33% conceal their sexual orientation at their place or worship.

*"I was a deacon at a Presbyterian church in Long Island for three years and I was forced to hide my sexual orientation otherwise I would have been asked to step down from my position."*

- 63% of the respondents aged 18-22 who were in school said they concealed their sexual orientation at school. This indicates that it remains difficult for college-age gay men and lesbians to be open about their sexual orientation.

*"I still feel awkward and a bit uncomfortable in college because of my sexual orientation."*

- 61% would feel unsafe walking on their neighborhood street holding hands with a same-sex partner.

*"Living in the (Greenwich) Village is a special place, but holding hands almost anywhere risks my safety."*

**Concealment by Place of Residence.** Regardless of place of residence, most gay people conceal their sexual orientation on the street. Gay people living in rural areas are more likely to conceal their sexual orientation from their neighbors, and those in suburban areas are more likely to conceal their sexual orientation on the job:

CONCEAL SEXUAL ORIENTATION	PLACE OF RESIDENCE		
	Urban	Suburban	Rural
On the street	64%	61%	57%
In interactions with neighbors	38%	46%	50%
On the job	39%	50%	45%

Males were more likely to hide their sexual orientation on the street than women, while women were more likely to conceal their sexual orientation on the job.

CONCEAL SEXUAL ORIENTATION	GENDER	
	Male	Female
On the street	64%	59%
In interactions with neighbors	41%	44%
On the job	40%	48%

**Concealment by Race.** There were no significant differences by race in the rates of concealing one's sexual orientation on the job (African-Americans and Whites – 42%; Latino/as – 43%. Latino/as were somewhat more likely to conceal their sexual orientation from neighbors (49% vs. 42% for African Americans and 41% for whites), and significantly more likely to conceal their sexual orientation from parents or siblings (42% vs. 26% for African Americans and 24% for whites).

## Discrimination in Housing

Consistent with other studies, anti-gay discrimination in housing appears to be significantly less a problem than other forms of discrimination.<sup>9</sup> Four percent (4%) of the respondents said they had trouble in the last five years buying a home, getting a mortgage or a lease because of their sexual orientation. (It is not known how many respondents

tried to buy or lease a home, etc., in the last five years, so this figure clearly understates the extent of the problem.)

*“My partner and I were turned away by three real estate brokers when we wanted to buy a ‘family’ house in a ‘family’ neighborhood.”*

*“I was told by a real estate agent to hide my lesbianism because male real estate agents (including himself) wouldn’t show me any apartments.”*

## Methodology

The findings in this report are based on an analysis of 1,891 completed survey forms. The survey forms were distributed statewide in two mailings. First, in January 2001, the Pride Agenda included survey forms as part of a membership campaign mailed to 77,990 individuals/households. The recipients of the surveys were individuals who were not members of the Pride Agenda and had previously made donations to a gay-related charity, subscribed to gay-oriented magazine, or purchased an item through a gay-related catalogue. Second, in March 2001, the survey was included in a mailing to 8,282 Pride Agenda donors. Through April 2, 2001, a total of 1,505 completed surveys were returned from the first mailing and 386 from the second.<sup>10</sup>

It should be noted that the survey responses generated by this methodology reflect the make-up of the sample selected – largely white, male, and middle-aged – and not the gay and lesbian community as a whole. Studies indicate that this group of people is less likely to be victims of discrimination than others (e.g., persons of color, younger people, etc.) Therefore, if anything, these findings understate the actual levels of discrimination experienced statewide by lesbians and gay men.

## Footnotes

<sup>1</sup> The survey methodology is described in detail on page 5. The number of responses is one of the highest number of any anti-gay discrimination survey conducted in this nation. Larger numbers were 3,759 in a 1996 survey in Pennsylvania and 2,300 in a 1994-5 survey in Sacramento, CA.

<sup>2</sup> This result is consistent with studies conducted elsewhere. See, for example, Larry Gross and Steven K. Aurand, "Discrimination and Violence against Lesbian Women and Gay Men in Philadelphia and the Commonwealth of Pennsylvania: A Study by the Philadelphia Gay and Lesbian Task Force," June 1996. (51% of males and 53% of females in Philadelphia had experienced anti-gay discrimination in their lifetime; n=1,389)

<sup>3</sup> Poll conducted February 4-8, 2001 in New York City and surrounding counties by Global Strategy Group, Inc. for *New York Magazine*. That poll, with a margin of error of +/- 5.7% found that "only 58% of gays and lesbians surveyed are comfortable enough to out at work" (i.e., 42% are not "out" at work).

<sup>4</sup> There were insufficient numbers of responses from the following groups to make separate comparisons: Arab/Middle Eastern (n=9), Asian/Pacific Islander (n=18), Multiracial (n=36), and Native American (n=24).

<sup>5</sup> There were insufficient numbers of responses from heterosexuals (n=65) for separate comparisons. An analysis of these responses, however, showed significantly lower rates of all forms of discrimination. For example 3% said they had been fired because of their sexual orientation (as compared to 8% for gay men and lesbians); 8% said they had experienced verbal harassment on the job (as compared to 27% of gay men and lesbians); and 3% said they concealed their sexual orientation to avoid harassment or discrimination (as compared to 68% of gay men and lesbians).

<sup>6</sup> Global Strategy Group, Inc. Poll, *supra* – 36% of gay male respondents concealed their sexual orientation on the job, while 56% of lesbians did (margin of error +/-5.7%).

<sup>7</sup> See Badgett, M.V. Lee, Ph.D., "Vulnerability in the Workplace: Evidence of Anti-Gay Discrimination," *ANGLES* 2:1 (1997).

<sup>8</sup> The proportion of respondents who conceal their sexual orientation to avoid discrimination (68%) is somewhat lower than a survey 1996 conducted in Philadelphia which found that 69% of gay men and 77% of lesbians in Philadelphia concealed their sexual orientation at least part of the time to avoid discrimination. Gross and Aurand, *supra*.

<sup>9</sup> Gross and Aurand, *supra* at Table 4.

<sup>10</sup> The surveys from Pride Agenda members and non-members were analyzed separately to determine if responses from Pride Agenda members would skew the findings towards higher rates of discrimination. To the contrary, Pride Agenda members experienced significantly less discrimination than non-members.

# Empire State Pride Agenda Discrimination Survey • May, 2001 – Data

	GENDER		AGE						
	Male	Female	<18	18-22	23-29	30-44	45-64	65+	NR
N	1394	494	5	43	180	863	647	131	22
%	73.7	26.1	0.3	2.3	9.5	45.6	34.2	6.9	1.2

	RACE								
	Afr.Am	Arab/ME	Asian/PI	Latino/a	MultiRac	Native Am	White	Other	NR
N	88	9	18	88	36	24	1611	39	17
%	4.7	0.5	1.0	4.7	1.9	1.3	85.2	2.1	

	SEXUAL ORIENTATION					
	Gay	Lesbian	Bisexual	Heterosexual	Self-Desc.	NR
N	1255	374	111	65	43	43
%	66.4	19.8	5.9	3.4	2.3	

	EMPLOYMENT DISCRIMINATION				
	Neg. Perf Evaluation	Denied Promotion	Fired	Verbal Harassment	Physical Harassment
N	185	223	143	496	133
%	10.2	12.3	7.7	26.7	7.2

	PUBLIC ACCOMMODATION DISCRIMINATION				
	Made Unwelcome	Experienced Hostility	Denied Service	Verbal Harassment	Physical Harassment
N	695	510	117	488	94
%	37.3	27.2	6.2	25.8	5.1

	PLACE WHERE PUBLIC ACCOMMODATION DISCRIMINATION OCCURRED			
	Restaurant	Hotel/Motel	In a Store	Doctor, Dentist, or Other Prof'l Office
N	388	220	366	189
%	20.5	11.6	19.4	10.0

	CONCEALING SEXUAL ORIENTATION					
	On Street	With Neighbors	With Parents/Siblings	At School	Place of Worship	At Work
N	1173	783	468	291	326	797
%	65.0	43.2	27.6	32.9*	32.6**	43.4

\* 885 respondents (47%) had been in school in the last five years.

\*\*1,001 (53%) went to a place of worship in the last five years.

	DENIED MORTGAGE*	DENIED LEASE*
	N	58
%	3.1	2.3

\*It is not known how many respondents applied for a lease or mortgage in the last five years.

FEEL SAFE HOLDING HANDS ON STREET?		
No	1161	61.4%
Yes	537	28.4%
Sometimes	37	1.9%
Not Applicable	156	8.2%

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Founded in 1990, the Empire State Pride Agenda is New York's statewide, non-partisan lesbian and gay civil rights organization. Our mission is to end discrimination and prejudice on the basis of sexual orientation. The Pride Agenda fights for equal rights under the law by lobbying state and local elected officials, electing supportive candidates to office, organizing constituent pressure, and educating the public. Recent victories include the enactment of a statewide hate crimes law, repeal of the consensual sodomy statute, and the passing of local non-discrimination measures in Westchester County, Nassau County, and Buffalo. With 25,000 supporters statewide, it has offices and staff in Albany, Buffalo, Long Island, New York City, and Rochester.