



American Academy of Nursing on Policy

Position statement: Employment discrimination based on sexual orientation and gender identity

The American Academy of Nursing opposes discrimination based on sexual orientation and gender identity. This position is consistent with its support for diversity and efforts to eliminate health disparities. Employment discrimination adversely affects physical and mental health (Institute of Medicine, Committee on Lesbian, Gay, Bisexual, and Transgender Health Issues and Research Gaps and Opportunities, 2011; Sears & Mallory, 2011). By perpetuating social stigma and adding to minority stress, it contributes to health disparities among lesbian, gay, bisexual, and transgender (LGBT) people, including those who have not directly experienced workplace discrimination. Fear of discrimination may discourage many people from disclosing information about sexual orientation to their health care providers (Ponce, Cochran, Pizer, & Mays, 2010) or from completing advance directives and powers of attorney for their partners (Institute of Medicine, Committee on Lesbian, Gay, Bisexual, and Transgender Health Issues and Research Gaps and Opportunities, 2011).

Employment discrimination negatively influences opportunities for acquiring or keeping employer-sponsored insurance. Although the number of Americans receiving insurance through their jobs has dropped over the previous decade, it remains the primary source of insurance for 60% of Americans (State Health Access Data Assistance Center, 2013). LGBT adults are more likely than non-LGBT adults to be uninsured (17.6% compared with 13.2%). This disparity, likely caused in part by employment discrimination (Ponce et al., 2010), contributes to reduced access to ESI. The Affordable Care Act has increased access to health insurance for LGBT and non-LGBT individuals, but disparity in coverage remains (Gates, 2014).

Federal laws barring employment discrimination do not currently include protection for LGBT people. Only 21 states have laws prohibiting discrimination based on sexual orientation, and only 16 of these also ban discrimination based on gender identity (Pizer, Sears, Mallory, & Hunter, 2012). Many cities and counties also prohibit discrimination based on sexual orientation and/or gender identity, as do policies of many private employers. Discrimination in federal employment is currently barred by a 1998 Executive Order issued by

President Clinton (Clinton, 1998). In July 2014, President Obama issued an Executive Order that extended this antidiscrimination measure to federal contractors and expanded it to include gender identity (Obama, 2014). These Executive Orders, although important, are not fixed in law; they can later be rescinded, and they lack effective enforcement mechanisms.

Federal antidiscrimination legislation has been introduced in Congress multiple times beginning in 1994, so far without success. The lack of federal law barring employment discrimination against LGBT people leaves millions at risk of losing or being denied employment based on sexual orientation or gender identity.

Several health professional organizations have adopted position statements opposing discrimination based on sexual orientation or gender identity, including the American Medical Association (2007), the American Psychiatric Association (1973, 2012), the American Psychological Association (2008), and the National Association of Social Workers (2008).

The American Academy of Nursing supports efforts to end employment discrimination based on sexual orientation and gender identity, including proposals for federal and state legislation to prohibit such discrimination. The Academy looks forward to working with other nursing and health professional organizations in moving toward this goal as well as on efforts to encourage private employers to adopt antidiscrimination policies.

Acknowledgments

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