

Gay and Transgender Issues in the Workplace

After ENDA, How Do You Get an “A”?

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In order for any organization in the future to get 100% on the Human Rights Campaign's (HRC) [Corporate Equality Index](#) (CEI), they will need to require that all of their senior managers go through my training on gay, lesbian, bisexual, and transgender issues in the workplace.

I just made that up. **It's not true.** I threatened Daryl Herrschaft, my Ever-Ready buddy who pioneered workplace issues at HRC, developed the CEI, and is nearly impossible to get a hold of, that if he didn't call or e-mail me with the information I requested I would say what I just said. The truth is, he did get back to me, but we've been wrestling for so long on the importance that should be given in the CEI to diversity training that I decided to say it anyway.

Actually, Daryl and his team at HRC do plan to give more weight to diversity training on gay and transgender issues. The challenge, he aptly explains, is how to measure the quality of the diversity training. Why should Organization A that brings in a gay sports figure for an hour's recollections on their career be rewarded the same 10 or 20 points given to Organization B that mandated a four-hour program in which all senior executives engaged in problem-solving scenarios? That's why Daryl specifies that the points will be given for "successful diversity training models".

Besides this being a subject that Daryl and I talk about each chance I get to corner him, it was part of a workshop we did together at the annual [Out and Equal](#) conference, along with workplace equity veterans Todd Sears at Credit Suisse, Louise Young at Raytheon, Steve Sears from the Out and Equal Board, and Bob Witeck, co-genius behind Witeck-Combs Communications, the marketing consultants. We had asked the 100 participants in the program titled "ENDA Doesn't End It", "Given the eventual passage of the Employment Non-Discrimination Act (ENDA), what should the benchmarks be for measuring an organization's progress in creating a workplace in which the presence and contributions of gay, lesbian, bisexual, and transgender people will be fully valued?"

It was the last question posed to the participants and because of time constraints we didn't break into small brainstorming groups. Instead, we asked Daryl to answer more specifically the question, "If ENDA passes into law it will prohibit workplace discrimination based on sexual orientation and gender identity/expression. Since the current CEI gives organizations points for including those two categories in their company policies, what will they do with those points once the organization is forced to include the protections?" My hope, of course, was that all of the points would go for mandated diversity training on gay and transgender issues, as it's my experience that education is the only reliable way of creating a workplace in which the presence and contributions of gay and transgender people will be valued.

No one took notes on the comments made during the final 10 or 15 minutes of our two-and-a-half-hour session, which is why I was eager to hear from Daryl this week what he sees as the future measure of an organization's efforts on our behalf. He wrote:

"The CEI has provided a roadmap for companies in the absence of laws to protect LGBT [lesbian, gay, bisexual, transgender] families. Since no federal law exists that protects LGBT people from workplace discrimination, the inclusion of sexual orientation and gender identity in employer non-discrimination policies has been a key component of the criteria. When ENDA passes, those policies will be uniform across businesses and the weight they have in the CEI will decrease. The CEI will begin to place more emphasis on items that make for an employer-of-choice, such as collection of self-identified LGBT employee data, successful diversity training models, and support for the broader LGBT community through advocacy for equality under the law."

Please pay close attention to the three items mentioned. Daryl Herrschaft has set the bar in the past and continues to do so now. Expect that discussions in the near future among corporate Employee Resource Groups for gay and transgender people, and among directors of Human Resources, and of Diversity and Inclusion, to be:

- What is the best way to enable gay, lesbian, bisexual, and transgender employees to self-identify so that their individual demographics and workplace experiences might be more accurately secured and understood?
- What are the components of a successful diversity education initiative?
- How best can the organization influence laws at home and abroad that affect the ability of gay, lesbian, bisexual, and transgender people to be free of discrimination?

I didn't make any of that up. Count on it being true.