HUMAN RIGHTS CAMPAIGN FOUNDATION

LGBTQ WORKING PEOPLE OF COLOR NEED PAID LEAVE

STORIES AND FINDINGS FROM THE 2018 U.S. LGBTQ PAID LEAVE SURVEY

NQAPIA
A FEDERATION OF LGBTQ ASIAN AMERICAN SOUTH ASIAN SOUTHEAST ASIAN & PACIFIC ISLANDER ORGANIZATIONS

National Black Justice Coalition NBJC.org

HUMAN RIGHTS CAMPAIGN FOUNDATION
PUBLIC EDUCATION & RESEARCH

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INTRODUCTION

Every year, millions of Americans make difficult decisions about their jobs when facing some of life's most challenging moments and significant events. However, many working people — and especially those who identify as LGBTQ — face significant barriers when needing to take time off to care for themselves or for loved ones.

For the estimated 1.8 million LGBTQ people of color in the American workforce, existing forms of discrimination can further limit access to paid parental, family care, and medical leave.

LGBTQ people of color are more than twice as likely as white LGBTQ people to encounter hiring bias based on their LGBTQ identities.[1] Many LGBTQ people of color, especially those who are living with HIV or who identify as transgender or non-binary, can face additional stigma at work as well as when pursuing medical and mental health care.[2] [3] Furthermore, unemployment and poverty rates are higher among LGBTQ people of color than both their non-LGBTQ and white LGBTQ counterparts.[4]

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[1] NPR, the Robert Wood Johnson Foundation, and the Harvard T.H. Chan School of Public Health. *Discrimination in America: Experiences and Views of LGBTQ Americans.* https://www.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf

[2] Earnshaw, V. A., Bogart, L. M., Dovidio, J. F., & Williams, D. R. (2013). Stigma and racial/ethnic HIV disparities: Moving toward resilience. American Psychologist, 68(4), 225-236. http://dx.doi.org/10.1037/a0032705

[3] National Center for Transgender Equality. The Report of the 2015 U.S. Transgender Survey. https://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf

[4] Movement Advancement Project. "LGBT Workers of Color Are Among the Most Disadvantaged in the U.S. Workforce." http://www.lgbtmap.org/news/broken-bargain-lgbt-workers-of-color-release

Consequently, LGBTQ people of color face unique barriers when accessing time off from work to care for themselves or a loved one. LGBTQ people of color are more likely to find themselves in job positions and financial situations where they are unable to take time off when confronted with significant life events. Some LGBTQ people of color are forced to quit their jobs. Others are eligible to take unpaid leave under the Family and Medical Leave Act (FMLA), but cannot afford to take time off without pay. Even those who do have access to paid leave may feel less comfortable requesting it in the face of anti-LGBTQ and/or racially motivated employment discrimination.

Many working people face significant life events that require them to take leave from their jobs, including, but not limited to:

- *Welcoming a child, including through childbirth, surrogacy, adoption, foster care, or other placement (parental leave)*
- *Caring for a loved one with a serious medical condition, including serving as a caregiver for a spouse, child, or parent (family care leave)*
- *Managing our own health, including undergoing treatment for a serious health condition and/or recovering from a physical or mental illness, injury, or impairment (medical leave)*

LGBTQ people often face additional barriers to requesting and taking leave for these important reasons. To learn more about how this issue impacts our community, read the full 2018 U.S. LGBTQ Paid Leave Survey report.

REPORTING ON LGBTQ WORKING PEOPLE OF COLOR

In 2018, the HRC Foundation released the U.S. LGBTQ Paid Leave Survey report, featuring the responses of 5,433 LGBTQ people representing all 50 states, varying ages, and a variety of sectors. This document briefly explores the survey responses of **1,883 LGBTQ respondents of color**, including their experiences requesting and taking paid and unpaid leave.

This group includes individuals who self-identified with one or more of the following answer choices:

- *American Indian or Alaska Native*
- *Asian*
- *Black or African American*
- *Hispanic, Latinx, or Spanish origin*
- *Middle Eastern or North African*
- *Native Hawaiian or other Pacific Islander*
- *I use another term* *(e.g., other non-white ethnoracial identity)*

Note: Although some respondents of color identify with multiple ethnoracial identities (including white), for the purposes of this document, "white respondents" refers to individuals who selected white as their only ethnoracial identity (n=3,460).

To learn more about the 2018 U.S. LGBTQ Paid Leave Survey and how you can support paid leave, please read the full report here.

To engage with a diverse and representative range of LGBTQ working experiences, HRC leveraged multiple channels, media, and community partners nationwide when fielding the 2018 LGBTQ Paid Leave Survey. In particular, HRC thanks the National Black Justice Coalition and the National Queer Asian Pacific Islander Alliance for their support.

Gaining access to paid leave is vital for all Americans, but it will especially impact LGBTQ working people of color and their loved ones:

27%

*of respondents of color say they are afraid to request time off to care for a loved one because it might disclose their LGBTQ identity, compared to **16 percent** of white respondents.*[5]

*The former includes **31 percent** of Black respondents, the highest of any ethnoracial identity group.*[6]

71%

of respondents of color say taking time off from work without pay is not possible given their current financial situation.

*This includes **78 percent** of Latinx respondents, the highest of any ethnoracial identity group.*[7]

Without paid leave,

67%

of respondents of color fear that someday they will have to choose between their loved ones and their jobs.

*This includes **71 percent** of Latinx respondents, the highest of any ethnoracial identity group.*[8]

Only

40%

*of respondents of color report that their employer has LGBTQ-inclusive leave policies, compared to **49 percent** of white respondents.*[9]

52%

of respondents of color report that they are forced to rely on other friends or family members to care for their loved ones in times of need because their options for paid leave are limited.[10]

44%

*of respondents of color are concerned about losing their job if they were to take leave, compared to **37 percent** of white respondents.*

*This includes **48 percent** of Asian Pacific Islander respondents, the highest of any ethnoracial identity group.*[11]

[5] Percentage of respondents, n=1,703 and 2,750, respectively.
[6] Percentage of respondents, n=606.
[7] Percentage of respondents, n=1,703 and 629, respectively.
[8] Percentage of respondents, n=1,703 and 629, respectively.
[9] Percentage of respondents, n=1,706 and 2,745, respectively.
[10] Percentage of respondents of color, n=1,707.
[11] Percentage of respondents, n=1,659, 2,727, and 337, respectively.

PARENTAL LEAVE

Across the country, LGBTQ people of color are raising children and welcoming them into their households through a variety of ways, including childbirth, adoption, surrogacy, and foster care. In particular, Black and Latinx same-sex couples are approximately twice as likely as white same-sex couples to be parents.[12] However, many LGBTQ parents of color still do not have access to paid parental leave. Only 36 percent of respondents of color report that their employer offers paid time off for this purpose.[13]

Moreover, even in situations where employers have paid leave policies, these policies might exclude LGBTQ families from coverage. For instance:

- Some company policies guarantee paid time off for new birth mothers but provide little or no time off for other new parents, including those whose partners give birth or who become parents through other means, including surrogacy, adoption, or foster care.

- Other policies may require parents to have legal guardianship of a child in order to take parental leave. Given that some states require a six-month waiting period before an adoption can be finalized, LGBTQ employees may be denied time off in the interim, even if they are a primary caregiver for a new child.

Given that children being raised by LGBTQ parents of color are more likely to be living in poverty than those being raised by white LGBTQ parents,[14] paid leave is a crucial step in ensuring that all LGBTQ parents are equally able to bond with their new children.

STORY

When my wife and I adopted our two children, neither of us were able to claim maternity leave. My employer requested that I use sick days or unpaid Family and Medical Leave Act (FMLA) leave, even though I had been with the company for six years. My son has special needs and I recently had to quit my job because I didn't have any time left that I could use to care for him.

Latinx survey respondent living in the South



[12] Movement Advancement Project. *LGBT Families of Color: Facts at a Glance.* Special tabulation of the 2010 American Community Survey by Gary J. Gates. http://www.lgbtmap.org/file/lgbt-families-of-color-facts-at-a-glance.pdf

[13] Percentage of respondents of color, n=1,761.

[14] Movement Advancement Project. *LGBT Families of Color: Facts at a Glance.* http://www.lgbtmap.org/file/lgbt-families-of-color-facts-at-a-glance.pdf



FAMILY CARE LEAVE

Family care leave can help ensure that LGBTQ people of color can be there for loved ones facing serious illnesses or medical conditions.

Only one in four respondents of color reports having access to paid family care leave through their employer.[15] This is particularly troubling, given that LGBTQ people of color are more likely to be raising children,[16] including those for whom they may be unable to claim leave because of a lack of legal guardianship. People of color are also more likely to be living with extended family members who are typically not covered by family care leave policies.[17]

STORY

When my wife was receiving treatment for breast cancer, my boss wouldn't let me take time off to care for her until the labor union stepped in. I'm a state employee and I had plenty of sick and vacation time available. That's not right.

Asian Pacific Islander survey respondent living in the West

[15] Percentage of respondents of color, n=1,766.

[16] Williams Institute. "LGBT Parenting in the United States." http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf

[17] Center for American Progress. *Housing the Extended Family.* https://cdn.americanprogress.org/wp-content/uploads/2016/10/18155730/ExtendedFamilies-report.pdf

LGBTQ people of color also bear additional caregiving responsibilities for close friends and other non-immediate family members, including those who may have been rejected from their own families due to their LGBTQ identity. However, caring for these "chosen family members" is not covered under FMLA, nor is it included in many employer policies.

STORY

I have had to take FMLA for my child several times. It helps me keep my job, but it does not provide pay while I'm out of work. Living paycheck to paycheck, it is difficult to afford to do so.

Multiracial survey respondent living in the South

"I feel increased responsibility to care for certain loved ones due to their lack of support from their families/friends due to their LGBTQ identities."

53% *of respondents of color agree,*

*compared to **44 percent** of white respondents.*[18]

[18] Percentage of respondents, n=1,705 and 2,751, respectively.



MEDICAL LEAVE

Access to medical leave (i.e., time off from work to manage or treat a serious health condition) can be even more critical for two particularly vulnerable — and sometimes overlapping — LGBTQ populations: people living with HIV and transgender or non-binary people. This is even more true with regards to individuals within these subgroups who also identify as people of color.

STORY

When I tried to take time off to go to doctor's appointments to help manage my HIV, I was repeatedly denied and eventually had to take unpaid days.

Multiracial survey respondent living in the South

HIV and AIDS continues to disproportionately impact communities of color, especially among gay and bisexual men, trans women, and men who have sex with men.[19] Despite only representing approximately 12 percent of the U.S. population, African Americans account for 38 percent of new HIV diagnoses among all gay and bisexual men. In addition, Latinx gay and bisexual men make up 28 percent of such diagnoses.[20]

In the 2018 U.S. LGBTQ Paid Leave Survey, respondents of color were more likely than white respondents to know someone who faced barriers when requesting time off for HIV-related health care (73 percent and 59 percent, respectively).[21]

Transgender and non-binary people of color face elevated challenges compared to their white and/or cis LGBQ counterparts, including significantly higher rates of violence, poverty, and unemployment.[22] Although some respondents detail stories of affirming employers who granted leave for transition-related care, many others report mistreatment, denial of leave, or job termination after requesting time off for medically necessary care.

STORY

I requested time off from work to travel out-of-state to access hormone replacement therapy. Even though I asked my supervisor about it in confidence, word spread quickly around the office.

People I barely knew suddenly had the intimate details of what was going on with my own body.

I faced invasive questions and extreme harassment for something that should never have been shared.

Multiracial survey respondent living in the South

[19] HIV.org. "Working with the Community to Reduce New HIV Infections Among Gay and Bisexual Men and Transgender Women." https://www.hiv.gov/blog/working-with-the-community-to-reduce-new-hiv-infections-among-gay-and-bisexual-men-and-transgender-w.

[20] Centers for Disease Control and Prevention. "HIV Among African American Gay and Bisexual Men." https://www.cdc.gov/hiv/group/msm/bmsm.html

[21] Percentage of respondents who knew someone who has needed to take time off for HIV-related health care, n=535 and 558, respectively.

[22] National Center for Transgender Equality. The Report of the 2015 U.S. Transgender Survey. https://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf

No one should have to choose between the people they love and the job they need.

The right to paid leave is important to all Americans — but can especially support LGBTQ people of color and our loved ones.

To view the results of the 2018 U.S. LGBTQ Paid Leave Survey and learn more about this critical issue, read the full report.

ACKNOWLEDGMENTS

HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLIC EDUCATION & RESEARCH

The HRC Foundation's Public Education & Research Program spearheads a wide variety of LGBTQ advocacy and outreach campaigns, working to ensure that the HRC Foundation's resources and programs are timely, impactful, and inclusive. In addition to publishing resource guides, informational materials, and reports, the team conducts original quantitative and qualitative research exploring the lived experiences of LGBTQ people. The program also collaborates with academic researchers and provides guidance to other HRC initiatives in support of efforts to advance LGBTQ equality and well-being.

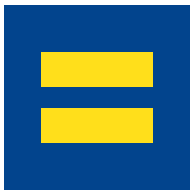
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ABOUT THE NATIONAL BLACK JUSTICE COALITION

The National Black Justice Coalition (NBJC) is a civil rights organization dedicated to the empowerment of Black lesbian, gay, bisexual, transgender, queer and same gender loving (LGBTQ/SGL) people, including people living with HIV/AIDS. NBJC's mission is to end racism, homophobia, and LGBTQ/SGL bias and stigma. As America's leading national Black LGBTQ/SGL civil rights organization focused on federal public policy, NBJC has accepted the charge to lead Black families in strengthening the bonds and bridging the gaps between the movements for racial justice and LGBTQ/SGL equality.

ABOUT THE NATIONAL QUEER ASIAN PACIFIC ISLANDER ALLIANCE

The National Queer Asian Pacific Islander Alliance (NQAPIA) is a federation of lesbian, gay, bisexual, and transgender (LGBT) Asian American, South Asian, Southeast Asian, and Pacific Islander (AAPI) organizations. We seek to build the organizational capacity of local LGBT AAPI groups, develop leadership, promote visibility, educate our community, enhance grassroots organizing, expand collaborations, and challenge homophobia and racism.



As the largest civil rights organization working to achieve equality for lesbian, gay, bisexual, transgender, and queer Americans, the Human Rights Campaign represents a force of more than 3 million members and supporters nationwide — all committed to making HRC's vision a reality.

HRC envisions a world where lesbian, gay, bisexual, transgender, and queer people are embraced as full members of society at home, at work, and in every community.