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Sexual Orientation Diversity Programmes

An Evaluation

A thesis presented in partial fulfilment of the requirements
for the degree of Master of Arts in Social Policy at
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Abstract

Since the mid 1980s the American, like the New Zealand workplace has undergone significant changes, particularly in the composition of the workforce. Increasingly, the 'traditional' employee, a white male, able-bodied heterosexual is in the minority. The emergence of Diversity Programmes within the American workplace is a direct response to these changes. While Diversity Programmes emerged from Equal Employment Opportunity (EEO) and Affirmative Action Programmes, the distinctions are significant. Diversity Programmes focus on productivity, profitability, inclusivity and organisational culture. In recent years a major area of growth has been the development of sexual orientation Diversity Programmes.

This research examines ten American organisations that have invested significant resources into sexual orientation Diversity Programmes with reported success, describes their key features and the reasons for this success. The findings clearly reflect the literature on the subject and show that when an organisation values and respects its gay, lesbian and bisexual employees the rewards to the company can be significant, both to the individual and the organisation.

The second component of the research was the examination of the response of New Zealand organisations to the implementation of sexual orientation Diversity Programmes. However, it became evident that this could not proceed as planned, primarily due to local lack of awareness of the concept of Diversity Programmes and the apparent lack of interest in addressing the issue of sexual orientation in the workplace. The local research then reviewed local human resource related policies and procedures, to determine the level of inclusivity of gay and lesbian employees, and found that of the 20 organisations sampled, while all subscribe to EEO, most exclude sexual orientation, and in many cases their policies and procedures are discriminatory against gay and lesbian employees.

The research highlighted significant differences between the American and the New Zealand organisations sampled. While American companies have embraced sexual orientation Diversity Programmes as being good for business, the local organisations remain focused on legislative requirements and moral obligation, a key criticism of EEO programmes in the literature. While the American workplace has demonstrated an ability to respond successfully to the changing nature and composition of the workplace, New Zealand organisations have been slow to adapt, with the result that gay and lesbian employees do not, in many cases, have equity within the workplace and organisations are not realising their potential level of profit and profitability.

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Chapter 1: Introduction

"When all employees feel valued for who they are and the talents they bring to the workplace, the entire organization functions at a higher level of effectiveness."

- COR Communications, 1998.

"The ties that bind us are stronger than the issues that divide us. And the most important tie is the opportunity to be a diverse team that wins in a diverse marketplace. Racism, sexism, ageism, bias against the disabled and homophobia must be kept from influencing our workplace, our productivity and our competitive edge. In the final analysis, workplace diversity is about real change in our corporate culture. It is about replacing old assumptions. With our individual and collective commitment to diversity, by offering all of our constituencies the opportunity to attain their full potential, and the rewards that come with it, we will provide our employees, our customers and our shareholders the very best chance to succeed."

- Ted Childs Jr, Vice President,
Global Workforce Diversity, IBM.

In recent years, management theory has increasingly identified that valuing employees and embracing the diversity they bring to the workplace is good for business. The rewards are staff loyalty, increased morale, higher productivity, improved customer service and gaining the edge on competitors. This perspective has largely been brought about by the changing of social values, and the increasingly diverse composition of the workforce.

The management of diversity is defined by Thomas (1990:108) as “...a comprehensive management process for creating an environment that enables all members of a workforce to be productive, without advantaging or disadvantaging anyone.” Workplace diversity programmes first appeared in the United States in the mid to late 1980s. However, the emergence of the American diversity movement can be traced back to the Civil Rights Act, Affirmative Action, Equal Employment Opportunity (EEO), Sexual Harassment and the Americans with Disabilities Act. The turning point appears to have been a 1987 report commissioned by the United States Department of Labour. The report, called *Workforce 2000*, determined that the composition of the American workforce by the year 2000 would be radically different and, year by year, the predictions have proved correct. Throughout the western world, including New Zealand, the trend is towards a workforce where the ‘traditional’ employee, a young, white, able-bodied, heterosexual, male head of a nuclear family is becoming the minority. The development of diversity programmes is a response to the changing composition of the workforce and workplace.

For many American corporations diversity programmes have replaced affirmative action and equal employment opportunities initiatives. However, unlike affirmative action or EEO, diversity programmes have not resulted in a backlash from some employers or from a percentage of the workforce. While EEO and affirmative action programmes are increasingly coming under workplace and political pressure due to charges of ‘reverse discrimination’, or ‘preferential treatment’, diversity programmes have avoided this controversy, primarily because the basic premise of diversity programmes is that they are inclusive, valuing all employees and embracing the diverse perspectives, beliefs, values and experiences they bring to the workplace. Diversity encompasses all differences: gender, race, age, sexual orientation, religion, culture, ethnicity, geography, socio-economic class, physical ability and so on.

Therefore, all workers can relate to diversity, as each is somehow different from their colleagues. Diversity has also succeeded because it is good for business. Most employers now accept that employees who feel valued, well treated and respected will repay the company through higher productivity, decreased absenteeism, higher morale and better customer service. Increasingly, companies also realise that promoting diversity and valuing all sectors of their workforce have other rewards: customer loyalty and the opportunity to target niche consumer markets.

Increasingly, sexual orientation diversity programmes are becoming a major industry, as private, federal, state and city employers within America recognise the value of their gay and lesbian employees and their gay and lesbian consumers¹. However, while diversity initiatives focussing on gender, ethnicity and disability have an established history, those promoting sexual orientation diversity have had to pave the way, and in many instances combat discriminatory legislation and attitudes, religious and moral beliefs and basic misinformation and ignorance.

In New Zealand the concept of diversity programmes has yet to be fully realised. The local focus has remained primarily on an Equal Employment Opportunity approach in responding to the increasingly diverse nature and composition of the workplace, a focus which has recently been discredited by American writers and human resource personnel working in the field. The New Zealand State Services Commission in their report *EEO: 1984-1994 and beyond* define EEO as, "...a term used to describe both an outcome and a strategy for change. The outcome is a workplace in which all individuals are able to participate and compete equitably, to develop to their full potential and to be rewarded fairly for this contribution regardless of gender, ethnicity,

¹ For the sake of brevity, the term 'gay and lesbian' has been used throughout the research. In most instances, this can be deemed to include people of a bisexual orientation. In some cases, particularly, the American research, it is also inclusive of transgender people.

disability, sexual orientation, age or family circumstances.” While this definition of EEO appears consistent with the definitions of diversity, the strategies employed to implement the programmes and achieve the desired outcomes are significantly different.

While New Zealand EEO initiatives may allow for the inclusion of sexual orientation, they remain focused on the moral obligations to be a ‘good employer’ and the importance of working within statutory requirements, particularly the Human Rights Act 1993 and, in addition for public sector organisations, the State Sector Act 1988. This approach is increasingly viewed as non-productive and having a restricted chance of achieving the desired aims.

The following chart summarises some of the key distinctions between EEO and diversity approaches. The material has been edited and adapted from: Black (1997), Gardenswartz and Rowe (1994), Rasmussen (1996) and Zuckerman and Simons (1996).

Summary Distinctions	
EEO	Diversity
<ul style="list-style-type: none"> • legislatively driven - obligations • ethically driven - moral obligations • remedial - quota filling, specific target groups, righting past wrongs • “treat others as you want to be treated” • exclusivity - “about them” • assimilationist - assumes groups brought in will adapt to the existing organisational norms • opens doors - affects hiring and promoting people • leads to anger, resentment, fear 	<ul style="list-style-type: none"> • strategically driven - good for business productivity and profitability • pragmatic - the organisation benefits; morale, profit and productivity increase • “treat others as they want to be treated” • inclusivity - “about us” • synergy - assumes diverse groups will create new ways of working together in a pluralistic environment • opens the system - affects all managerial policies and procedures • leads to acceptance, productivity, higher morale, profitability

Issues related to sexual orientation and sexual identity have become increasingly visible in New Zealand in the twelve years since homosexual law reform was enacted. In the past few years alone this has included: the debate over gay marriage and the decision of three lesbian couples to appeal

to the courts for the right to marry; the highly publicised ongoing refusal of the previous Auckland City Council to fund Auckland HERO parades and the current Auckland City Council's decision to partially fund the 1999 HERO parade; the re-election of the world's first transsexual Mayor; the election of openly gay members of parliament; debate and factional splits within some churches over the ordination of gay and lesbian ministers; amendments to remove discriminatory provisions in legislation, and the increasingly evident targeting of gay and lesbian consumers by mainstream companies. In addition, New Zealand is perceived, at least with regard to sexual orientation, as having some of the most progressive social legislation and socially enlightened views in the world. In 1990, an AGB McNair survey found that 90% of the respondents thought that it should be illegal to dismiss an employee on the grounds of sexual orientation², while an Australian study by the Macquarie University National Centre in HIV Social Research concluded that being gay in New Zealand carries less stigma than in Australia³. The increasing level of visibility would indicate that gay and lesbian issues are extremely relevant and topical within New Zealand society, and therefore logically this must extend to gay and lesbian issues in the workplace.

The purpose of this research was firstly to evaluate a selection of existing sexual orientation diversity programmes in the United States and determine the key factors of their reported success, and secondly to examine whether such programmes could successfully be adopted and implemented in New Zealand.

Therefore, the primary objectives of this research were to determine:

² Quoted in Human Rights Commission paper, *Discrimination on the Ground of Sexual Orientation*, (1992:ii), April 1992.

³ Study by Macquarie University National Centre in HIV Research, quoted in the *New Zealand Herald*, "NZ 'more tolerant of gays' ", *NZ Herald*, A16, 24 June 1997.

1. The level of reported success of sexual orientation diversity programmes within American organisations and the reasons for that success, and;
2. The response of New Zealand organisations to the potential of implementing sexual orientation diversity programmes and the likely implications for those organisations that do.

Chapter 2: The Literature

Introduction

In recent years management and human resources theory has increasingly identified employees as an organisation's best resource. Employers are more and more aware that if they want staff loyalty, increased morale, higher productivity, improved customer service and an edge on competitors, the answer is clear - value the employees. As noted by the Human Rights Campaign (1996:3), *"With competition so fierce and the difference between products and services so minute, the greatest advantage any company has over another is its people."*

The workplace of the 1990s is very different to that of 30 or 40 years ago and if organisations, whether private or public, want to be successful, they have to be innovative and creative. Many people, particularly those who are educated or skilled in a particular field, now have more employment options and are able to make choices about who they work for. Most are unlikely to remain faithful to an employer who values or respects neither them or who they are, nor the skills, knowledge and experience they contribute to the workplace. As the Human Rights Campaign (1996:1) observed, the workplace (American) has rapidly become a catalyst for change and part of this change has been the introduction of valuing the diversity that employees bring to the workplace.

Background and History

The 'diversity' movement, as it is known, was founded in the United States and was the result of a number of factors. Although workplace diversity as a modern concept has only been popular for the last ten or so years (Rasmussen: 1996:6), its emergence can be traced back over the last 30 years and includes such milestones as the Civil Rights Act, Affirmative Action, Equal Employment Opportunity, Sexual Harassment and the Americans with Disabilities Act. In 1987 the United States Department of Labour published a study which turned out to be the catalyst for the current diversity movement. The report, *Workforce 2000*, concluded that the composition of the American workforce by the year 2000 would be so radically different, that many people were initially sceptical of its findings. Among the findings the research indicated that by the year 2000: only 15% of new entrants to the labour force will be white males (compared to 47% in 1985); that non-whites will comprise 29% of new entrants into the workforce (twice the percentage in 1985); that the largest share of the increase in the population and workforce will be immigrants; and that by the year 2000, 61% of working age women will be in paid employment (1987: xiii - xxvii).

However, despite initial scepticism, year by year the predictions have proved correct and have been increasingly supported by further research findings. Rasmussen (1996:174) notes that while in 1965 the "typical" American worker was a 29 year old white male, with a wife and children, by 1992 only 37% of working adults were white males. Winfeld and Spielman (1995:9) support this and add that by the year 2000 the workforce will be dominated by women and members of racial and ethnic minority groups. Rasmussen (1996:174) points out that the figure may be as high as 85%. This trend is continuing and increasingly becoming a feature of other Western workforces.

New Zealand information seems to support this with the workforce becoming older and more ethnically diverse. James Gardener, in the *New Zealand Herald*, (13 November, 1997) cited research undertaken by the New Zealand Equal Employment Opportunities Trust in 1996 that found “...the ‘traditional’ New Zealand employee - young, white, able-bodied, heterosexual, male head of a nuclear family is becoming rare.” As Winfeld and Spielman note, the composition of the workforce is changing, whether employers like it or not (1995:5) and as Rasmussen writes:

“The days when anyone in America can count on working with or selling to customers who are just like them are over - for good. We are all caught in a tide which is moving toward increasing diversity. The people who will excel in five or ten years will be skilled in working with a variety of people, not just people who are like themselves. Whether our primary contacts are with people in other departments, our managers, people who report to us, or customers - we need those people if we’re going to be successful. If we can’t build productive relationships with them, our success will be limited.”

- Rasmussen (1996:10)

As Rasmussen (1996:6) also notes, the “...bottom line is that the workplace is not the way it used to be, though it is structured as if it were.” Assuming that the projections are correct there can be no clear logic in having a situation where the vast majority of workers are less productive than they could be because they work within a system designed for a totally different situation and time. Therefore, valuing employees and embracing the diversity they bring to the workplace can only increase in importance as we enter the next century.

A typical definition of diversity is:

"...the mosaic of people who bring a variety of backgrounds, styles, perspectives, values, and beliefs as assets to the groups and organizations with which they interact."

- Rasmussen (1996:171)

In the United States, diversity policies and programmes have been increasingly accepted as more and more organisations recognise the importance of addressing diversity and being able to adapt to a changing environment. Winfeld and Spielman (1995:5) cite a survey taken in 1988 that showed that of all the corporations employing one hundred or more people not one listed diversity in its top 40 training topics. By 1997 a training industry report undertaken by *Training* magazine (1997:55) stated that 52% of all companies surveyed provided diversity training. In another survey undertaken in 1993 72% of Fortune 1000 companies in the United States felt that a non-discrimination policy would improve morale and productivity (Rynes and Rosen: 1994).

Diversity can be promoted to employers, be they private or public, because it is good for business. The concept underlying diversity is that a diverse, innovative workplace leads to increased productivity, increased profits, increased morale and staff loyalty. Eastern Point diversity trainers note that in their experience the three primary outcomes of diversity training have been: increased responsiveness to clients, reduced tensions among divisions, locations and levels, and retention of key women and minorities⁴.

Gardenswartz and Rowe (1994: Introduction) write that embracing diversity ensures a better return on the investment in human capital, attracting and

⁴ Eastern Point training company, promotional material, www.eastpt.com

retaining the best people, encouraging innovation through creativity, allowing ability to capitalisation on a diverse market, and increasing adaptability thereby helping to ensure survival. Michael J Reid in the *San Francisco Examiner* (w42:15 March 1998), wrote “*Diversity has changed from a moral imperative to a bottom-line business decision as companies realize they can’t afford not to embrace it.*”

Diversity, by its design, is an inclusive concept and this is a likely key to its acceptance and success. When people feel excluded, they are less likely to devote energy toward making an organisation successful (Powers and Ellis: 1995;5). Rather than organisations concentrating on ‘them’, diversity allows organisations to concentrate on ‘us’. Many writers talk of primary and secondary dimensions of diversity, the primary dimension often consisting of age, sexual orientation, gender, physical ability, ethnicity and race, with the secondary dimension being comprised of income, work background, geographical location, marital status, religious beliefs, education, parental status, and military experience.

Primary and Secondary Dimensions of Diversity	
Primary	Secondary
<ul style="list-style-type: none"> • Age • Ethnicity • Gender • Physical Ability • Race • Sexual/Affectional Orientation 	<ul style="list-style-type: none"> • Educational Background • Geographical Location • Income • Marital Status • Military Experience • Parental Status • Religious Beliefs • Work Experience

- Laden and Rosener (1991)

Using a model such as this ensures that the concepts of diversity are directly applicable to all employees and, as Eastern Point training company state in promotional material, *“By recognizing the facets of diversity which highlight similarities as well as differences, potential backlash is minimized.”*⁵

Rasmussen (1996:180), writes that the value of embracing diversity has been increasingly supported by research and cites examples including Margaret Neale of the University of California Berkeley, social psychologist Irving Janis and Rosabeth Moss Kanter. All three have all undertaken research examining the differences between heterogeneous and homogeneous groups. Margaret Neale’s study reportedly found that while diversity initially produces more conflict, it results in more idea generation and less emotional conflict in the end. *“It may take longer to get the project started using diverse work groups, but the quality of the results can be much higher”*. Irving Janis’ findings initially reported in *Executive Excellence* demonstrated that diverse groups make more sound decisions than homogeneous groups, while Moss Kanter found that differences in perspectives and assumptions were one of most important factors for team success.

Despite the trend in the United States to increasingly embrace diversity, it is still in the early developmental stage in New Zealand. Although Equal Employment Opportunities policies have been implemented and promoted in New Zealand, particularly in the public sector, there is, according to American writers, a clear distinction between diversity and programmes such as EEO. Rasmussen (1996:4) notes that while EEO and affirmative action policies were grounded in legislation and the ‘obligations’ of employers to recruit staff of varying backgrounds, often leading to the reinforcement of stereotypes and conflict in the attempt to eliminate discrimination, diversity is

⁵ Eastern Point training company, promotional material, www.eastpt.com

all about profit and productivity; everyone involved can identify a personal benefit. Gardenswartz and Rowe (1994: Appendix) agree, noting that rather than being quantitative, legally based, remedial, and focused on assimilation and opening doors in organisations, diversity is:

- behavioural,
- strategically based,
- pragmatic,
- focused on synergy, and
- focused on opening the system.

This view from the Americans appears to be being accepted in Australia as well. Susan Black from the Australian Public Service and Merit Protection Commission, when speaking to the New Zealand 1997 EEO Conference said that there are significant differences between diversity and EEO. While EEO is limited by a narrow set of legal definitions, diversity encompasses those legal definitions with a broader scope. While EEO deals with entry activities such as recruitment and promotion, diversity also addresses day to day management, and while EEO addresses only general workforce demographics, diversity is aimed at the agency culture ⁶.

Although American writers on the subject all appear to agree that EEO and affirmative action had their place and were an important step toward equality, the concepts are no longer appropriate for today's workplace and society. The golden rule of EEO and Affirmative Action as quoted by Rasmussen (1996:191) "*treat others as you want to be treated*", unintentionally projects the dominant culture's own background, perceptions, values and beliefs on to others whose needs are dramatically different, leading to a 'one size fits all' mentality. Since the 1970s this has evolved into the platinum rule of

⁶ A presentation by Ms Susan Black at the New Zealand EEO Conference, 31 October 1997. (www.psmc.gov.au/about/emonline/nzspeech)

diversity, “*treat others as they want to be treated*”, which assumes that others may want to be treated differently. The implication is that we need to ask others what they want and tell others what we want. This distinction between EEO and diversity which is consistent throughout American writing, is missing in nearly all New Zealand analysis. *Making the most of a diverse workforce* a guide published by the EEO Trust in April 1996, makes no apparent distinction between the two concepts, and in an effort to assist organisations embrace diversity gives guidance on introducing EEO to the workplace (1996:11) and developing EEO policies (1996:13). Other publications like *Out of the closet and into the boardroom?* published by the Equal Employment Opportunities Practitioners Association, focus heavily on legislation and the importance of employers meeting legislative obligations under the Human Rights Act 1993, Employment Contracts Act 1991 and Privacy Act 1993. While this advice is important, writers like Rasmussen (1996:4) have pointed out that this approach has the tendency both to alienate and to anger people. Reviewing a selection of government department and agency publications reveals that the New Zealand public sector focuses even more heavily on legislative obligations. The Office of Film and Literature Classification states that the office “...is required through its legislation...to be a good employer.” (1995:44), while the Ministry of Women’s Affairs Annual Report quotes its legislative requirements under the State Sector Act 1988 in the introduction to their EEO initiatives (1995:42-43). One of the few New Zealand publications to clearly demonstrate an understanding of diversity as a concept is a 1994 publication by the Family Planning Association, *Affirming Diversity*, while the Ministry of Housing appears to be one of the few government agencies to at least appear to understand the concept, noting in their 1994 Corporate Plan (1994:17) that a key objective of the ministry is to “*Create a working environment that supports diversity and enables all employees to succeed*”.

For public sector organisations in New Zealand, there are legislative obligations regarding EEO to comply with. These are mandated in the State Sector Act 1988 and monitored by the State Services Commission as per section 6 of the legislation. Section 56 of the Act, General Principles, requires the chief executive of a government department to operate a policy that complies with the principle of being a good employer. This includes providing good and safe working conditions, an equal employment opportunities programme and particular recognition of the aims and aspirations of Maori, those from ethnic minorities, women and employees with disabilities. Section 58 of the Act, Equal employment opportunities, states that an EEO programme is one “*...aimed at the identification and elimination of all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect to the employment of any persons or group of persons.*” (section 58 (3)). While this definition does not exclude the recognition of gay and lesbian employees, there is no reference to sexual orientation in the legislation and subsequently very little reference in State Services Commission publications. In addition, the wording of this section of the legislation refers to the ‘employment’ of people or groups of people and this highlights one of the key differences between EEO and a diversity approach. Both Black⁷ and Rowe (1994:Appendix), stress that while EEO is about opening doors, diversity is about opening the whole system.

According to their publication *EEO: 1984 - 1994 and beyond*, the State Services Commission maintains that EEO is good for business, keeps morale high, enables an organisation to get the best from staff and creates a workplace environment where all employees can thrive, leading to reduced

⁷A presentation by Ms Susan Black at the New Zealand EEO Conference, 31 October 1997. (www.psmpc.gov.au/about/emonline/nzspeech)

absenteeism, retention of staff and a highly committed and productive workforce. These findings are not consistent with current international research which, as mentioned previously, has found that EEO tends to anger employees, alienate people and lead to a general backlash.

Sexual Orientation Diversity

"Sexual orientation like other forms of diversity, is a relevant workplace issue. When you learn to create a welcoming and inclusive environment for the 25 million gay and lesbian employees and customers, you can expect your employees to go out of their way to ensure that goals and objectives are met and you can expect your customers to go an extra step to buy your products and services."

-Powers and Ellis (1995:10), referring to
the American workplace

"When gay and lesbian workers can't work safely, they can't work at optimum productivity. Eliminating homophobia from the workplace profits everyone."

- McNaught (1993:1)

A major area of recent development within the diversity movement has been the addition of sexual orientation. Like the concept of diversity, the recognition of sexual orientation and its inclusion in such programmes has been led by the United States and can be attributed to a range of changing social attitudes and values, initiated over the years by activists, slowly accepted by the public and, in some instances, supported by legislation.

Many writers including Fefer (1991:29) and Kronenberger (1991:43) note that another major factor has been the onslaught of HIV/AIDS and the way the fight against HIV/AIDS has politicised many gays and lesbians, while forcing the general public to face gay and lesbian issues they could previously ignore. As Wofford, quoted in *Fortune Magazine* (29: 16 December 1991), said, *"...We don't need affirmative action - we're already here. We need the freedom to be visible."*

While the initial push for the recognition of sexual orientation in diversity programmes has come from gay and lesbian employees and political lobby groups, some of the credit for the acceptance and promotion of sexual orientation diversity also needs to be given to the private sector, and in particular, large corporations. According to the Human Rights Campaign (1996:1), IBM made history in 1972 by being the first large corporation to adopt a non-discrimination policy based on sexual orientation, later followed by Lotus Corporation, the first major corporation to implement domestic partner benefit coverage for its gay and lesbian employees. IBM has remained at the forefront of diversity developments and as Ted Childs Jr, Vice President, Global Workforce Diversity, quotes in promotional material:

"The ties that bind us are stronger than the issues that divide us. And the most important tie is the opportunity to be a diverse team that wins in diverse marketplace. Racism, sexism, ageism, bias against the disabled and homophobia must be kept from influencing our workplace, our productivity and our competitive edge. In the final analysis, workplace diversity is about real change in our corporate culture. It is about replacing old assumptions. With our individual and collective commitment to diversity, by offering all of our constituencies the opportunity to

*attain their full potential, and the rewards that come with it, we will provide our employees, our customers and our shareholders the very best chance to succeed.”*⁸

Although American cities, states and government departments are increasingly embracing sexual orientation diversity, it would seem that it is still the private sector that is taking the lead, realising that both on a human rights level and productivity and profitability level acknowledging and responding to sexual orientation diversity is vital if their organisations are to continue to succeed, remain competitive and attract the best employees. Martinez (1993:68) writes that many human resource managers believe that organisations that operate diversity programmes have more chance of attracting the best people to positions within their organisations, and this appears to be supported by the experience of large corporations and diversity training companies. Furthermore, as the gay and lesbian community is increasingly viewed as a valuable niche market, corporations have realised that if they want to successfully target gay and lesbian consumers, they have to prove that they value their gay and lesbian employees. Louise Sloan writing in *OUT* magazine, (March 1998:101) noted that corporate leaders are promoting diversity as “...they don't want to lose the talent to the competition. They don't want homophobia lowering productivity within work teams. And they want to be able to sell to the growing gay market.” While this may in fact be their primary motivation, it has resulted in corporations and organisations as diverse as Harley Davidson, Walt Disney, Xerox, AT&T and Nestle, as well as health, financial and tertiary institutions, recognising the size and increasing power of the gay and lesbian community and responding accordingly. The June 1998 edition of *OUT* magazine profiled 15 companies whose corporate policies, in the magazine's opinion, reflect a

⁸ “Workforce Diversity in the United States”, www.empl.ibm.com/diverse/1trchild

genuine commitment to sexual orientation diversity, including the Philip Morris group of companies, Levis, Coors Brewing, American Express, Kodak, and DuPont Merck (1998:133-135).

While no definitive numbers are known, estimates of the percentage of any population that is gay or lesbian range from three to as high as fourteen percent⁹. Given this, the number of gay and lesbian people working in any organisation has the potential to be significant and certainly to an extent that can no longer be easily ignored. Numerous studies show that the gay and lesbian population is educated, well-travelled, has disposable income, has increasing acceptability within society and is a growing economic and political force. International statistics consistently show gay and lesbian incomes as being higher than the national averages, 33% higher in America¹⁰, 31% higher in Australia¹¹, and 55% higher in New Zealand¹². While the methodology and relatively small population samples used could lead to the findings being challenged, further evidence of this growing economic force can be seen in by the recent appearance in the United States of two Visa Credit Cards, specifically for the gay and lesbian population. United States gay and lesbian business magazine *Victory!* recognising the economic power of the gay and lesbian community publishes an index of corporate America's gay friendly public companies and readers are encouraged to "*Buy stock in these companies! Buy their products! Put your money where your interests are.*" (May/June 1996:9). On a political level too, gay and lesbian people are starting to be recognised. During the 1992 presidential election, President

⁹ Including: Powers and Ellis (1995), Winfeld and Spielman (1995), EEO Trust (1996), The New Internationalist (November 1989), Kinsey (1948), Janus (1993), Zuckerman and Simons (1996).

¹⁰ Strubble in the San Francisco Sentinel, 2 July 1992.

¹¹ Sydney Star Observer survey reported in the Australian and New Zealand Tourism Professional, April 1996.

¹² AGB McNair/MtM Reader Profile Survey, September 1993, reported in Man to Man magazine.

Clinton openly courted the political and economic influence of the lesbian and gay community. According to Miles, (April 1996:90), in May 1992 while addressing a gay and lesbian rally he invited gay people “...back into the bosom of the American family” declaring “...what I came here to tell you in simple terms is I have a vision, and you are part of it.” This statement won the then candidate hundreds of thousands of dollars from ANGLE, an elite group of gay Hollywood donors, and the time, money, and loyalty of hundreds of thousands of ordinary lesbian and gay voters. According to Miles writing in *OUT* magazine (April 1996:90) Clinton received more than \$3 million in other identifiable gay and lesbian contributions during the lead up to the 1992 election. While most political candidates make varying promises to potential voters in the lead up to an election, the gay and lesbian issue did remain high profile. During the 1996 American election 73% of those surveyed in an *Advocate* magazine survey thought that gay and lesbian issues would play a very important or somewhat important role in the Clinton-Dole Presidential race (April 1996). The gay and lesbian communities were still courted after the election with Vice President Al Gore writing a viewpoint column in the *Advocate* supporting the links between sexual orientation and genetics (31 March 1998), President Clinton sending a full page congratulatory letter to *Advocate* on their 30th Anniversary (14 October 1997) and as further evidence, a report in 11 November 1997 issue of *Advocate* revealing that of 1,850 Administration appointed positions, over 100 are currently held by openly gay or lesbian people.

These actions and developments reflect the apparent increasing acceptance of gays and lesbians in the workplace. An American study asked ‘Should gay men and lesbians be treated the same as straights in the workplace?’ In 1992, 76% said Yes, 16% said No and 8% said Don’t know. In 1996, that same question was answered with 85% saying Yes, 10% saying No and 5% saying

Don't know (*Advocate*: October 15 1996:16). Similar research commissioned by the Human Rights Campaign found that 70% of Americans believe that discrimination based on sexual orientation should be outlawed in the workplace, with many respondents under the impression it already was¹³. Despite this however, surveys continue to indicate that homophobia and heterosexism is widespread throughout society and organisations alike. Zuckerman and Simons (1996:8) define homophobia as "*Fear of homosexuality*", and heterosexism as "*The assumption that everyone is heterosexual. This belief and its accompanying behaviours communicate that people with heterosexual orientation are inherently better than those of other orientations.*" Herek (1989:948-949), found that as many as 92% of lesbians and gay men have been victims of threats or verbal abuse because of their sexual orientation, while 24% report being physically attacked. Fefer (1991:30), stated that surveys indicate that about two thirds of people surveyed say they have witnessed some form of hostility toward gays and lesbians in the workplace. James Woods in his 1993 book *The Corporate Closet: The Professional Lives of Gay Men in America*, found that surveys undertaken since 1990 have consistently shown that 30 percent of gay men and 25 percent of lesbian women report that they have suffered workplace discrimination at some point in their career, while Winfeld and Spielman (1995:33) state that the majority of gay men and lesbian women who do not disclose their sexuality in the workplace choose not to out of fear of losing their jobs or being passed up for promotional opportunities. This notion of the 'glass ceiling' has been written about in numerous articles detailing personal stories of men and women who believe the glass ceiling has prevented the advancement of their careers. In New Zealand, research undertaken to date supports American findings. The writers of *Out of the closet and into the bedroom?* (1994:11) state that "...lesbian and gay

¹³ Cited in the *Edge* magazine, 11 December 1996.

employees hide their sexuality because of fear of ostracism, harassment, abuse and misunderstanding.”, citing a study undertaken by the New Zealand AIDS Foundation in 1990 and 1993, which revealed that lesbians and gay employees have experienced both direct and indirect discrimination when they have ‘come out’ in the workplace. A Human Rights Commission discussion paper (1992:i) stated, *“There is clear evidence of significant discrimination against lesbians and gay men in New Zealand.”*

While sexual orientation diversity is still a relatively new concept, it is nevertheless a vital component of diversity programmes and needs to be addressed in the workplace. For gay and lesbian employees the primary concern is equality in the workplace, including equal opportunities and equal benefits. A range of authors writing within the last five years have clearly established the links between sexual orientation and workplace performance and argued that an organisation has as much to gain from embracing sexual orientation diversity as the gay or lesbian employee. Winfeld and Spielman (1995:6) write that if an organisation wants an environment that is harassment-free, satisfactory, co-operative, productive and profitable, sexual orientation must be included in any diversity programme. Zuckerman and Simons (1996: Preface) point out that *“...if you are a manager or supervisor, you already know that no company can afford to waste the talents and energy of any of its employees, whatever their sexual orientation”*. McNaught (1993:1) adds that *“When gay and lesbian workers can't work safely, they can't work at optimum productivity. Eliminating homophobia from the workplace profits everyone.”*, while Powers and Ellis (1995:9) write that *“...until issues of sexual orientation and other differences are openly addressed and people no longer hide, deny, act-up, or stay paralyzed, work productivity and relationships will suffer.”* Furthermore, when people send messages, subtle or overt that it is not acceptable to be gay or lesbian this will

negatively impact on performance. *"It means you can't be yourself here and when people are made to feel unwelcome, their performance is negatively impacted"* (Powers and Ellis:1995:5). Fefer (1991:29) noted that asking gays and lesbians to leave their private lives at the door leaves part of the workforce isolated and afraid. Furthermore, Kaplan, a sexual orientation diversity consultant, noted when interviewed by Martinez in *HR Magazine* (1993:67) not only do gay and lesbian employees use a lot of time and stress trying to hide their sexuality, a homophobic environment is also an issue for heterosexual employees who have gay or lesbian friends and family. While productivity suffers, there is also the issue of lost opportunity and Kaplan (1993:68) adds that networking, mentoring and other activities that depend on trust are lost. As McNaught (1993:137) concludes, *"Fighting homophobia and heterosexism in the workplace makes good business sense. Creating an even playing field for this 10 percent of the work force makes them more competitive and loyal employees"*.

Implementing Sexual Orientation Diversity Programmes

Authors on the subject agree that homophobia and heterosexism in the workplace has major costs, not only on an individual level but also on an organisational level. Unlike issues of gender, ethnicity and culture however, the majority of people in the workforce are totally unaware of issues to do with sexual orientation. Fefer (1991:34) found that even the most educated people are misinformed about gay and lesbian issues. As Powers and Ellis (1995:2) note, unless managers are well-educated about sexual orientation issues and their impact on the workplace, they will not get optimum performance from employees. McNaught (1993:46) states that an organisation has far more influence over gay employees' "sense of self" and over their

ability and willingness to produce than they realise. However, it would appear that many organisations are unsure of what they should do, or what gay and lesbian employees want. Most writers including McNaught (1993), Winfeld and Spielman (1995), Powers and Ellis (1995) and Rasmussen (1996) focus on a combination of strategies to address homophobia and heterosexism including workplace policies that prohibit discrimination, training and education for staff and equitable company benefits programmes.

As noted previously, writers all cite the importance of management commitment if sexual orientation diversity programmes are to succeed. Training and education and other procedures must be supported by organisational policies and this impacts heavily on the area of human resources. The first step is the inclusion of sexual orientation in an organisation's non-discrimination policy. Most American organisations already have non-discrimination policies banning employment related discrimination based on race, ethnicity, gender, disability, age, religion and veteran status. The inclusion of sexual orientation is a fundamental first step toward equity. The policy must be clear, in plain language, widely distributed and enforced (Winfeld and Spielman:1995:36, Zuckerman and Simons: 1995:73, Powers and Ellis:1995:118). Winfeld and Spielman (1995:37) and McNaught (1993:66) both note that without such a policy there is little or no legal protection for gay and lesbian employees who are harassed in the workplace. While several American States now prohibit discrimination on the grounds of sexual orientation, non-discrimination policies are a tangible way to reinforce the organisation's commitment, show that the organisation values its gay and lesbian employees, is prepared to make a public stand, and where applicable, maintain consistency with legislation. According to the Human Rights Campaign (1996:1), IBM was the first major organisation to adopt such a policy in the 1970s, adding lesbians, gays, and bisexuals to their

Equal Employment Opportunity rules for employment. Since that time thousands of organisations have followed suit, often as a result of lobbying by gay and lesbian employees. In a year-end reader's poll conducted by *Advocate* (20 January 1998:20), an employment non-discrimination Act was rated as the second highest interest for readers, while research commissioned by the Human Rights Campaign and reported in *OUT* magazine (October 1998:56), found that 82% of the gay people surveyed cited employment protections as 'one of the most important' issues facing the gay community. Once a non-discrimination policy has been developed, it can then be implemented in effective and measurable ways throughout the organisation's internal policy and procedures, for example, human resources policy dealing with the recruitment of employees, (Gardenswartz and Rowe:1994:159-177, McNaught:1993:65, Powers and Ellis:1995:82-85, Rasmussen:1996:265) and retention policies like training and education, job performance evaluation and appraisal, and coaching and career development, (Gardenswartz and Rowe:1994:97-109,182-189, Powers and Ellis:1995:85-91, McNaught:1993:65).

A key component of sexual orientation diversity is education. McNaught (1993:9) states that "*...the problem of homophobia in the workplace is most effectively addressed through education*" and goes on to note that the overall goal for diversity training is the "*...creation of a more productive work environment for all employees*" (1993:137). For him, this is composed of five basic elements: management commitment and staff understanding of this commitment; opportunity for exploring thoughts and feelings on homophobia, heterosexism and homosexuality; replacing myth with fact; exploring effects of homophobia on employees and the organisation; and strategising to eliminate destructive behaviour in the workplace. While other writers promote varying models, all appear to focus on a combination of management

commitment, education, and strategising for change. Accordingly, the first step in implementing sexual orientation diversity is recognition that there is a problem, followed by a strong desire and commitment to rectify the problem. As McNaught notes, *"Fighting heterosexism is like fighting any prejudice. It requires an awareness of the problem, education about the issue, and a commitment to eliminate the problem"* (1993:50). The visible role played by management and their commitment to the implementation of sexual orientation diversity is crucial to its success. McNaught (1993), Rasmussen (1996), Powers and Ellis (1995) and Zuckerman and Simons (1996) among others all devote much of their writing to management and the role that management must play to manage diversity effectively. Thomas in the *Harvard Business Review* (1990:108) notes that *"...managing diversity is defined as a comprehensive management process for creating an environment that enables all members of a workforce to be productive, without advantaging or disadvantaging anyone"*. According to McNaught (1993:63) while both a strong company policy prohibiting discrimination and ongoing education are vital for sexual orientation diversity to succeed, the most important element is an organisation's determination to recognise and resolve the problem of homophobia and heterosexism in the workplace. Gardenswartz and Rowe (1994:110) note that organisational barriers to the implementation of sexual orientation diversity are generally those that rest at management level: the cost of implementation; fear of hiring underskilled, undereducated people; a strong belief in a system that favours merit; annoyance at reverse discrimination; the perception that there has been a lot of progress; diversity not being a top priority; the need to dismantle existing systems to accommodate diversity; and the sheer size of the organisation. Many of these stated reasons highlight the confusion between diversity and previous programmes such as EEO and Affirmative Action, and reflect negative experiences with those initiatives.

When an organisation's management has made a clear commitment to addressing sexual orientation diversity and initiating training, the usual procedure is to undertake what Rasmussen (1996:244) calls an 'Organizational Climate Survey' or needs assessment to "...*determine the tenor of the organization concerning gay people.*" (Winfeld and Spielman, 1995:68). Once the results have been compiled and analysed the organisation can begin to implement an education programme. COR Communications, a diversity training company, reports that its sexual orientation training has four main goals for participants: to understand the business rationale for sexual orientation and why it is a workplace issue; to identify important facts and common myths about gay, lesbian and bisexual people; to raise awareness about sexual orientation in society and the workplace; and to determine how the organisation and employees can fully support gay, lesbian and bisexual employees ¹⁴. McNaught (1993:73) writes that this education should be for all employees, from top management down. Furthermore, attendance at education programmes should be either compulsory or very strongly encouraged, rather than optional. Usually, sexual orientation diversity education begins with information in an induction training programme that may include outlining the organisation's non-discrimination policy, information about domestic partner benefits, and information on the workbased gay and lesbian support group. This start can then be supported by ongoing training and development. An important component of training involves staff gaining an understanding of the effects of homophobia and heterosexism, both on the individual and the organisation. On the individual level, Powers and Ellis (1995), McNaught (1993) and Rasmussen (1996) among others all use 'personal stories' from gays and lesbians supported by exercises in getting participants to place themselves in situations experienced by their gay and lesbian colleagues. On an organisational level, the focus is on

¹⁴ COR Communications promotional material, www.corcommunications.com

examining the cost to an organisation when certain employees feel unwelcome or feel they are unable to be open and honest about their lives. A focus on team development and team work appears to be consistent in all sexual orientation diversity education. As Winfeld and Spielman note, homophobia and heterosexism is destructive and causes conflict within teams, resulting in a lack of trust which in turn leads to an inability to work to an optimum level (1995:23). McNaught (1993:49) adds, *"If people feel they have to keep their life a secret, it makes it difficult for them to be fully productive and reduces their effectiveness as a team member."* This has costs for the individual, the team and ultimately the organisation. Most writers recommend concluding training sessions or modules by developing strategies for implementing change and ensuring ongoing commitment. Winfeld and Spielman (1995:88) state *"We believe that the most effective strategies are the ones that people arrive at themselves...even if you steer them a little."* This includes such strategies as supporting gay and lesbian support groups, lobbying and assisting in the development of internal non-discrimination policies, and promoting ongoing education (Winfeld and Spielman:1995, Zuckerman and Simons:1995, Mc Naught:1993), as well as developing skills in confronting unacceptable behaviour and working effectively in teams (Gardenswartz and Rowe:1994, Rasmussen:1996).

The range of strategies a company can undertake are numerous but can include: reviewing all existing policy and procedure ensuring there is nothing that may indicate an intention to discriminate; specifically targeting gays and lesbians for positions in the organisation in similar ways to those it would use to target women and people from varying ethnic backgrounds, for example, choosing to advertise in magazines and newspapers with high gay and lesbian readership; paying for employees to join gay and lesbian professional associations, on the same basis that it pays for memberships to other

professional associations; and supporting the initiatives of the organisation's gay and lesbian support network. These support groups have played and continue to play an important role in ensuring sexual orientation diversity remains a priority and much of the credit for the advances already made is due to such groups. While in the past these support groups have tended to be informal, often meeting outside of the workplace, and primarily lobbying for change, they are now emerging as a legitimate and important part of integrating sexual orientation diversity into the workplace, much the same as those for ethnic minorities, women and people with disabilities. McNaught, (1993:83), Winfeld and Spielman (1995:48-50) and the National Gay and Lesbian Task Force (1996:1-9), write that these groups play a vital role, lobbying for change, promoting ongoing education, monitoring internal policy, being involved in organisation working groups for issues affecting gay and lesbian staff, and also for facilitating personal and professional growth for members. These groups can be a valuable resource for human resources personnel, providing advice and assistance. Zuckerman and Simons (1996:84-85) add that management should show this support by meeting regularly with support groups, including information on the group in induction material for new employees, and attending special meetings and functions. Paid time should be set aside during work hours for meetings, and management should promote the meetings, encouraging staff to attend, rather than making them feel uneasy for being absent from the job. In tandem with this support, consideration must also be given to issues such as identifying employees to join, maintaining confidentiality and privacy, and ensuring the workplace safety of members. The value of these support groups is now being officially recognised by large corporations and as noted by Laabs (June 1991:42), "*...all the recipients of the prestigious Secretary of Labour's 2000 Award have active lesbian and gay associations.*" As an example of their potential influence Tharsing (1997:9) credits the gay and lesbian employees

of American Express and IBM as largely responsible for those companies' sexual orientation diversity initiatives, while in the 4 March 1997 issue of *Advocate* magazine coverage was given to GLEAM, the gay, lesbian, bisexual and transgender employees at Microsoft. The network, which began informally in 1992, lobbied Microsoft on the issue of domestic partner benefits. This resulted in domestic partner benefits being adopted in 1993 that go so far as to offer medical and dental benefits not only to employees' partners, but also any children of the partner. In addition to the increasing emergence of gay and lesbian groups within companies, industry based groups are also achieving increased prominence, including 'Pride at Work', the national organisation for lesbian, gay, bisexual and transgender labour, 'GLOBE', gay, lesbian bisexual employees of the Federal Government, a national gay pilots' association and several different gay and lesbian police officer associations. While little has been written about gay and lesbian employee networks in New Zealand, it does appear that they are becoming more evident, particularly within the public sector. According to the State Services Commission publication, *EEO Policy to 2010*, there were 10 gay and lesbian networks in the public sector in 1995.

The third component of implementing sexual orientation diversity is, as noted previously with regard to Microsoft Inc, the introduction of equitable employee benefits. According to Winfeld and Spielman (1995:93) benefits as a form of workplace compensation started during the 1940s when American companies who wanted to pay certain employees more were prohibited by law from increasing pay. Organisations got around this by paying in non-monetary ways, including paying for life assurance or by providing housing subsidies. While this is less of an issue in New Zealand, in the United States, where medical insurance for example is widely offered as an employee benefit, the extension of such benefits to same sex partners is a major issue.

✓ This is in part because employee benefits are a significant percentage of a worker's total salary or wage packet, approximately 30-40% ¹⁵. In turn, it becomes an issue of equity. As gays and lesbians are unable to legally marry same sex partners, they can never access the benefits available to their heterosexual colleagues. Therefore, as Finney (1996:43) writes, "*Today, benefits managers in companies throughout the United States are discovering that they must consider new family groupings.*" Mason (February 1996:17) notes that just five years ago few employers extended employee benefits to domestic partners. However, by 1996, she notes that hundreds of American employers are extending coverage in an effort to eliminate workplace discrimination and provide equal compensation for equal work. While exact definitions of domestic partnership vary, the most common understanding is an exclusive relationship between two same sex or opposite sex people who live together and are financially interdependent. They generally need to sign an affidavit stating that they have been in the relationship for the qualifying period, are of legal age, are not blood relatives and are jointly responsible for each other's welfare ¹⁶.

According to Mason (1996:17) the most common reason employers give for not wanting to extend benefit coverage to domestic partners is the cost factor, although research undertaken by the Society for Human Resources Management, and cited in the *Advocate* (4 March 1997:14), revealed that 56% of companies which report not offering domestic partner benefits say they don't because employees are not interested, while 30% cite rising health costs and a further 21% cite moral objections. Most literature, however, indicates

¹⁵ Hollywood Supports, p 1 "Domestic Partner Benefits for Employees' Same Sex Partners, Issues for the Entertainment Industry Employers, Winter 1996.

¹⁶ Martha Finney "Another Look at Family Benefits", HR Magazine, March 1996; Hollywood Supports, Domestic Partner Task Force, "Model Documents For Extending Group Health Coverage to Employees' Domestic Partners", undated.

that employers generally cite cost as the major issue, despite the fact that research undertaken has shown that when companies do offer domestic partner benefits, there is usually low enrolment. A Stanford University study quoted in a policy issues paper *Same Sex Partner Health Coverage* by Hollywood Supports, (Winter 1996), found that of existing plans reported, only 0.3 to 0.7 % of a company's employees are likely to elect coverage. This research would appear to be well supported in literature on the subject. Lotus Development Corporation found that less than 1% of its employees elected coverage (Cohen-Mason:1996;8), Principal Financial Group found that of 17,000 employees only 208 elected coverage (Finney: 1996;43), and at Ben and Jerry's, only 10 of their 360 employees elected coverage (Laabs: 1991:64). There appear to be two primary reasons for this low enrolment. Firstly, in gay relationships both parties usually work, so partners normally have access to their own employer's schemes. Secondly, because domestic partner benefits are taxable to the individual, this deters many domestic partners, and indeed appears to be a major consideration. As Mickens (1997:97) notes, "...with domestic partners, health care is classified as employee income, and taxed accordingly."

Another cost-associated fear employers cite is the expectation that there will be numerous AIDS related claims. However, both Mason (1996:17) and Laabs (1991:66) note that this is incorrect, that the highest numbers of claims and costs by far are associated with pregnancy and childbirth. Yet despite the very low proportion of employees electing to take advantage of partner benefits, organisations that do extend benefit coverage are praised for their commitment to valuing gay and lesbian employees and are in turn being supported and having their services and products supported by the gay and lesbian community. Research quoted in *Advocate* magazine (15 March 1997:9), indicates that 39% of gay and lesbian people believe non-

discrimination policies and domestic partner benefits are the most pressing matters for gay activists. It would seem that the mere gesture of offering domestic partner benefits to gay and lesbian employees, irrespective of whether they opt for inclusion, sends a signal that they are full and valued members of the workplace.

Perhaps the most significant case to date of domestic partner benefits is the decision made in November 1996 by San Francisco city to pass legislation that requires all companies and organisations doing business with San Francisco to offer domestic partner benefits to gay and lesbian employees. As Mayor Willie Brown said to *Advocate* magazine (18 March 1998:29), *"Women had to file a lawsuit in this country to get comparable pay. So this country doesn't move without some judgement being made on the public policy side. And this is one of those cases."* However, the legislation was not passed without major debate and resistance from some of America's biggest companies, including United Airlines, American Airlines and Shell Oil. Despite threats of law suits against the city and the potential loss of billions of dollars to the local economy if companies decide to withdraw from San Francisco, the city is not backing down, and has sparked the interest of cities all over the country.

While diversity training and programmes are not without their critics, there is almost no literature that dismisses the value of diversity programmes. Rather, criticism tends to focus on opportunists working with organisations who have little skill and experience and as a result, inadvertently increase conflict. As Haines¹⁷ notes, diversity training *"...can increase rifts and divisions within the ranks, sometimes irreparably. Comments made in sessions to root out*

¹⁷ Ralph Haines speaking to Dave Murphy, Career Search Editor, San Francisco Examiner, J1: 12 October, 1997.

biases later became the basis of lawsuits, and some trainers use the program as a forum to air their own grudges." However, rather than question the value of diversity programmes, Haines and others provide guidelines for ensuring that the trainers contracted by an organisation have credibility. The other issue on which comment is made is the association made between some employees and some companies of diversity training with previous experiences of affirmative action, and the resulting mistrust and suspicion. James Bock, in the *Baltimore Sun*, (23 June 1997) reported that diversity training risks a backlash adding "...increasing hostility toward affirmative action has rubbed off on the diversity movement."

However, despite any concerns about diversity programmes, it would appear from the literature that diversity is big business and growing. Numerous companies actively promote their diversity developments, many publish their diversity commitments and achievements on their internet sites and larger companies all have their own diversity departments and sections within their company. Of the literature reviewed, nearly all has been published since the early 1990s and according to Ralph Haines¹⁸, quoted in the *San Francisco Examiner*, in 1995 alone American companies spent in excess of \$5.5 billion dollars on diversity training.

While corporations are increasingly adopting training programmes and initiating non-discrimination policies based on sexual orientation, the introduction and extension of domestic partner benefits to same sex partners is still less readily accepted. As with previous workplace movements for equal treatment and equal benefits, particularly those for women, ethnic minorities and people with disabilities, gay and lesbian employees face an

¹⁸ Ralph Haines speaking to Dave Murphy, Career Search Editor, *San Francisco Examiner*, J1: 12 October, 1997

ongoing battle before sexual orientation diversity is fully integrated in the workplace, particularly in those American cities and states that do not offer legal protection for gay and lesbian workers, or as in some situations, still have legislation that discriminates against gays and lesbians.

Since 1990, New Zealand's Bill of Rights Act has protected people from discrimination based on their sexual orientation, and since 1994, New Zealand's Human Rights legislation has offered protection for most New Zealand employees from workplace discrimination based on their sexual orientation. The Act prohibits direct and indirect discrimination on a range of grounds, including sexual orientation, in the areas of employment, accommodation, access to public places, provision of goods and services and access to educational institutions. Importantly, the legislation also offers protection from discrimination on the grounds of HIV/AIDS. There are however, various exceptions outlined in subsequent sections of the legislation.

With regard to the public sector, however, significant areas of government activity are exempt from the provisions and many are overridden by other legislation. The intent of the legislators, according to section 151 of the Human Rights Act 1993, was that these exemptions would expire in January 2000. The Human Rights Commission has been responsible for Consistency 2000, a project aimed at examining New Zealand legislation and regulations, and the policies and practices of the New Zealand government in order to determine those which are inconsistent with the Human Rights Act 1993. In October 1997 the Minister of Justice said that Cabinet had decided to introduce legislation to alter the process for Consistency 2000, in effect significantly reducing their commitment to the elimination of discriminatory legislation, and policies and practices within government and the public

sector. According to a press release dated 7 May 1998 from Labour leader, Hon. Helen Clark, *"The effect of the changes announced by the Minister of Justice today is to permanently exempt the Government from the application of its own law."* The press release also made reference to the 34 current laws that discriminate against same sex couples saying, *"Nor can action now be expected from this government to review legislation which is discriminatory against homosexual people."* However, since this press release, the Accident Insurance Bill has been amended to include same sex partners as beneficiaries after fatal accidents and, as reported in the *New Zealand Herald* (Boland: 23 December 1998), immigration rules have been amended, resulting in consistency in the residency requirements for heterosexual de facto couples and same sex couples.

While any steps undertaken to reduce intended protection for gay and lesbian people or to examine discriminatory legislation should be viewed seriously, according to the literature reviewed, although legislation is a vital component it will not eliminate discrimination based on sexual orientation without additional and extensive supporting measures. While the literature on sexual orientation diversity programmes is relatively new, limited in scope and focused almost entirely on the American situation, there is near total agreement about the positive outcomes that can be achieved through such programmes. Therefore, it remains to be seen whether sexual orientation diversity programmes can be embraced by the New Zealand private and public sectors, moving them from a reactionary legislative protection basis to proactive acceptance of all employees. Furthermore, it is yet to be determined whether the programmes that have been developed by, and for, the United States workplace can be successfully transferred to the New Zealand situation, or whether an alternative indigenous model is needed.

Chapter 3: The American Research

Theoretical Considerations and Perspectives

Lois Bryson (1979:88) highlights the significance of the researcher's prior learning and notes that when an evaluation begins, "*...the process is automatically embedded in moral judgements of a fundamental kind.*" Guillemin and Horowitz (1983:206-208) discuss the advocacy role of a researcher, which can range from active partisanship, involvement in social movements that turn political, through to external empathy for the cause or issue being researched. Weiss (1987:56) adds that while a researcher may hold their own opinions and beliefs about the process and procedure, the very act of undertaking the research asking how effective a policy or programme is means that already the researcher has acknowledged that the goal of the programme is desirable. This is certainly the case in this research. While the evaluation seeks to determine the success of sexual orientation diversity programmes, I have already accepted that the overall aims of these programmes are positive and potentially beneficial to gay and lesbian employees and the organisation. It could therefore be argued that in choosing this topic I am taking an advocacy role. However, the purpose of the research was not to make a political statement, but rather determine the actual success of these programmes, that is, do they make a positive difference? If they do, should New Zealand organisations be following the American lead, or is there a more appropriate alternative for the local context?

In examining the theoretical prepositives guiding the American research a major issue emerged. This was the role of the research participants, a

collective of relatively powerful human resource professionals, who as a collective are not disenfranchised or exploited, versus the subject matter, programmes addressing sexual orientation in the workplace. These programmes are designed to eliminate workplace discrimination against a percentage of the workforce that has traditionally faced discrimination and disempowerment.

While there is an increasing body of 'queer theory' being developed, much of it as a result of early gay and lesbian HIV/AIDS activism, the most relevant of these theories appears most helpful in analysing the causes and impact of homophobia and heterosexism on individuals, collectives of individuals, and within society. In addition, the range of queer theory is significant, taking into account the varied perspectives of those writing from a lesbian, gay male, 'people of colour', indigenous, NZ/Pacific, USA/Europe perspective. In reviewing queer theoretical perspectives, there appeared to be little evidence of gay and lesbian perspectives that could successfully guide this type of evaluation research.

Despite lesbian challenges to mainstream feminist perspectives, feminist theory along with Maori research traditions appeared most applicable. While both offer a comprehensive and 'up-to-date' range of methods, they also address research with minority groups or groups that have been traditionally discriminated against, an approach likely to be appropriate for research focusing on issues of sexual orientation in the workplace. Both feminist and Maori research traditions have been influenced by a range of social sciences disciplines, and while they have traditionally favoured qualitative methods, both are increasingly advocating methodological pluralism allowing the researcher to gain a total picture while avoiding criticism for relying on one sole method.

The American research was a combination of both quantitative and qualitative methods. While the primary source of information was one to one interviews based on a semi-structured questionnaire, data was also collected regarding the organisations, the employees, and the measurable outcomes of their sexual orientation diversity programmes.

The next issue to consider was sampling participants. It was accepted from the outset that the sample would not be representative of America, nor truly representative of organisations in general, as, clearly, the non-random choice of organisations influenced the research findings. However, the purpose of the research was to evaluate the reported success of sexual orientation diversity programmes and therefore, to obtain the most useful information, it was necessary to specifically target organisations that publicly acknowledge and subscribe to the aims of diversity programmes and implement policies and procedures accordingly. Therefore, this research was primarily an impact evaluation, that is, it asked the question: is the programme effective? According to St. Pierre and Cook (1984:460) and Tripodi (1983:92) in a case such as this, purposive sampling is appropriate. As St Pierre and Cook (1984:461-462) add, while random sampling may be desirable and possible for an impact evaluation, it is not reasonable, given the response burden, cost implications, logistical difficulties and the fact that the sample frame may not be available. Therefore, purposive sampling was adopted, with the sampling based on what St. Pierre and Cook (1984:465) call the dependent variable, *"... sites that are deemed ahead of time to be successful according to some criterion."* This provides an opportunity for the programme to show it can work, and will therefore generate information for others to follow. What this approach did result in, was a sample of organisations that were able to provide a significant amount of relevant and detailed information. This would not have been possible if random sampling had been adopted.

Introduction and Identification of Participants

A total of 10 American organisations, based in New York City, NY, Los Angeles, CA, and San Francisco, CA, took part in the research. In order to obtain the most accurate and incisive information, an organisation needed to have operated sexual orientation diversity programmes for at least two years in order to be eligible to participate. Potential participants were identified solely through publicly available information including: publications from the Human Rights Campaign and National Gay and Lesbian Taskforce; two Washington DC based gay and lesbian lobby organisations; gay and lesbian business magazines and publications; organisations' own publicity material; and the Internet.

From the information gathered, 35 organisations were initially identified as being potential participants. This original list was then reduced to 20. The deciding factors in determining the shortlist were primarily logistical – the need to have more than one organisation participate in each city in order for the research to be economically feasible, and the desire to have a cross section of organisations representing private, city, state and federal, a mixture of industries and a variation in the size of organisation.

Each of the 20 organisations was then approached to establish protocol and identify the appropriate contact person. They were telephoned and then forwarded a letter and the Information Sheet for Potential Participants. The Information Sheet sent had been approved by the Massey University Human Ethics Committee and had also been forwarded for comment to the Inter Ethnic Committee. It included: the nature and purpose of the study; the information and time commitment requested; procedures for dealing with

anonymity and confidentiality; the rights of participants; and a consent form¹⁹. After a period of two to three weeks each of the 20 organisations was recontacted to ascertain their willingness to participate. Only two declined to participate in the study. In one situation, the organisation was undertaking a human resources review and considered the timing inopportune, and in the other case, the organisation representative indicated that there were some 'internal issues' within the diversity department and it was deemed inappropriate to participate in any external research at this time. The remaining 18 organisations indicated that they were willing to participate. The final 11 were selected from this pool, taking into account their geographical location, the mix of industry and size of organisation and the organisation's representatives' ability to meet with me in the timeframe scheduled for the research. Of the 11 organisations agreeing to participate, one was forced to withdraw after the research had commenced, due to unforeseen circumstances.

The targeted individual participants for the interviews were human resource personnel within the organisations, as diversity is a human resources issue and these employees should have the best overview, specifically, of the organisation's perspective and the impact on individual employees. It eventuated that all participants were human resource personnel at management level. The majority worked solely on diversity issues.

The participant interviews were based on a semi-structured questionnaire²⁰, sent in advance, that focused on the following:

- the reasons that the organisation initiated sexual orientation diversity programmes;

¹⁹ Refer Appendix 1

²⁰ Refer Appendix 2

- the composition of the programmes, e.g.: training, domestic partner benefits, human resource policies;
- identification of the outcomes sought, for the individual employee and the organisation as a whole;
- how the outcomes are measured;
- what the results to date indicate.

In addition, statistical information was also sought including:

- status of the organisation, e.g.: federal, state, city, private;
- nature of the service provided by the organisation;
- number of employees;
- length of time the programmes have been in place.

During the process of designing the methodology and commencing the research, a number of issues emerged, including the role of the participants, confidentiality and anonymity, and the undertaking of research in another country.

Role of the Participants

It was acknowledged early in the process that the role of the participants in this research was different to that of participants in most research projects. As human resource managers within organisations and companies they were not consumers or recipients of any service. I was not seeking any personal information, rather asking them to report on their organisation's initiatives. In many regards, the participants were in a more powerful position than most research participants. Firstly, they were all highly qualified human resource professionals and were totally free to control the amount of information they presented and the content of that information. In addition, they were aware that I was not seeking to verify the information or speak to others within the company (for example, employees who had attended training, or representatives of the gay and lesbian support network). The research was also markedly different in that the participating organisations were proud of their achievements and already publicise some of their initiatives in promotional material, on the Internet, in recruitment material and in organisational reports. As a couple of participants noted, there was the potential benefit for their organisation in participating, in terms of publicity. This however, led to the next issue, confidentiality.

Confidentiality

Due to the nature of the research it was initially intended, as agreed to by the Human Ethics Committee, that participants could choose to be identified if both the organisation and the individual participant gave consent. This would provide recognition for those organisations who were proud of their initiatives and given the very high profile of nearly all the organisations, it may have

been one way to further promote the visibility of sexual orientation diversity. Although the research did not start from the assumption that existing sexual orientation diversity programmes are successful, I do believe that if issues of sexual orientation are openly discussed and debated, this will inevitably lead to benefits for gay and lesbian people, and gay and lesbian employees in particular.

Where an organisation was to be identified, it was a requirement that both the individual human resources employee and the organisation consented, as identification of the organisation in turn identifies the individual. In the majority of cases, the first person contacted within an organisation was not a human resources or diversity department employee. Several organisational spokes-people were willing for their organisations to be identified. However, what became apparent as the research commenced was that where there was an agreement not to identify the organisation, individual participants more readily offered their true views, which in some cases included concerns or a level of cynicism regarding the organisation's true motives. Therefore, if the opportunity remained for organisations to be identified, there was a risk that the research interviews would end up being a publicity or promotional exercise for the organisations concerned rather than providing an accurate picture. After the third interview, it was decided not to identify any organisations nor provide them with that as an option. The one organisation that had already consented to being identified was recontacted, and agreed to withdraw their consent.

Undertaking Research in the United States

Although the research was subject to the approval of the Massey University Human Ethics Committee and comment from the Massey University Inter

Ethnic Committee, there were issues that had to be considered given that the first part of the research was conducted in America. Part of this was ensuring that the researcher and Massey University were not liable for any litigious action by participants. This was addressed by seeking the advice of an American university professor who indicated that there was little need for concern as no personal information was being sought. The subsequent decision not to identify any organisations, removed any remaining risk of potential legal action. In addition, prior to the commencement of the research, three sets of American ethical principles were examined to ensure the research methodology met local American professional and industry requirements.

The Participants

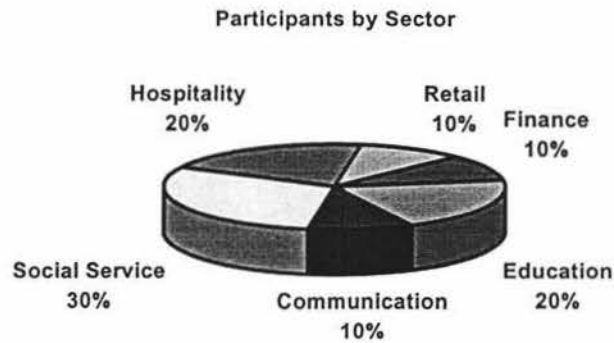
A total of 10 organisations participated in the American research which was conducted during August and September 1998. There was to have been one additional participant but they were forced to withdraw when the interview could not be rescheduled, following a clash of commitments.

The following is a general overview of the participating organisations, particularly geographical location, industry type and organisational size. There was a significant range of organisations, and to an extent this mix was determined by the availability of the organisation's key personnel within the four week interview period. While the range of information was at times difficult to compare, it provided an interesting analysis and gave an overall picture of the range of sexual orientation diversity programmes currently being operationalised.

Of the 10 participating organisations four were based in Los Angeles, CA, three in New York City, NY, and the remaining three in San Francisco, CA. The organisation that was forced to withdraw was based in Washington, DC. The cities where the interviews took place were either where the organisation's head office is located or where the relevant human resource personnel are based. Six of the organisations have a national profile and four have an international profile.

In terms of industry sector, one of the organisations is in the finance sector, two are tertiary education providers, one is in the communications industry, three are social service related providers, two in the hospitality and tourism industry and one in the retail sector.

Perhaps more than any other difference, the size of the organisations varied immensely. Three participating organisations could be deemed to be small scale with between 150 and 500 employees. Three organisations employ between 500 and 5000 staff, a further two in excess of 20,000 and the remaining two in excess of 70,000. The four organisations employing more than 20,000 people all have major national and international profiles. In one case in particular, several thousand employees included in the total work for the company in foreign countries. However, they are still required to comply with the organisation's human resource policies and procedures with regard to diversity.



The Findings

The first part of the research sought to identify the background to the implementation of sexual orientation diversity programmes and while initially it appeared that in the majority of cases the initiative for these programmes came from within the human resource departments of the organisations concerned, it also became more complex as the interviews progressed. Several participants spoke of the changing nature and composition of the workforce and the need to respond accordingly. For example, in three organisations male employees are now in the minority, while in another, white men and women now comprise less than 40% of employees, down from 90% 15 years ago. Participants also spoke of the need to be globally competitive or the importance of creating a welcoming workplace environment. However, in many cases, it became apparent that the actual catalyst was more tangible. Of the 10 organisations interviewed, seven identified the human resources departments within their organisations as primarily responsible for the implementation of sexual orientation diversity

programmes. It should be noted that all those participating in the research were human resource personnel. However, in most of these cases, it became evident that more often than not human resources personnel were acting in response to a crisis, employee lobbying or a management directive and that there were, in fact, several developments occurring simultaneously.

Of those companies that attribute the implementation of sexual orientation diversity programmes to human resources, one participant said that within her company the adoption of sexual orientation diversity resulted from human resource personnel attending training and seminars and learning about new developments in the area of human resource management. A further two human resource departments took a proactive approach with management when it became apparent that, unless they implemented non-discrimination policies and procedures based on sexual orientation, they would soon be in breach of incoming legislation. One organisation stated that the impetus for them was an external review they commissioned to examine their human resource policies after noting a high staff turnover. While the review did not point specifically to a lack of sexual orientation diversity programmes, the organisation's general human resources policies and procedures were heavily criticised, as was the lack of general diversity, particularly the lack of women and people of colour in management positions. The development of sexual orientation diversity programmes was part of the resulting human resources overhaul. For the remaining three organisations, sexual orientation diversity was a logical progression from other diversity and EEO programmes that had been in place within their organisations for some years, focussing on gender, ethnicity and ability.

For the three organisations that did not identify human resources as the primary instigator, one identified the initiative as coming from the executive

management group itself, who, recognising the significant gay and lesbian population within the organisation, decided to take the lead and implement sexual orientation diversity programmes. After the decision was made to implement programmes, a task force was set up, consultation was undertaken within the organisation and an external consultant specialising in sexual orientation diversity programmes was brought in. The remaining two organisations stated that their organisation's sexual orientation diversity programmes developed as a result of the gay and lesbian network group within the organisation lobbying management. It should be noted that, in most cases, gay and lesbian support networks were identified as playing a major role, particularly with the organisations that adopted sexual orientation diversity before it became accepted in mainstream corporate America. It should also be stated that three participants openly acknowledged they were not particularly sure of the background as it was several years prior, or they had since been employed by the company. Therefore, in discussing the issue, they were making some educated guesses and assumptions, based on the material they could find or what other people in the company had told them.

Non-discrimination Policies

All participating organisations are guided by numerous internal documents that set out the philosophy, values, beliefs and aims of the organisation. During the course of the research, it became apparent that the organisations actively promote and refer to these various statements on a regular basis, for example, they are included in orientation training for new staff, posted on the walls in staff cafeterias and public areas, included in organisational publications and generally used to motivate staff and create a sense of ownership and a feeling of being valued.

In addition to organisational mission statements, several of the organisations, particularly the larger ones that have whole diversity sections within them, have mission statements for their diversity programmes and these tend to reflect the concept of “...*creating an atmosphere and culture where the diversity of employees is valued and respected.*” Some diversity departments even have goals, philosophical statements, and vision statements.²¹

All participating organisations have human resources policy that reaffirms the organisation’s policies to assure fair and equal treatment in all its employment practices for all persons. These were usually in the form of non-discrimination policies and most of the samples shown were similar, for example, “(name of organisation) *does not discriminate on the basis of sex, race, ethnicity, colour, religion, age, disability, status as a veteran, or sexual orientation in any of its policies or administration.*” Specifically, these policies relate to the recruitment, training and education, benefits, social and recreational programs, promotion, demotion, termination and compensation of employees. All 10 organisations included sexual orientation in their non-discrimination statements. While three organisations said that non-discrimination based on sexual orientation was added in the last two to five years the remainder added sexual orientation prior to 1992, and said it was for the purpose of ensuring equal treatment of all employees, remaining competitive, keeping and attracting the best staff and creating a culture of acceptance. One participant noted that, without such policies, gay and lesbian workers in much of America have no legal protection at all, while another added that “...*to exclude sexual orientation in non-discrimination policies sends a clear message to gay and lesbian employees that they don’t matter.*” Another participant noted that although there had never been any complaints

²¹ Refer Appendix 3 - Non-identifiable examples of diversity statements and non-discrimination policy statements provided by participating organisations.

of discrimination based on sexual orientation, the inclusion of sexual orientation in the company's non-discrimination policy has had a significant and positive impact within the company. Staff suddenly felt valued and felt the company was a safe environment in which to work. They also believed the company was sending a clear message to all employees that any form of discrimination against gay and lesbian employees would be viewed seriously.

One organisation spoke of the heated debate that occurred when the inclusion of sexual orientation in the non-discrimination policy was first discussed. Some staff felt it inappropriate to include sexual orientation, for a variety of reasons, including: religious and moral objections, the belief that sexual orientation could not be compared to issues of race, ethnicity or disability, and the belief that gay and lesbian employees were not discriminated against and therefore it would result in preferential treatment. After some time, the organisation did include sexual orientation, but, to the concern of the gay and lesbian support network, used the wording 'sexual preference'. The concern was that the message this conveyed was that sexual orientation is merely a lifestyle and sexual choice over which people have control. After several months of debate, the terminology was changed to 'sexual orientation'. In most cases however, the inclusion of sexual orientation in non-discrimination policies appears to have either been welcomed by employees or met with little response.

Nearly all participants indicated that as a starting point, a non-discrimination statement that includes sexual orientation is essential. As one participant noted, *"...without this (a non-discrimination statement), all the training and other benefits are of little value as there is nothing to back them up, and at the end of the day, the company can still discriminate if it chooses to."*

Management Commitment

Many participants spoke of the importance of establishing management commitment, from the most senior levels down, in giving meaning to non-discrimination statements and diversity programmes. Of the 10 participating organisations, seven said their senior management was fully supportive, one indicated that management was cautiously supportive, and one representative stated that the organisation had been forced into sexual orientation non-discrimination policies due to city legislation, but was now more accepting realising that there was no major cost involved, rather an increase in productivity, lower absenteeism and higher staff morale. The remaining organisation also said that catalyst for change was city legislation, but added that since that time other branches of the organisation throughout the country had sought their input and advice for the implementation of similar programmes as a result of their success.

A recurring theme across the participating organisations was that nearly all of the companies are headed by management teams including presidents and CEOs deemed to be leaders in their industry. In general, they are reportedly highly educated, socially (if not economically) liberal, highly regarded by their peers, and known as risk takers, often being the first to initiate change. One participant noted that her company's president *"...thrives on change and making things happen. If you tell him, it can't be done, or it is not feasible, he will take it as a challenge and before long, he's proved them wrong again."*

Management within the organisations demonstrate their commitment in a range of ways. One participant stated that when sexual orientation diversity training was first implemented, the company president sent out a notice,

'strongly encouraging' employees to register their attendance. As a further indication of the management's commitment, two of the senior executives registered for the first training session. According to the participant, with such strong managerial support, even staff who were opposed, or resistant to the training, attended, out of fear of appearing unsupportive. Another participant spoke of management sending to all staff a newsletter that reinforced the non-discrimination policy and reminding staff that they were all responsible for eliminating any form of discrimination in the workplace.

Within other organisations, various examples of management commitment were cited, including;

- sponsoring an organisational gay and lesbian support network float in Gay Pride marches,
- sponsoring local gay and lesbian events and conferences,
- providing resources and funding for the gay and lesbian support networks,
- advertising their product or service in gay and lesbian publications,
- recruiting employees via gay and lesbian publications and sending recruitment staff to gay and lesbian business expositions,
- attending gay and lesbian network meetings to listen to concerns or for consultation purposes.

The management of one organisation made a decision to contribute a sum of money every year to a local AIDS related charity. As a result of this initiative

several employees, including heterosexual employees, have since become volunteers with the agency. In another company, management initiated a policy whereby the organisation would match dollar for dollar charitable donations made by employees to 'approved' non-profit organisations, including gay and lesbian organisations.

Only two participants made particular reference to overtly negative feedback as a result of initiating sexual orientation diversity programmes and including sexual orientation in their non-discrimination statements. In both cases, this negative feedback came in the form of letters, including hate mail and threats to boycott the organisation's product or service. In both cases, management refused to back down and none of the threats resulted in any apparent action. However, the management response in these situations bought a great deal of goodwill from the gay and lesbian support networks and employees in general. As one participant said, *"...for employees in our organisation, it demonstrated a real (management) commitment and showed staff that our policies are more than just rhetoric. Management made these decisions on their own, it had nothing to do with human resource or (gay and lesbian) network lobbying."*

Human Resources

As the research progressed, it quickly became evident that the driving force behind many of the sexual orientation diversity developments and their continuing growth is the human resource departments within the organisations. The degree to which these departments advocate for gay and lesbian rights within the workplace often determines the company's response. One participant noted, *"...unless we take a proactive stance for gay and*

lesbian issues within the workplace, we are denying a percentage of our employees basic human rights, what we do is no more and no less than what we would do for all minority employees within the company.” While another added “...our company can not afford to have 10% of the workforce feeling undervalued - if they do, they are not going to be fully productive and will waste an inordinate amount of time feeling stressed, angry and resentful. We don’t want employees who feel like that.”

In addition to initiating training and education programmes for staff, the human resource departments of the participating organisations have set in place a wide range of initiatives, for example:

- Reviewing all policies and procedures to remove any heterosexist language or terminology and ensure all documents are gender neutral and unbiased. One organisation said they no longer use terminology including ‘spouse’, ‘husband’ or ‘wife’, but instead have opted for the term ‘partner’, which, by their definition includes married persons, defacto heterosexual couples and gay and lesbian couples. Reviewing organisational documentation appears to be one action that has been undertaken in nearly all the participating organisations. One participant said that even as a human resources manager, she had never fully appreciated the interpretation and subtleties of terminology prior to undertaking this exercise. She added that in some instances the process became laughable, as new terminology was invented to avoid offence with the result that much of the documentation ceased to make any sense.
- Issuing guidelines to recruitment personnel and organising training on interviewing techniques to ensure that the recruitment processes are neither heterosexist nor assuming. One organisation with a very strong and active

gay and lesbian employee presence developed lists of example questions that ask candidates their opinions and experiences on issues of diversity, including sexual orientation and their experiences in working with gay and lesbian people. Training was also undertaken to educate personnel involved in recruitment on local, state and federal legislation to ensure that no unlawful information is sought during the interview process.

- Sending human resources personnel to diversity related training workshops and seminars to ensure they have access to the most recent diversity developments and thereby keep up with, or ahead of the competition.
- Developing resource rooms with resource material available for all staff including videos, books, magazines, training material, counselling services, legal information and support group information on gay and lesbian issues. Several organisations subscribe to gay and lesbian publications and circulate these to interested staff.
- Facilitating, promoting and supporting the development of gay and lesbian support networks within the organisation. This may include assisting the networks to develop policies or statements, investigating any complaints that policies or procedures are heterosexist and facilitating the allocation of funding to the gay and lesbian support networks to assist them to achieve their goals.
- Initiating organisational events to mark National Coming Out day, including training workshops and guest speakers. One participant noted that on the last National Coming Out day the organisation supported the attendance of several members of the gay and lesbian network at various Coming Out day events as organisational representatives.

- Developing mentoring programmes for gay and lesbian employees and, in three cases, having a staff member available as a 'coming-out' coach for gay and lesbian employees unsure about disclosing their sexuality within the workplace. While the 'coming out coaches' are not there in a counselling capacity, they are available to staff who wish to talk to someone who has experienced a similar situation and can provide practical advice and support.
- Lobbying and supporting management, where necessary, on the importance of supporting gay and lesbian issues and identifying the tangible benefits to the company and the individual employee of implementing new diversity initiatives.
- One organisation issues a multicultural calendar available to all staff and the public. Each month, significant dates and events are highlighted that are of relevance to various ethnic, cultural and racial groups as well as the gay and lesbian community.
- Advertising company work-based and social events in ways that clearly indicate that employees are welcome to bring partners, be they same sex or opposite sex.
- Advocating to management the importance and benefits of extending employee benefits to same sex couples.
- One organisation that hosted a major national conference for its industry included gay and lesbian restaurants, hotels, bars and clubs in the orientation pack provided for each participant.

While many of the initiatives described above are linked to, or determined by, organisational and human resources strategy, one organisation spoke about an anonymous survey they undertook before commencing diversity training. The purpose of the survey was to establish the perceptions of gay and lesbian employees in the company and determine what their views were. At the point the survey was undertaken, in the late 1980s, the organisation did not have a gay and lesbian network and at that stage, sexual orientation was not included in the non-discrimination policy.

Questions asked in the survey included:

- does your sexual orientation cause you situations of stress at work?
- have you felt discriminated against at (*company name*) because of your sexual orientation?
- how would you describe the environment for gay and lesbian employees at (*company name*)?
- what actions would you like to see (*company name*) take to ensure it is inclusive of gay and lesbian employees?

The results of the survey were then passed to the recently formed diversity committee who used the information in developing a diversity strategy for the company. This organisation believes it was an important step, as it demonstrated a willingness to consult with employees and act on their advice.

Nearly all the human resources personnel interviewed spoke of the importance of maintaining a high profile for sexual orientation issues while at the same time normalising the issues and integrating them with other minority

group initiatives undertaken by the company. Several participants noted that the benefit to the company of having sexual orientation diversity initiatives been immeasurable. The companies are now regarded as industry leaders and cited in various publications as a 'positive place' for gay and lesbian people to work.

Employee Training and Education

Along with domestic partner benefits, training is the other major response that all participating organisations have invested a great deal of time and resources in. Despite the initial fears of some managers and staff that sexual orientation diversity training would force people into accepting and supporting something they may not agree with, those fears have proved groundless. The basic aim of sexual orientation training is to provide information, raise awareness and change behaviour in the workplace.

All 10 participating organisations have undertaken a range of training programmes to address sexual orientation diversity. For some organisations, particularly the larger ones, sexual orientation diversity training is regular, sometimes compulsory and delivered by in-house trainers who focus solely on matters of diversity within the company. One organisation currently has 12 different training programmes that focus on diversity. All include reference to sexual orientation and three are specific to sexual orientation. At the other end of the scale, and generally in smaller organisations, sexual orientation training tends to be incorporated in the overall diversity strategy, although even in these cases specific sexual orientation training has been delivered, some by outside consultants specialising in sexual orientation issues. However, it would appear that across the organisations concerned,

training is a major growth area. One organisation of a relatively small size reports that since it commenced diversity training some 10 years ago, the organisation has gone from having three full time trainers to eight, two of whom now specialise in diversity training. Another organisation, also of moderate size, says that until 1995 all training was outsourced. This company now has a training department with six full time and 14 part time trainers and attributes part of the growth in the training area to the introduction of diversity training. They believe that for many training topics, including diversity, it is important to develop their own training packages that are specific to their company, their management style and organisational culture. Another four organisations mentioned that training in general has been increased significantly within their organisations over the last five or so years. While most participants were reluctant to talk about training budgets, or didn't have the information, it would appear that in the larger organisations in particular, training budgets, including salaries, conferences, external consultants, and computer software can exceed \$30,000,000 per annum. A representative of one organisation was able to state that their total investment in diversity training is in the vicinity of \$15,000,000 per annum, taking into account training days per worker per year. Of this amount, he estimated that one fifth, or \$3,000,000 was directly related to sexual orientation diversity.

The majority of training programmes are workshop-oriented with a strong emphasis on self-exploration, values exploration and communication. Several of the training outlines included the sharing of personal experiences from trainers and individual staff members; telling the group what it has been like for them, for example, growing up as an African American, or growing up with a disability or being gay, speaking about the fear, the anger, the rejection, and the prejudice.

It would appear that, in general, sexual orientation diversity training and education programmes focus on the following;

- orientation to the workplace - explaining non-discrimination policies, employees benefits,
- values exploration,
- information presentation,
- organisational action planning,
- leadership and management.

Orientation Training

All organisations appear to have thorough orientation training for new employees that range from one day sessions with follow up, to a series of orientation modules delivered during the first six months of employment. In addition to addressing the usual benefits and expectations, diversity, including sexual orientation, is addressed. Two organisations have specific diversity orientation programmes that outline why diversity is important to the company, their non-discrimination policies, their domestic partner benefits and professional development opportunities available. Several organisations produce orientation packages and booklets and all make at least some reference to sexual orientation, with two including lists of resources, the name of the gay and lesbian network contact person within the organisation and instruction on complaints procedures if the employee feels they are being discriminated against.

Values Exploration and Awareness Raising

Exploring values and raising awareness is a recurring theme in diversity training. According to one participant, *"...this allows the employee to personalise the information, something they could not do if the training was merely presenting information. Our experience has been that if training starts from a point of awareness raising and exploring one's own belief systems, it is a lot less threatening - people don't feel they're being scolded or forced to accept something they may not feel personally comfortable with."*

Three organisations report that all staff are required to attend a sexual orientation diversity training programme which provides a forum for exploring personal values and beliefs systems, and then examines styles of communication, communication skills, and working as a team.

Despite a long history of training programmes, EEO initiatives and Affirmative Action programmes, one organisation was surprised at the lack of knowledge, and general level of ignorance that staff displayed when it came to matters of sexual orientation. The first sexual orientation related training programme they initiated focused on the development of strategies to make the workplace more inclusive of gay and lesbian employees. What soon became apparent was that it was not possible to address inclusivity within the workplace until employees had the opportunity to explore their own beliefs and values and replace myth with fact. While this organisation had long assumed itself and its workers to be broad minded and socially liberal, it became evident that many people held very strong views about sexual orientation, based on religious beliefs or misinformation. As a result, the organisation implemented a values exploring training workshop. Although the company had not previously considered this necessary, this workshop

provided a forum for workers to ask questions they might normally have considered inappropriate to ask, to debate and challenge their own and their colleagues' personal or religious viewpoints and to examine issues they had not previously questioned. Due to the success of the workshop, the organisation has now made it a compulsory training session for all employees. In all the training material regarding values exploration as a starting point in examining diversity, there is a strong emphasis on increased self awareness, increased awareness of how one person impacts on another, increasing awareness about difference, increasing awareness about how homophobia and heterosexism affects the workplace and increasing self awareness about one's personal views about gay and lesbian people and homosexuality²².

Information Presentation

All 10 organisations include training that provides employees with information about sexual orientation. Often this means replacing long held beliefs and assumptions with fact. For most organisations, particularly those with a service focus, they view this information as critical in order that their employees are able to deliver a high quality service to all people regardless of their ethnicity, gender, ability or sexual orientation, and for all the companies taking part in the research each sector of society is an important customer base. One participant noted that most organisations have discovered that the majority of people are ignorant about sexual orientation. Another commented, *"...the reality of life in this country is that until twenty years ago, the majority of people only mixed with like people. Basically life was segregated, based on colour, economics, social standing, class, gender, on*

²² Refer Appendices 4, 5, and 6 - Non-identifiable examples of sexual orientation diversity training material used by the participating organisations.

and on. It is only in the last couple of decades that we as a country have been forced to either embrace change and difference or lose out."

Other participants noted that it is not just a matter of social responsibility or social justice, but economics and profitability. A participant representing a service industry explained their philosophy, *"It is very simple, I don't care what you do or don't believe in, however, all our customers are important, they are the reason we have a job. Our company insists on employee education so we can stay ahead of the competition and continue to hold our gay and lesbian consumers."* This theme was echoed by another participant, *"...you wouldn't believe how naive some people are when it comes to sexual orientation, and in our business, that naivete can lead to poor service, lost customers and therefore reduced profit, that's without even looking at the internal dynamics that are created and the havoc that can result."*

Reading through the training material it would appear that much of the information is relatively straightforward, but apparently, for many of the staff concerned, this is their first exposure to issues of sexual orientation. One training department produced a handout that is given to all staff at one of the training workshops, entitled "Sexual Orientation - Frequently Asked Questions". This handout, written in a question and answer format addressed issues such as:

- why are people gay? - choice versus orientation
- why do gays and lesbians need special treatment?
- I don't know any gay people
- homosexuality and religion
- HIV and AIDS
- appropriate terminology and definitions

While this handout made it clear that everyone has a right to their own personal beliefs, it also reiterated the organisation's non-discrimination policy and made it clear as to what is and what is not acceptable behaviour in the workplace. For example, telling inappropriate gay or lesbian jokes, using demeaning terminology, or any form of sexual harassment were all stated as grounds for immediate disciplinary action. The clarification of terminology appears to be a major consideration in information presentation training. Of four examples shown, all included definitions and explanations for: sexual orientation, gay, homosexual, lesbian, bisexual, transvestite, transsexual, transgender, and cross dresser. Two also gave explanations of: fag, queer, and dyke, with references to their political connotations and the reclamation of the terms by gay and lesbian communities.

Another tactic that several organisations use is to include information about landmark gay and lesbian events, a strategy used previously to educate employees about African American issues and issues for other people of colour. For example, one training handout listed the first state to decriminalise consensual same sex acts, the Stonewall riots, the first openly gay publicly elected official, the removal of homosexuality from the list of mental illnesses, and the identification of HIV/AIDS. The purpose of this tactic is to educate people, not only in gay and lesbian landmark events, but also to create an awareness that there is an identifiable gay and lesbian community and culture, and that there are events and certain dates in the year of major significance to gay and lesbian people.

Action Planning

Most of the training sessions focussing on diversity, particularly those past the introductory level, included some form of action planning, the purpose being to promote employee ownership of diversity developments and make

employees advocates for the goals trying to be achieved. Three participating organisations showed outlines, worksheets and handouts of action planning workshops and from these examples it would appear that action planning generally follows a similar format. A typical starting point, after introduction to the subject matter, is the rating of the company's current position or the climate within the organisation or department, with regard to sexual orientation issues, before identifying issues to address and strategies to improve the situation. One organisation had a whole range of sexual orientation diversity action planning assessments and activity sheets. These had been designed specifically by their trainers for each department within the organisation, so that the questions and prompts were tailored to the participants' day-to-day experience. Although seemingly simplistic, several concrete examples were provided of developments within organisations that resulted from action planning in these workshops. One example was the development of strategies employees can use to deal with situations where unacceptable comments, jokes and remarks are made regarding sexual orientation. The participant from this organisation noted, *"Although a lot of people cringe when they hear such comments, most do not know how to address the situation. A workshop like this allows them to strategise non-confrontational ways in which they can let offending staff know their comments are not appropriate."* Another significant example provided was the development of a company policy for addressing HIV/AIDS in the workplace. This began as a strategy identified in a action planning workshop and resulted in 'HIV status' being added to the companies non-discrimination policy and most recently, a human resources policy whereby colleagues can transfer annual leave they have owing to a colleague with HIV/AIDS who has used up all their sick leave entitlement.

Management Training

Nearly all participants spoke of the importance of training for managers within their organisation. As the workplace constantly changes, it is essential that managers know how to manage, not only in a changing environment, but also with the changing composition of the workplace.

In seven of the 10 companies, training managers to manage a diverse staff was mandatory. One organisation currently has six different diversity training programmes for managers, including one specifically addressing sexual orientation. Two participants noted that diversity training for managers, particularly middle level managers, was in their opinion, the most pressing diversity issue within their companies. A great deal of the content of the training for managers was similar and the names of training workshops included; 'Managing a diverse workforce', 'Getting the best from a diverse team', 'Productivity through diversity', 'Diversity in teams' and so forth. Likewise, many of the objectives of the training were similar:

- "to increase understanding as to why diversity is important to our company"
- "to understand and value diversity through increasing personal awareness"
- "to be able to recognise our blind spots and their impact on the workplace"
- "to develop skills for working effectively with people different to us"
- "to increase our ability to manage and lead diverse teams of employees"

One participant stated that when she first began with her company most managers were white middle aged males who had worked in the organisation for at least 15 years, slowly moving their way through the hierarchy. What

became apparent after a period of time, several complaints and one law suit, was that these managers were *"...totally unable to relate to people different to them, had never previously had to and didn't know how. It wasn't even that they were necessarily hostile, although a few were, most just didn't know how to adjust to a new world or where to get information from, and felt too embarrassed to ask for help."* The organisation responded by setting up a diversity committee, comprised of two executive managers, human resource personnel and representatives of the various employee support networks within the organisation. This group worked for several weeks examining strategies to respond to the situation and one of the accepted recommendations was a compulsory two day training programme for all managers entitled "Leadership in a Diverse Workplace". The training workshop was developed and delivered by an in-house trainer and focused on values exploration, analysis of cultural differences, dealing with stereotypes, appropriate terminology, creating a diverse team, promoting and valuing difference, and resolving conflict. While initially there was some resistance to attending the training, this diminished when it was made clear by management that attendance was required. Ten years on, the original workshop is still being facilitated, albeit with more current information and in an extended format.

Another organisation found that their managers had very little knowledge on matters of sexual orientation and not only were they too embarrassed to seek answers to their questions, but they also resisted attending training with their staff. *"Basically, they didn't want their staff and teams, which undoubtedly include lesbians and gays, to be aware of their ignorance."* At first the organisation attempted to 'require' managers to attend sensitivity training but soon realised that an alternative strategy would be required. The human resource department then undertook an organisation-wide survey and

facilitated focus group sessions that sought the opinion of all managers in the company. The results indicated that most managers were supportive of the aims of the training but that they would prefer to be trained with their peers, that is, other managers. The company then developed specific awareness-raising training for management. As was the case for other organisations cited, this company's initial findings that their management had very little knowledge about sexual orientation related issues proved correct and training workshops had to commence at a very introductory level. *"I suppose it is a reflection on the population in general, but for us, a lot of time was spent in dispelling myths you assume people no longer subscribe to - separating issues of sexual orientation and issues relating to HIV/AIDS, or issues of sexual orientation and paedophilia. It was very demoralising at first, but I can say that the results have been better than I ever anticipated and the lesson I learned as a human resources manager is that for best results we need to tailor our strategies to the individual needs of employees and be sensitive to those individuals."*

Support Networks

Company-based support networks have been a feature of American companies for some years, initiated to respond to issues of sexism and racism in the workplace, while also offering collegial support. Increasingly, on both a formal and informal basis, network groups have been established by gay and lesbian employees.

Of the 10 participating organisations, six currently have active gay and lesbian support networks. Of the four that do not, two felt that the need had not been identified by staff due to the small size of the workplace and the

already evident diversity and feeling of support within the organisation, while the other two organisations said that networks had been started but were not currently operating as key personnel had left the organisation and others had not yet taken over the role of convening the network. The six organisations that do have a gay and lesbian network all indicated that it plays an extremely important role within the organisation. In all six, there is a range of support networks, generally one for Latino workers, one for African American workers, and one for people with disability. Four organisations had a network for women employees, two for veterans, and two for Asian/Pacific Island employees.

Each of the gay and lesbian support networks have their own mission statements, for example, *"To promote and maintain a workplace environment where lesbian, gay and bisexual employees are valued and supported within the company."* This network also has a series of aims, objectives and guiding rules.

In most cases, the support networks primary focus is support for its members. One participant noted, *"These networks can be very important for the individual. What I have heard from our network employees, is that although they consider this a positive working environment, and although they consider management to be supportive, it is about them (gay and lesbian staff), taking some time out, talking about issues that affect their lives, and in more cases than we are probably aware of, providing immense support and assistance to employees, not yet in a position to be open about their sexual orientation."* Another participant added, *"...ten, fifteen years ago, networks spent all their time advocating change and promoting acceptance within the corporate world. That level of political lobbying and activity is not needed to the same degree anymore, and therefore more energy can be given to actual support for the members."*

However, in other organisations, the networks were viewed as having a more significant role than just support, including;

- raising general awareness within the company,
- having input and providing a gay and lesbian perspective into policy and procedure development,
- undertaking fundraising activities for gay and lesbian charitable groups,
- sponsoring local gay and lesbian events,
- networking with gay and lesbian support networks in like industries,
- providing guest speakers to gay and lesbian organisations within local colleges and universities,
- participating in their organisation's sexual orientation diversity training,
- assisting gay and lesbian staff in other companies establish their own networks.

In three organisations, including one that no longer has a network, the networks played a major role in the introduction of domestic partner benefits.

The consensus is that the support networks are a 'safe place' for gay, lesbian and bisexual staff as well as for those staff who are in the process of coming

out²³. All indicated that the membership of their support networks is confidential, and that although many gay and lesbian staff may be 'out of the closet' the confidentiality assurance was important for those staff still coming to terms with their sexuality or in fear of having their sexuality disclosed. In all cases, participants spoke of the importance of respecting confidentiality of members and respecting the varying levels of self acceptance of one's sexuality.

All six organisations allowed the networks to meet in paid time and four contributed direct funds to allow the networks to achieve their aims, while the other two provided them with free photocopying, use of computers, and paid postage. This would tend to indicate that the networks are seen as a valuable resource for the companies. Three participants spoke of the benefits to the company of actively supporting a gay, lesbian and bisexual support network, in particular the amount of goodwill generated for the company and the resulting increased employee loyalty. One participant added, somewhat cynically, that a major return to the company was the loyalty received from gay and lesbian consumers in the community in return for a very small investment. Despite this, she added "*...having said that, gay and lesbian consumers are not stupid and if they believe the company is not sincere, they will take their business and their dollars elsewhere.*"

Domestic Partner Benefits

Employee benefits have long been an accepted tradition within American companies. In recent years, the issue of extending benefits, traditionally given to the married spouse and dependents of an employee, to same sex

²³ Refer Appendix 9 - '10 Tips for Coming Out', a leaflet produced by one participating organisation's gay, lesbian and bisexual employee support network.

couples has become a major issue. In essence, extending domestic partner benefits to same sex couples means that the partners of gay, lesbian and bisexual employees, receive the same benefits from the company given as do the spouses of married employees.

All 10 participating organisations offer domestic partner benefits, although there was a range in the comprehensiveness of the benefit packages offered. While the content of the domestic partner benefits offered varied, all included medical and dental benefits. Several companies also had packages that included family leave policies, adoption benefits, parenting leave, bereavement leave, Employee Assistance Programmes, employee discounts, and shares in the company. Of the 10 organisations, seven have had domestic partner benefits for same sex couples for at least five years, while the remaining three have introduced them since 1995. Two organisations extend domestic partner benefits only to same sex couples, based on the notion that heterosexual couples have the option to marry if they so choose and therefore, in their opinion, heterosexual couples are not discriminated against. In one case, domestic partner benefits are only offered to same sex couples, and not unmarried heterosexual couples due to the cost factor. Research suggests that pregnancy and childbirth related costs are significantly higher than illness based claims.

There were a range of reasons given as to why organisations adopted domestic partner benefits, and for the most part it would seem that there was no one key factor, but rather a series of events and numerous stakeholders involved. Despite this, each organisation indicated what they considered to be the major catalyst. Three organisations said it was essentially a management initiative after research identified the implications of extending benefits to non-married and same sex couples. In each case, initial lobbying

had been undertaken by their network groups and/or their human resource departments. Two of these companies recruited external consultants whose research suggested that it would cost significantly more to extend domestic partner benefits to heterosexual non-married couples than to same sex couples.

Four participants felt that domestic partner benefits were introduced in order to keep up with the competition and to be able to attract the best people to the company, and/or saw it as a logical progression from non-discrimination policies and training. The remaining three organisations said that there was either significant pressure from within the organisation to introduce domestic partner benefits or it had become a statutory requirement under city legislation. Two organisations, in particular, spoke of continued resistance from their management until the city introduced legislation that required all companies entering into contract with the city to offer domestic partner benefits. Both of the latter organisations' representatives indicated that had such legislation not been passed the companies most likely would still not have adopted domestic partner benefits.

In nearly every case, the reasons given by organisations for initially rejecting domestic partner benefits was the cost factor or apparent employee disinterest. One participant spoke of how their organisation had been concerned about consumer and shareholder reaction, while another debated at length due to a concern that there would be a major financial implication due to HIV/AIDS related claims. The organisation that had concerns regarding HIV/AIDS related claims soon realised that the one claim they have had in three years has been minimal compared to the claims associated with heart attacks, premature births and childbirth in general. In one organisation where there was initial reluctance and much debate, the gay, lesbian and bisexual support

network undertook and paid for research and the development of a proposal to management. The proposal included: a definition of domestic partner, a justification for extending benefits to same sex couples, projected costs associated with extending benefits, and ways in which the policy could be operationalised. There was also a focus on equity, that if benefits were not extended to same sex couples the way they were to married heterosexuals, then in monetary terms gay and lesbian employees are being inequitably compensated. Two years after benefits have been extended, only 2% of same sex couples have taken up the option. In all cases, organisations said there had been very few employees exercising the option, ranging from under 1% in one organisation to 6% at the other end of the scale. In particular, the uptake of domestic partner benefits by same sex couples was extremely low. Most organisations attribute this to the fact that in most same sex relationships, both partners work, thus having access to their own benefit packages, and that there are fewer children to be considered in same sex relationships, and childbirth is the most costly of all insurance expenses. One participant, however, noted that there was also a tax consideration for same sex couples. As the Inland Revenue Service does not recognise same sex relationships, same sex couples who opt for partner benefit coverage are liable for tax on the value of the benefit. However, as two participants noted, despite the lack of take-up of domestic partner benefits, the goodwill it has produced is immeasurable.

One participant spoke of initial concerns as to defining 'domestic partner'. While there appear to be a range of definitions, all appear to include requirements that the couple are co-habiting, financially and emotionally committed, and in a relationship in the nature of marriage. Six organisations require staff to sign an affidavit, while the other four require a signed, witnessed statement. All require some form of evidence, for example, joint

bank accounts, joint mortgages, a domestic partner agreement, the designation of the partner as primary beneficiary in an insurance scheme or will²⁴.

Diversity Programme Evaluations

Somewhat surprisingly, none of the participating organisations had undertaken any major impact evaluation of the diversity programmes to inform them as to the impact or level of success in meeting their objectives. Rather, they appear to rely on evaluations of training workshops, feedback from employees and feedback from the various support networks within the organisation. Although her company had not undertaken any formal evaluation, one participant said that since diversity programmes and training was introduced, absenteeism and staff turnover had reduced, and there had been a 300% drop in the number of grievances made relating to workplace sexual harassment or discrimination based on gender, ethnicity, culture, religion, ability, and sexual orientation. While stopping short of attributing fully these changes to their diversity programmes, the participant did believe, and said the organisation accepts, that the policies of diversity have played a major role. She added, *"...we may not have evaluated our diversity initiatives, but we do know staff morale is high, there is a lot of goodwill toward the company and management, company stock prices are at an all time high, and perhaps most importantly, we believe in it, and believe it is the right thing to do."*

Another organisation spoke of research they had undertaken within their gay, lesbian and bisexual support network, five years after initiating their sexual

²⁴ Refer Appendix 10 - Non identifiable example of the "Domestic Partner Affidavit" used by one of the participating organisations.

orientation diversity programmes, and two years after extending domestic partner benefits to same sex couples. A questionnaire was designed by a human resources employee and a member of the gay and lesbian network. The questionnaires were then sent to all staff on the network's list. According to the participant, over 85% of network members responded. The results indicated that:

- 95% of the members believed that the sexual orientation diversity programmes, including the non-discrimination policy, training and domestic partner benefits had had a extremely positive impact within the organisation as a whole;
- 90% of members stated they felt an increased sense of loyalty to the company and felt they were valued as employees;
- 70% of members felt that anti-gay feeling, jokes or inappropriate comments had reduced;
- 85% said they felt 'safer' and more able to be open in the workplace;
- 65% indicated they had, or they would, take a same sex partner to a work social gathering.

Further, members were asked their opinions regarding seeking alternative employment. The responses include:

- all participants stated they would not work for a company that did not have a non-discrimination policy that specifically included sexual orientation;

- 90% said they would not seek employment with an organisation that did not offer domestic partner benefits (despite the fact that only 1% of network members had taken advantage of the organisation's coverage);
- 85% indicated that diversity training regarding sexual orientation was extremely important and 65% of those people believed attendance should be compulsory at some workshops.

Several participants spoke about the impact of their sexual orientation diversity training, one area where organisations can undertake some form of evaluation in a relatively accurate and cost efficient way. All participants indicated that diversity training evaluations are for the most part extremely positive. As one said, *"...diversity training brings people on board, it doesn't alienate or threaten them as individuals, a change from our previous training approach that at that stage only focused on gender and race. Men felt threatened, white people felt threatened, and basically, it was a self destructive exercise that led to resentment and anger. When sexual orientation training was introduced, there was some negative feeling - some staff thought they would be 'straight-bashed', others thought they would be subject to all sorts of descriptions about homosexual sex, I'm not quite sure why, and others questioned why sexuality had to be a workplace issue."* This same participant also showed recent examples of non identifying training evaluations that included such statements as *"...this was the first time in 30 years I have been forced to confront issues of sexual orientation."*, *"..until this workshop, I was coming from a place of ignorance."*, *"It never occurred to me what the impact of homophobia could be, either on the people concerned or our company."*, and *"I feel proud to have been part of the process developing a policy that will make [name of company], a better place to work for some of my co-workers."* Another organisation undertook a staff

survey where employees were asked the value of the diversity training provided by the company. The results indicated that staff place a high value on diversity training and for most staff, sexual orientation diversity was as important as any other diversity topic. Some even indicated that they considered sexual orientation diversity training more important as it is a newer concept than the standard training they have been attending for some years.

Conclusions

Clearly, the American workforce is very different from what it was 20 years ago. Several organisations provided detail of their employee statistics that showed, in three instances, male employees are in the minority, while in another, white men and women now comprise less than 40 percent of the organisation's employees, a change from 90 percent 15 years ago. As one participant said, this has led to not only a change in the composition of their employees, but also a marked change in the whole culture of the organisation, particularly as women and people from minority groups have moved through the organisation into positions of power and made changes to organisational policies that reflect who they are and the experiences they bring to the company.

There is no doubt that for many organisations there is a real sense of moral and ethical responsibility. Participants in the research appeared completely genuine when speaking of creating an inclusive workplace, although the underlying motivations of the organisations may vary. While only two organisations indicated that the local city or state legislation forcing non-discrimination based on sexual orientation had played a role, several spoke of

productivity and profitability. When workers are happy and feel valued and well treated, they will work harder, they will be more loyal, they will be absent from the workplace less, and staff turnover will be reduced. In turn, as staff work harder, productivity and profitability increase. Several organisations, particularly in service related industries, spoke of the importance of providing a superior service in order to remain competitive. While ensuring that your employees are dedicated and content is one aspect, the other key is ensuring that they are trained and knowledgeable, aware of difference and non-judgmental when providing a service.

Irrespective of the fact that most of the participating companies allocate significant resources to their diversity programmes, and yet are unable to quantify their success in absolute terms, it was abundantly clear that all the organisations treat diversity as a very serious issue. The range of diversity training is immense. Whole departments, with managers, trainers, researchers, counsellors and administration staff, facilitate diversity training relating to gender, race, ethnicity and colour, religion, sexual orientation, disability and age discrimination. Some organisations have numerous diversity training packages on every conceivable topic, for example, 'World War 2 Jewish Immigrants and American Society', and 'White Men and the Future of Diversity'. Where information was available it was evident that the budgets allocated to diversity related programmes range from tens of thousands of dollars in the small organisations to several million dollars per annum in others. One participant said although he did not know what the company's annual investment is, it would *"...easily be in the millions, taking into account domestic partner benefits, and the equivalent of 500,000 employee training days a year."*

Whatever the motivating reasons may be, there appeared to be a strong commitment to employee growth and development. Most of the participating

organisations invest significant amounts of money in training and developing staff, not only in the fundamental aspects of their jobs, but also in personal development. Most believe it is an investment resulting in major rewards for the organisation and the individual. And the rewards for the companies seem apparent. All of the participating organisations reported that there was a sense of strong employee loyalty to the company. Employees were, in the main, proud of their organisations and management and what has been achieved. While it could be attributed in part to aspects of American culture, staff appear proud to be on a parade float under the banner of their employer, were happy to wear the corporate t-shirt, and generally committed to their company.

In general, few of the training packages, apart from orientation training packages, appear to have been tailored specifically for the company or the day-to-day work of the employees. Most examples shown were generic and could be used within any industry. While a few of the larger organisations have or are in the process of developing specific training, the small to mid-size organisations appear to rely on standardised workshops either delivered by in-house trainers or by external consultants. Furthermore, the basic content of most training packages is surprisingly straightforward, in some cases to the point of being common sense. What is evident is the skill involved in their marketing and delivery.

The issue of city legislation requiring organisations who contract with the city, (which includes receiving funding or leasing premises) to offer domestic partner benefits was not a major issue as first anticipated. Where organisations had first felt compelled by city legislation, their fears, based primarily on misinformation, have since been eased and they now reportedly support the requirement. One participant said, *"...at first it was a real*

problem. Management were totally unsupportive and felt anger toward the city for interfering in what they deemed to be private company business. How that's changed. All of a sudden we were named in an article that named companies offering domestic partner benefits, other companies from out of the city have come to us asking for advice, and there has been a phenomenal amount of support from gay and lesbian groups and individuals, all well aware that we had no option." Domestic partner benefits are viewed as an important step in achieving equality in the workplace. Despite the fact that a very small percentage of employees in same sex relationships ever exercise the option, the matter is one of principle. While the issue of domestic partner benefits was not as controversial as first anticipated, this is probably due to the fact that all participating organisations do offer these benefits.

Another theme that became evident is the changing role and changing expectations of American employees in general, although this may also be a reflection of the organisations and industries represented. Several participants spoke of implementing developments in part, to attract superior staff, and noted the increasing change in employee expectations. In many of the participating organisations personnel, particularly those in the upper hierarchy of management, are in receipt of major salary packages, and increasingly those with specialist skill and knowledge, even in middle management or basic worker positions, are constantly being sought out by other companies. Therefore, some employees are in a particularly strong negotiating position. As one participant summarised, *"...twenty, thirty, years ago, people wanted a job, and they stayed with the company for life. It is a completely different environment now. Skilled people, whatever their sexual orientation, are highly sought after. If I run a billion dollar company, I want the best people - I don't give a shit about their sexuality. America is economically strong and this is reflected in the marketplace and this company's profits."* A participant

from another organisation, reliant on up to date technology, indicated that the company was so determined to recruit the most skilled and expert people, they were willing to offer almost anything to get the staff they wanted. He added, *"...when you look at the potential profit to be made in this industry, the potential cost of something like domestic partner benefits is a non issue."*

Gay and lesbian staff and support networks have been a major contributor to the development and acceptance of sexual orientation diversity programmes. While the important role they play was acknowledged by most participants, few appeared to credit them with the degree of recognition they appear to deserve, perhaps because most of the ground work was done 10, 15 and even 20 years ago. Clearly, gay and lesbian support networks can be, and are, strong lobby groups, not only in terms of employee issues, but also in terms of the gay and lesbian communities as consumers. Of those participating in the research, three individuals disclosed that they were gay or lesbian. One noted, *"...over the last ten years, being gay or lesbian has become irrelevant in our organisation. When I first began with the company, it was a problem. Other gay and lesbian staff were reluctant to be open about their orientation, acted out elaborate charades, and were reluctant to become involved in the network. However, we have had the privilege of being able to observe and learn from our women and African American colleagues, how they strategized for change, as well as learning from the mistakes they made and also capitalising on the inroads they made for us all."*

A key to the acceptance of sexual orientation diversity programmes is an organisation's management, and this was reiterated time and time again during the research. As noted previously, the management of the participating organisations are generally viewed as the industry leaders and

highly innovative and therefore, perhaps, their high degree of support could be predicted. Where an organisation does not have a management who are prepared to commit themselves, develop a non-discrimination policy that includes sexual orientation, initiate and support training and extend benefits to employees in same sex relationships, attempting to initiate sexual orientation diversity programmes would be considerably more difficult. One participant pointed out that as the participants in this research are all based in the largest urban areas in the country and in cities known for their progressive attitude and acceptance, the results of the research will reflect this. *"If you were seeing companies in the South or Midwest, you'd get a totally different response. Management in most of the companies based in those areas are in a different space, years behind, and even those that are progressive face opposition that we in (name of city), can't imagine. You would have been lucky to even get anyone to participate in the research. Los Angeles, New York and San Francisco are not synonymous with America."*

Another distinction that became apparent was the response of participants by industry sector. For those with a recognised gay and lesbian consumer market, for example those in the retail, finance and hospitality industries, high levels of customer service and the importance of educating staff about difference was emphasised. For most a major consideration was competition and therefore profit margins. None could afford to offend or lose gay and lesbian consumers. Most had undertaken extensive research and knew exactly the value of the gay and lesbian market. However, in saying that, these same organisations, were also the ones that recognised the significant number of gay and lesbian employees within their organisations, and responded accordingly. For those in the social service and education related sectors, the issue of human rights and equality was more often cited. However, it was also in these sectors that the most initial resistance, for

whatever reasons, from the hierarchy and management was noted. In general, it could be stated that the participating private companies were the most progressive. They talked of 'wanting the best people in the marketplace', productivity and profitability, and, as noted in the debate on domestic partner benefits, undertook research before deciding whether it was financially viable. The private organisations also appear to be driven by the desire to be the leader in their field. The organisations that were either city, state or federal, were more cautious. They tended to be the organisations in which there was the most debate, and where more pressure was required before significant initiatives were adopted. Ironically, it was often these same organisations that were the first to be affected when city legislation was passed requiring organisations to extend domestic partner benefits to their gay and lesbian employees.

Clearly, the reasons for initiating sexual orientation diversity programmes and those primarily responsible for it, varies depending on who you talk to within an organisation. The participants in this research, while emphasising the importance of management commitment and acknowledging the role of gay and lesbian support networks, tended to focus on the role of human resource personnel. While there is no doubt that human resource support is crucial, the reality is that all the participants were human resource practitioners and managers, and therefore, presented that perspective. It is likely that if the research had interviewed company presidents and CEOs, they would have seen their role as primary. Likewise, the reasons for subscribing to sexual orientation programmes would vary depending on whose perspective you record. It is most likely that a combination of events and roles over a period of time that has been responsible for a major workplace attitudinal and behavioural change over the last 15 years.

Most of the participating organisations have the following features:

1. A highly supportive, progressive management, who obviously want to encourage productivity and profitability.
2. A reputation as being industry leaders, and a desire to stay in that position.
3. A current or previously active gay and lesbian support network that has devoted, over a long period, a significant amount of time, personal energy and resources to making the workplace more accepting of gay and lesbian employees.
4. Highly skilled human resource personnel and departments, who take their roles and responsibilities seriously.
5. A sense of ethical and moral obligation to provide an employee friendly workplace.

The motivating reasons for the participating organisations' implementation of these programmes, were largely common to all of the organisations:

1. To be able to recruit and retain the best employees in the industry.
2. To target gay and lesbian consumers and increase the organisation's share of the gay and lesbian consumer market.
3. To provide a superior service to their customer base, irrespective of ethnicity, gender, sexual orientation and so forth.

4. A recognition of the changed and changing American workplace and the desire, or need to respond accordingly.
5. A recognition that employees who feel valued and treated fairly, are likely to be loyal, hardworking and productive staff.

Whatever combination of motive and reason, there was clear evidence within the participating organisations that huge progress has been made. All research undertaken on the subject has demonstrated that the American workplace and workforce has changed significantly in the last 30 years. The 10 participating organisations in this phase of the research have demonstrated that they have been able to respond accordingly.

Chapter 4: The New Zealand Research

Introduction

Having undertaken the first part of the research in the United States to determine the level of reported success of sexual orientation diversity programmes within American organisations and the reasons for that success, the second component of the research was to examine whether such programmes could successfully be adopted and implemented in New Zealand. Essentially, this was to have involved ascertaining the response of New Zealand organisations to the prospect of implementing sexual orientation diversity programmes and the likely implications for those organisations that do.

The process used to identify research participants in New Zealand was that government departments and large private organisations with a record of implementing EEO policies were identified via publicly available information, for example, members of the Equal Employment Opportunities Trust, an Auckland based Trust established in 1992 to “...*promote the business benefits of equal employment opportunities to all employers throughout New Zealand.*” Six organisations were contacted during the planning phase of the second stage of the research and although there were only initial discussions, it quickly became evident that continuing with the research as planned would prove problematic for a number of reasons, namely:

- the general lack of understanding of the concept of diversity;

- the lack of current proactive policies and procedures to address EEO issues;
- the almost complete lack of any initiatives addressing sexual orientation in the workplace.

As in the American research, the organisation's representatives were to have been human resource personnel. Of the organisations contacted, two were based in Auckland and four in Wellington. All have a national profile, and employ between 100 and 2,000 staff. The mix included both public and private sector.

Lack of Understanding of the Concept

Of the six organisations contacted, three of the organisations' representatives were completely unfamiliar with the concept of diversity, aside from the assumption that it was related to a diverse workforce. Another two were familiar with the term, but made no apparent distinction between EEO and diversity, and spoke of their legislative obligations and the requirements to be a good employer. The sixth potential participant did have an understanding of diversity but added that her organisation had not implemented any initiatives that could be considered diversity initiatives and that their EEO policies and procedures were primarily in the area of recruitment. While this organisation had undertaken extensive staff training in the late 1980s and early 1990s on issues of cultural sensitivity, these all but ceased some three years ago. These responses indicated that in five of the six organisations, participants would not be able to offer any informed comment and would need to be first briefed on the concept of diversity. Even then, their contributions would be limited to their personal initial thoughts and responses.

Lack of EEO Initiatives

While many organisations undoubtedly support a range of initiatives, those contacted were all in the position of having scaled down their EEO initiatives in the past three to five years. Examples of previous initiatives included extensive staff sensitivity and cross cultural understanding training, recruitment procedures and initiatives to recruit staff from identified target groups, including bursaries and scholarships, and active management support of EEO support networks. One representative said that their organisation “*did EEO in the 1980s*”, and as a result there was no longer any need, while another indicated that their EEO initiatives had been reduced due to financial constraints, but they still did what was required of them under the State Sector Act. However, despite the decline in EEO initiatives, all six organisations had an EEO plan, updated annually with one making reference to sexual orientation.

Lack of Initiatives to Address Sexual Orientation

The major issue for the present research, however, was that none of the six organisations contacted have undertaken any initiatives to address issues pertaining to sexual orientation and the workplace. One organisation currently has a gay and lesbian support network, but reports that this is relatively informal, and according to the organisational representative, primarily social in nature. One participant noted that they have non-discrimination policy with regard to recruitment and that this includes sexual orientation, however, she could not elaborate as to what this means in tangible terms or provide any examples of how this is operationalised. None of the organisations have ever undertaken, or considered undertaking, any training

examining issues of sexual orientation and the workplace. Another representative added that as their funding was strictly limited, issues of sexual orientation would not be considered a priority, while yet another commented that there was no need in their organisation as there are very few gay or lesbian employees and no one seems to care about their sexual orientation.

Implications for the Research

The initial findings from contact with potential participants made it apparent that the overall research findings would not benefit from proceeding as planned. What was ascertained was that for the organisations contacted issues of sexual orientation and the workplace are not deemed relevant, nor a priority, nor necessary.

This led to a dilemma as there was little point in determining the responsiveness of New Zealand organisations to sexual orientation diversity programmes, or determining the implications for those organisations, if participants were generally unaware of the concept of diversity and had already indicated that it was not a priority. In order for the second stage of the research to be beneficial, the organisations needed at a minimum, to be open to issues of sexual orientation and the workplace and currently committed to EEO in more meaningful ways than publishing a plan every year. While there was the option to make contact with other organisations, it was decided that the six organisations approached were generally representative and according to their own publicity, supportive of EEO initiatives, this phase of the research would need to be rethought.

Revisiting the Research

In deciding how best to approach the second phase of the research, discussions were had with Dr Grant Duncan, my thesis supervisor, Trudie McNaughton, Executive Director of the EEO Trust, and two human resource personnel from public sector agencies. Contact was also made with the State Services Commission in Wellington. From these discussions, it became apparent that the reaction received from the six organisations contacted was quite likely reflective of the majority of organisations, that few have an understanding of the concept of diversity, as distinct from EEO, many have apparently scaled down EEO initiatives, particularly with regard to initiatives such as training and that very few organisations have responded to the issues of sexual orientation in the workplace.

It was then decided to direct the second phase of the research to examining workplace human resource policies and procedures to determine the implications for gay and lesbian employees. This would show whether sexual orientation is an issue that needs to be addressed in the workplace, or, as some of the initial contacts maintained, a non-issue. While some initial contacts may have believed that sexual orientation is a non-issue in their organisation, this appears to be with regard to overt discrimination and harassment. This does not, however, address organisational homophobia and heterosexism reflected in an organisation's policies and procedures that by excluding gay and lesbian employees are therefore discriminatory.

Rather than focus on interviewing human resource personnel it was decided to primarily review organisations' relevant human resource policies and procedures to determine whether they are inclusive of gay and lesbian employees, and therefore perhaps sexual orientation diversity is not an

immediate issue, or, whether the policies and procedures exclude gay and lesbian employees indicating that sexual orientation diversity does need to be addressed in order to achieve equity in the workplace.

The aim was to research 20 organisations, representing the public and private sector. For consistency it was decided to attempt to have a similar representation in terms of industry to that represented in the American research. Potential organisations were identified through publicly available information, including the membership list of the EEO Trust, published annual reports, business plans and strategic plans. Contact was made with human resource personnel in a total of 29 organisations, from which 20 agreed to forward the relevant human resource policies and procedures. Included in the 20 organisations, were four of those contacted in the initial phase of the New Zealand research.

Information Requested

Each of the participating organisations was asked to forward a copy of;

- the recruitment policy,
- the EEO plan and any publicly available information regarding the outcomes of the EEO plan,
- the bereavement, sick leave and special leave policies, and
- any policies concerning employee benefits²⁵.

The human resource personnel were also asked the following;

- size of the organisation, location, and industry type,

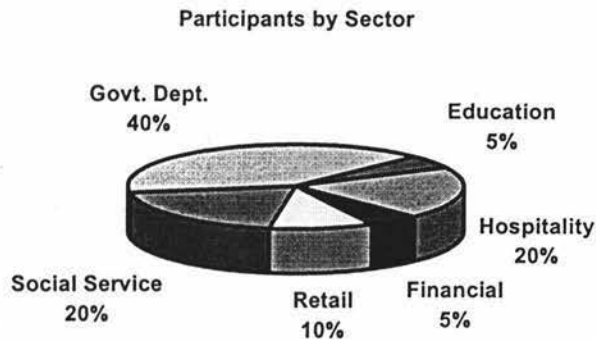
²⁵ In order to maintain confidentiality, none of the participating organisations' plans, policies, procedures or publications, have been included in the bibliography.

- whether there was any formal or informal gay and lesbian employee network and whether this had received any formal management recognition,
- whether there had ever been any complaints or personal grievances based on sexual orientation, and
- whether the organisation had ever undertaken any initiatives with regard to sexual orientation in the workplace.

In the situations where the participant indicated that there was an existing gay and lesbian network, or that there had been allegations of discrimination based on sexual orientation, or that the organisation had undertaken initiatives specific to sexual orientation in the workplace, participants were interviewed over the telephone in order to ascertain more specific detail.

The Participants

Of the 20 organisations reviewed, eight were in the public sector and 12 in the private sector. The size of the organisations varied considerably, from less than 100 employees to over 4,000. All organisations had their head office in either Auckland or Wellington, and all but five have a national profile. With regard to industry, the organisations represented included; one tertiary institution, four travel and hospitality companies, four social services, two retail companies, one financial institution, and eight government departments. The government departments have not been included in the industry description as this would immediately identify them.



In terms of providing context, nine of the participating organisations are existing members of the EEO Trust and/or EEO Trust Employers Group members, according to the EEO Trust's *1998 Annual Report*. Membership obliges organisations to a commitment to "...supporting the employment aims and aspirations of all people regardless of gender, ethnicity, culture, disability, sexual orientation, family responsibilities, age, religion and family status." (*EEO Employers Group Charter*).

It is of interest that despite the fact that all participants agreed to forward the information and answer the questions concerned, there were several participants who, judging by their reactions, were distinctly uncomfortable with the subject matter. In particular, two participants repeatedly asked why I wanted to know the information, despite having been sent an information sheet and having it explained to them in detail on the telephone. Another participant continually giggled in an apparently embarrassed manner, while another made her own disapproval of homosexuality apparent.

EEO Plans

Each of the 20 participating organisations forwarded their current EEO Plan. While a few were published as a separate EEO Plan with measurable aims, goals and objectives, most were incorporated in the organisation's business plan or strategic plan for the coming year. The contents of the EEO plans ranged in size from twenty pages down to three organisations that had managed to condense their EEO plan into two paragraphs. The plans that were the most specific included projects to be undertaken in the coming year, the relevant EEO target groups, the desired outcome or goal and the point of responsibility within the organisational structure. Some also included a range of new initiatives, for example: starting a cadet programme within the organisation to attract more Maori and Pacific Island employees; reviewing policies and procedures for any discriminatory terminology; linking EEO plan targets to managers' performance appraisals; and appointing and training existing employees as contact people for concerns regarding sexual harassment. The organisation that has included linking EEO plan outcomes to managers' performance appraisals forwarded a copy of a job description which included this in the roles and duties.

Nearly all plans started with an introduction as to why the organisation developed an EEO plan, and what EEO means to the organisation. While there was a range of information, most wrote of "*...promoting a non-discriminatory and safe working environment*", and "*...ensuring the organisation values diversity, is free from discrimination and culturally sensitive.*" Several organisations, however, focused primarily on their obligations under legislation, or their obligations to be a good employer. In all, 10 organisations made specific reference either to the State Sector Act 1988, the Human Rights Act 1993, or other guiding legislation and seven

used the words 'required' or 'obliged'. In general, the private sector organisations tended to refer primarily to compliance with the Human Rights Act 1993, while the public sector organisations made reference to the State Sector Act 1988.

Of the 20 EEO plans, only four made specific reference to sexual orientation and only three included gay and lesbian employees as a specific EEO target group. In contrast, apart from the three plans that spoke of EEO target groups but failed to define to whom they referred, every plan targeted Maori and Pacific Island employees, women and employees with disabilities. Seven organisations included staff of ethnic minorities and three included staff with family responsibilities. When contacted, two participants said that there will be no reference to sexual orientation in their organisation's EEO plan, because as one participant stated, "*...homosexuals can't be an EEO target group.*"

Policies and Procedures

Eighteen of the 20 organisations forwarded copies of their various leave policies which included bereavement leave, sick leave, special leave, and domestic leave. In general, these policies were very specific and one participant said that extracts from these policies are attached to staff members' individual contracts.

With regard to bereavement leave, 13 of the organisations made provision for bereavement leave that did not overtly discriminate against gay and lesbian employees, based on the terminology which included, 'husband, wife or partner'. Some of these organisations also referred to close personal friends.

However, the remaining five, according to their written policies, clearly discriminate against gay and lesbian employees based on the use of the term 'spouse'. While none of the policies defined their understanding of the term spouse, the Oxford, University English and Webster's dictionaries all define spouse as a married husband or wife, while the Legal Resources Trust (1996:glossary) defines a spouse as the person you are married to, and defines marriage as the legal union between a man and a woman. Three organisations limited bereavement leave to the death of the employee's "...*spouse, parent, grandparent, child, grandchild, brother, sister, father-in-law or mother-in-law.*" Whether intentional or not, such policies result in a gay or lesbian employee potentially being denied leave on the death of their partner, or their partner's parents. Given the wording of the aforementioned policies, a heterosexual employee in a defacto relationship may also be discriminated against.

With regard to sick leave or domestic leave provisions, a similar pattern emerged. Twelve of the organisations allow unused sick leave to be taken in order to provide care for an ill spouse, partner, or child. However, the remaining six, while allowing unused sick leave to be used, limit this to married employees. For example, "...*leave may be granted to a married employee who deems it necessary to stay at home in an emergency caused by the illness of a spouse or dependent child.*" As with bereavement leave, such wording discriminates against both gay and lesbian employees and heterosexual employees in a defacto relationship. For both bereavement and sick or domestic leave policies, the public sector (although not all public sector organisations) clearly emerged as being the most inclusive of all employees and less likely to have policies that were discriminatory against gay and lesbian employees. These same organisations were also more likely to use inclusive and non specific wording, for example; 'partner, close friends

and family' as opposed to specifying the exact relationship required to qualify for leave.

The other issue that signalled discriminatory policies was found in the travel and hospitality industry organisations. In each of the four organisations in this category, employees received significant benefits from working within the industry, usually heavily subsidised travel, accommodation, rental cars and so on. Although it must be noted that many of these benefits are not provided by the employer, rather organisations they provide a service to, or whose products they sell, only one offered the same benefits for partners of gay and lesbian employees. The other three all offered the same benefits to the spouse of a married employee as the employee, while a gay or lesbian partner of an employee was eligible only for the same, and reduced, discounts as a nominated friend or family member.

Non-discrimination Recruitment Policies

Of the 20 participating organisations, only 13 indicated that they have any form of non-discrimination policy that relates to the recruitment of staff. Moreover, of these 13, six organisations have a policy statement only. All six of these were general and tended to be a non-specific statement indicating that the organisation would not discriminate when recruiting and appointing staff. Three included 'sexual orientation' in their statements. When speaking to participants from organisations that do not have a specific non-discrimination policy, it became evident that for some organisations EEO and non-discrimination policies for recruitment are two separate issues. While some organisations admitted they don't have a policy, or have only a policy statement, they pointed to initiatives in their EEO plans that relate to the

targeting of applicants from specific EEO groups to fill a position, for example: targeting a Maori policy analyst. Unfortunately, this approach fails to address the inherent discrimination likely to be occurring when recruiting for all other positions.

Of the seven organisations that do have a specific policy and procedure, the range of initiatives varied, but all seven statements included protection from discrimination based on sexual orientation. Six organisations have made significant developments in this area, including: providing training for all staff involved in the recruitment and appointment of staff on appropriate interviewing techniques and non biased questioning; providing training for staff on the Human Rights Act 1993 and the Privacy Act 1993; developing recruitment manuals that ensure that procedures for recruitment are non-discriminatory and comply with all relevant legislation; advertising all positions in a range of publications; forwarding to all applicants a copy of the organisation's EEO Plan; ensuring that the composition of all interview panels is representative; and ensuring that the selection process is undertaken according to a merit based system with no leeway for personal prejudices. One organisation said they are currently considering the option of informing all shortlisted candidates of the EEO target groups within the organisation and asking candidates whether they would like a representative from a specific EEO group to be on the interview panel.

The remaining organisation is currently in the process of developing recruitment procedures and indicated that training for staff will be undertaken once the procedures have been finalised.

Gay and Lesbian Support Networks

When each of the 20 organisations sampled were contacted their human resource staff were asked about the existence of a gay and lesbian employee support network. It would appear that only four of the 20 organisations have a current gay and lesbian support network: three of these are in the public sector, the fourth in a private sector organisation. When asked about the existence of a gay and lesbian support network within their organisations, there was a variety of responses. One human resources employee responded *"I wouldn't have a clue"*, another said they didn't know, a further said that there wasn't but there are a lot of gay staff employed in the organisation, while a fourth said *"It is not really an issue here, we only have a few homosexuals."*

With regard to the four organisations with an existing network, three human resources employees could provide information about it. In one case, the network was instigated by gay, lesbian and bisexual employees about four or five years ago and, primarily as a result of their initiative, gay and lesbian employees are now recognised as an EEO target group by the organisation. The network is relatively active and has in the past provided input into the development of some internal policy. The network receives some funding from management to assist them with their aims, and employees are allowed to attend meetings in paid time, have use of photocopying, e-mail, and computer facilities, and can mail out information using the organisation's franking machine. This same policy is applicable for all EEO groups within the organisation. According to the participant, the network is highly organised, networks with other gay and lesbian support networks and focuses much of its energy into political issues, lobbying and raising awareness.

In another organisation, the network has been operational since 1990, but has been formalised only in the last two years. While this network does not receive any funding from the organisation, members are allowed to attend one paid meeting per month in work time, and, like the previous organisation, the network has access to photocopying, computers, e-mail and postage. Gay and lesbian staff within this organisation are also recognised as an official EEO target group.

In the third organisation the network has been running since the late 1980s, but is relatively informal. Although they are allowed to meet in paid work time, most of their activities are social and take place out of work hours, for example; they meet for a drink at a local bar one evening a month, organise a dinner every six months and support local gay and lesbian charities. Gay and lesbian employees are not recognised as an official EEO group within this organisation.

In the case of the fourth organisation, the participant said she was aware a network existed but didn't know anything about it.

Complaints

Only two organisations indicated that there had ever been any complaint regarding workplace discrimination based on sexual orientation. One organisation said there was a complaint a couple of years ago, when an employee felt she was passed over for promotion because she was lesbian. The other organisation said it had received two complaints, both relating to the verbal abuse and harassment of gay employees by co-workers. All other organisations indicated that there had never been, to the best of their knowledge, any complaints of discrimination based on sexual orientation.

Other Sexual Orientation Initiatives

Aside from gay and lesbian support networks and non-discrimination policies, only three organisations could indicate that any initiatives focussing on sexual orientation and the workplace had been undertaken. In one organisation members of the gay and lesbian network organised training on homophobia in the workplace, however the participant was not able to provide any further information on the training. In another organisation staff training about customer service had included issues relating to gay and lesbian clients. The third organisation indicated that they had provided staff training on HIV/AIDS. As HIV/AIDS can not be viewed as a gay and lesbian issue, and this organisation works in the health and social services industry, this can hardly be considered a sexual orientation in the workplace initiative.

Conclusion

The results of the review of policies and procedures initially indicated that the situation of sexual orientation and the workplace issues was not quite as discriminatory as first anticipated, based on the contact made with initial potential participants. However, as with the American research, organisations were identified through publicly available information including annual reports and business plans that made reference to their EEO plans and initiatives. In addition, 50% of the organisations are members of the EEO Trust, thereby supposedly committed to ending all forms of workplace discrimination. When this is taken into account, the results were far from positive.

In general, there was a marked lack of awareness of sexual orientation workplace issues. While these participants, unlike the American participants,

were not experienced in dealing with sexual orientation diversity, and were not all human resource managers, it was expected that as human resource personnel, they would have had a greater awareness and understanding of the issues. In a few situations, this lack of awareness bordered on ignorance, for example: participants indicating that they didn't know if a gay and lesbian support network existed; that there was no need for a network as it is not an issue; that there are few homosexuals employed (despite the fact that this specific organisation has over 1,000 employees); and identifying HIV/AIDS awareness training as a response to sexual orientation and the workplace.

All organisations that participated had some form of EEO plan, however, it would appear that several of these appear to achieve little apart from being published. Less than half provided detail with any measurable outcomes and several focused primarily on their 'obligations' and 'requirements'. Despite the intent of the Human Rights Act 1993 that there should be no discrimination based on sexual orientation, only four EEO plans made any reference to sexual orientation and only three included gays and lesbians as a EEO target group. Similarly, with regard to non-discrimination policies, only seven organisations have any form of policy and procedure that could be termed meaningful to gay and lesbian employees.

A particularly high number of policies relating to sick, domestic and bereavement leave were found to be overtly discriminatory with almost one third of all participating organisations discriminating against gay and lesbian employees as well as de facto heterosexual employees. While some organisations could argue that their policies were outdated or not enforced, the fact that all doubt is not removed is in itself discriminatory. Given the terminology used, for example 'married employee' and 'spouse', it was clear that many organisations have yet to respond to, or even recognise, the changing workplace and the changing composition and definition of family.

While four organisations do have a gay and lesbian support network, only two could be said to have any opportunity for input into policy and procedure development. In one situation, the participant could not even provide any information about their network's role.

Although only two organisations indicated that there had ever been any complaints of discrimination based on sexual orientation, it is unlikely that this is because there has not been any discrimination, be it intentional or unintentional. Rather, it is more likely that some participants chose not to disclose any complaints knowing that their response to me, as the researcher, could not be verified. In addition, when gay and lesbian employees do not feel valued, or are not even recognised as facing workplace discrimination, they are less likely to have the confidence to file a complaint or have any reason to believe it will be satisfactorily addressed.

Of particular note, membership of the EEO Trust did not increase an organisation's awareness or level of responsiveness to EEO in general or sexual orientation in the workplace. While some of the best examples of EEO and sexual orientation initiatives were undertaken by organisations belonging to the EEO Trust, other members also had some of the most non-specific EEO plans and had never considered issues dealing with sexual orientation and the workplace.

Another trend that became apparent was that industries that are generally known as employing significant numbers of gay and lesbian people, and target gay and lesbian consumers (for example: travel, tourism and hospitality) were among the least aware and most overtly discriminating of those organisations in this sample.

A major difference between the New Zealand and American research findings which emerged was that in New Zealand the public sector organisations were significantly more aware of and responsive to sexual orientation and the workplace than the private sector organisations. There may be a number of reasons for this, including the fact that public sector organisations are required under the State Sector Act 1988 to implement EEO plans which are then reported on to the State Services Commission. What these findings did demonstrate was that many organisations consider their EEO initiatives an obligation or requirement. It appeared to be viewed as a moral and legal necessity rather than good for business, the key concept of diversity.

Overall, the findings make it very apparent that sexual orientation and the workplace is an issue that has not been addressed, and in most cases not even considered. There is increasing evidence to support the need to address sexual orientation in the workplace, for example James Gardener (1997), in the *New Zealand Herald*, citing research undertaken by the New Zealand Equal Employment Opportunities Trust, that found “...the ‘traditional’ New Zealand employee - young, white, able-bodied, heterosexual, male head of a nuclear family - is becoming rare.” However, despite this, an appropriate response has not been forthcoming.

Of particular concern were the responses of five participants who were clearly uncomfortable with the subject matter; the fact that several participants apparently had no answers to the questions (despite the fact that the information was already published in organisational documents); and the overall lack of awareness of sexual orientation and the workplace as an issue. This was in marked contrast to the American participants, who were all highly informed and knowledgeable. Of the 20 New Zealand organisations that forwarded information and provided further information by way of a

telephone interview, only three could be said to be non-discriminatory to gay and lesbian employees and proactive in terms of addressing sexual orientation in the workplace. Furthermore, none of the organisations surveyed could be considered to have addressed sexual orientation and the workplace in a way remotely comparable to the American organisations that participated in the first phase of the research.

Chapter 5: The Research Findings - A Comparison

Introduction

This chapter focuses on reviewing and comparing the results of the American and New Zealand research findings. As noted previously, the New Zealand research had to be rethought halfway through the research project, and as a result, direct comparisons can not be made as the objectives and methodology for each phase of the research was different. The American research targeted organisations with a record of implementing sexual orientation diversity initiatives followed by face to face interviews focussing on a semi-structured questionnaire. The New Zealand research, on the other hand, consisted primarily of identifying a range of organisations which purport to implement EEO programmes and then reviewing a selection of the organisation's human resource policies and procedures to determine whether or not these were inclusive of gay and lesbian employees. While all organisations were asked a series of simple questions when first contacted, telephone interviews were undertaken only with a few organisations when the participants indicated that there had been relevant initiatives within their organisation, e.g. training or the development of a gay and lesbian employee support network.

Although the methodologies for the New Zealand and American research differed, there were a number of comparable features between the American and the New Zealand organisations. In all cases, the individual participant was a human resources employee. While in the American research all participants were at a management level, this was not the case with all the New Zealand participants, primarily due to unavailability.

All organisations, in both America and New Zealand, were subject to some form of legislation that prohibits employment-related discrimination based on sexual orientation. The American organisations were all known for being proactive and responding to issues of sexual orientation in the workplace. In fact, one of the criteria to be a participant was that the organisation needed to have had some form of sexual orientation diversity programme in place for at least two years. While none of the organisations in New Zealand operate a sexual orientation diversity programme, all had some form of published EEO plan, which establishes the organisation's EEO goals, objectives and aims. As with the American sample the participating organisations in New Zealand represented a range of industries, both private and public, and both samples included organisations in the education, social services, hospitality and tourism, retail and financial sectors. The significant difference between the two sets of participants was the size of the organisations concerned. In the American research, the organisations ranged in size from 150 to over 70,000 employees, while the New Zealand organisations ranged from under 100 to over 4,000 employees. This difference can obviously be attributed to the comparative size of the two countries. But, despite the numerical difference, in both cases the lower end of the spectrum could be deemed to be small scale employers, the upper end being large scale employers, within their local context.

Despite the differing objectives and methodologies for each phase of the research, a number of significant themes emerged and these are written up under the headings of:

- Organisation Response and Level of Knowledge
- Legal Context
- Diversity vs EEO Policies and Procedures

- Support Networks
- Education and Training
- Opportunity or Obligation?

Organisation Response and Level of Knowledge

Early on in the research, it became apparent that there were some significant differences between the American and New Zealand participants in terms of attitude and apparent level of knowledge. All the American organisations and individuals contacted immediately understood what the research aimed to achieve, all were highly knowledgeable and proud of their organisation's developments and all had played an identifiable and ongoing role in these developments. Although the option for an organisation to identify itself in the research was subsequently removed, several organisations initially indicated that they were quite happy to be identified in the research. The reaction from a number of New Zealand organisations, however, differed dramatically. As already discussed, the focus of the research had to be changed as only one of the six initial organisations contacted had any understanding of the concept of diversity programmes. Even after the focus shifted to examining human resource policies and procedures and EEO initiatives with regard to sexual orientation, several participants when contacted appeared uncomfortable with the subject matter. As noted previously, two repeatedly asked why I wanted the information, one continually laughing in an apparently embarrassed matter, another made her own disapproval of homosexuality known, while yet another informed me that *"...homosexuals can't be an EEO target group."* In addition, the level of knowledge the New Zealand participants appeared to have, even about their own organisations, was significantly lower than that of their American colleagues. When asked about the existence of gay and lesbian support networks within their organisations, one initial New Zealand

participant said, “...*I wouldn't have a clue*”, another indicated that she also did not know, while one responded that there wasn't a need as “...*we only have a few homosexuals.*” Of the four subsequent New Zealand organisations that do have a network, one participant could not provide any information about it at all, apart from the fact that it existed.

While it is possible that this was an individual reaction from a relatively small number of participants, and not representative of the organisations they are employed by, it is nonetheless significant given the important role human resources has in lobbying, initiating and supporting sexual orientation diversity programmes. These roles were consistently emphasised by the American participants and also reflected in the literature. During the course of the American research it became evident that the driving force behind many of the sexual orientation diversity developments and their continuing growth is the human resource departments within the organisations. The degree to which these departments advocate for gay and lesbian rights within the workplace often determines the company's response. As one participant noted, “...*our company cannot afford to have 10% of the workforce feeling undervalued - if they do, they are not going to be fully productive and will waste an inordinate amount of time feeling stressed, angry and resentful. We don't want employees who feel like that.*” Nearly all the American human resources personnel interviewed spoke of the importance of maintaining a high profile for sexual orientation issues while at the same time normalising the issues, and integrating them with other initiatives undertaken by the company, and several participants noted that the benefits to the company of having sexual orientation diversity initiatives had been immeasurable. Winfeld and Spielman (1995), Zuckerman and Simons (1995), Powers and Ellis (1995) and Gardenschwartz and Rowe (1994) all give considerable attention to the human resource role in lobbying for change, promoting

initiatives, remaining up to date with latest developments and developing non-discriminatory policies and procedures. In addition, they also stress the contribution, advice and support a gay and lesbian network can play in assisting with these tasks. The New Zealand findings, however, indicate that in this sample, a significant number of the human resource personnel were ill-informed, much less aware of up to date developments, and neither promoting nor even considering initiatives to address sexual orientation in the workplace. If sexual orientation diversity programmes, or even any EEO sexual orientation initiatives are to succeed, there must be tangible support from human resource departments. This support was extremely evident in the American sample and totally lacking in the majority of the New Zealand organisations sampled.

Legal Context

While the legal context for the New Zealand and American organisations sampled can be deemed to be comparable, the participants' comments, attitudes toward, and reactions to, the governing legislation were markedly dissimilar. In the case of the American research, all the participating organisations were based in cities where there is either city and/or state legislation prohibiting discrimination based on sexual orientation, for example in San Francisco, article 33 of the San Francisco Municipal (Police) Code prohibits discrimination on the basis of sexual orientation. This city has gone so far as to require that all businesses in San Francisco that contract with the city offer domestic partner benefits to gay and lesbian employees. In the local research, all participating organisations in New Zealand are subject to the Human Rights Act 1993, which prohibits discrimination based on sexual orientation in employment, apart from noted exceptions outlined in the

legislation. Section 21 of the Human Rights Act 1993 outlines the prohibited grounds of discrimination and in part states, *"(1) For the purposes of this Act, the prohibited grounds of discrimination are - (m) Sexual orientation, which means a heterosexual, homosexual, lesbian, or bisexual orientation."*

In addition to the Human Rights Act 1993, eight of the 20 New Zealand organisations must also comply with the requirements of the State Sector Act 1988 as outlined previously. Therefore, all the organisations sampled in the research are required by some form of legislation to ensure that employment-related discrimination based on sexual orientation does not occur. The findings, however, displayed a marked contrast between the New Zealand and American organisations in terms of how central that legislation is to initiatives they have undertaken.

In the American sample, legislation and legislative requirements were generally downplayed. Only two of the 10 participants indicated that legislation played a major role in establishing their sexual orientation diversity programmes, and this was regarding the extension of domestic partner benefits to gay and lesbian employees. Both organisations already had non-discrimination policies and sexual orientation diversity programmes in place. Overall, few participants made any particular reference to their legislative obligations, apart from clarifying for my benefit what those obligations were and what city, state, or federal legislation applied. Similarly, little of the written material supplied by American organisations made reference to legislative obligations, and where it was mentioned, it tended to be for the purpose of providing context.

In the New Zealand sample, however, it appeared that compliance with legislative obligations was the primary concern. Ten of the EEO plans sampled made reference to the Human Rights Act 1993 or State Sector Act

1988 and seven used wording to the effect that their organisation was either 'required' or 'obliged' under legislation to implement EEO and not discriminate. This attitude was reinforced by participants' comments that the organisation '*...still does what it has to do under the State Sector Act*', and the number of times New Zealand participants commented that 'under the Human Rights Act...' or 'under the State Sector Act...'. In general, the American participants viewed legislation as one aspect, albeit an important aspect, of the overall picture; a way to further support their organisation's initiatives. In contrast, the New Zealand organisations appeared to consider and respond to issues because they were legislatively bound to do so.

The distinctions between the American and New Zealand findings are important as they reflect the overseas literature with regard to the distinctions between EEO, as practised in New Zealand, and diversity programmes, as practised in America. Rasmussen (1996:4) notes that EEO was grounded in legislation and the 'obligations' of employers to recruit staff of varying backgrounds, often leading to the reinforcement of stereotypes and conflict in the attempt to eliminate discrimination. Susan Black²⁶ from the Australian Public Service and Merit Protection Commission, when speaking to the New Zealand 1997 EEO Conference, said that there are significant differences between diversity and EEO. While EEO is limited by a narrow set of legal definitions, diversity encompasses those legal definitions with a broader scope. While EEO deals with entry activities such as recruitment and promotion, diversity also addresses day-to-day management, and while EEO addresses only general workforce demographics, diversity is aimed at agency culture. Gardenswartz and Rowe (1994: Appendix) agree, noting that rather than being quantitative, legally based, remedial, focused on assimilation and

²⁶ A presentation by Ms Susan Black at the New Zealand EEO Conference, 31 October 1997. (www.psmc.gov.au/about/emonline/nzspeech)

opening doors in organisations, diversity is behavioural, strategically based, pragmatic, focused on synergy, and opening the system. Although American and even Australian writers on the subject appear to agree that EEO and affirmative action had their place and were an important step toward workplace equality, they also indicate that the concepts are no longer appropriate for today's workplace and society. While this distinction is clear in overseas literature, it is not evident in local literature.

In summary, the American organisations sampled all subscribe to diversity programmes and view legislative aspects as only one component, this being consistent with overseas literature. The New Zealand sample, on the other hand, all subscribe to EEO, are apparently heavily influenced by legislative obligations, which while reflecting the New Zealand literature, is at odds with overseas literature and experience.

Diversity vs EEO - Policies and Procedures

One of the most significant differences between the American and New Zealand findings was in the area of sexual orientation policies and programmes. All participating American organisations had in place extensive sexual orientation diversity programmes; many had whole departments devoted to diversity and implemented a range of initiatives. Each had a non-discrimination policy clearly stating that the organisation would not discriminate, based on a range of grounds including, in every case, sexual orientation. These policies were highly publicised, sent out to job applicants, posted around the office and included in promotional material. To the American participants, a non-discrimination policy was vital, not only for ensuring that the organisation did not discriminate and therefore act

unlawfully, but also, as participants noted, for remaining competitive, attracting and retaining the best employees, creating a culture of acceptance, and increasing morale. As one participant said, *"...to exclude sexual orientation in non-discrimination policies sends a clear message to gay and lesbian employees that they don't matter"*, while another added, *"...without this (a non-discrimination statement), all the training and other benefits are of little value as there is nothing to back them up, and at the end of the day, the company can still discriminate if it chooses to"*. These findings are consistent with the literature on non-discrimination policies. Winfeld and Spielman (1995:37) and McNaught (1993:66) both note that without a non-discrimination policy, there is little or no legal protection for gay and lesbian employees who are harassed in the workplace, but importantly, even where legislation prohibits discrimination on the grounds of sexual orientation, non-discrimination policies are a tangible way to reinforce the organisation's commitment, to show that the organisation values its gay and lesbian employees, and that it is prepared to make a public stand. In addition, non-discrimination policies are viewed as essential by gay men and lesbians. In a reader's poll conducted by *Advocate* (1998: 20 January; 20), an employment non-discrimination Act was rated as the second highest interest for readers, while research commissioned by the Human Rights Campaign and reported in *OUT* magazine (October 1998:56), found that 82% of the gay people surveyed cited employment protections as 'one of the most important' issues facing the gay community.

Once a non-discrimination policy has been developed, it can then be implemented in recruitment policy and procedure, (Gardenswartz and Rowe:1994:159-177, McNaught:1993:65, Powers and Ellis:1995:82-85, Rasmussen:1996:265) and training and education, job performance evaluation and appraisal, and coaching and career development (Gardenswartz and

Rowe:1994:97-109,182-189, Powers and Ellis:1995:85-91, McNaught: 1993:65).

In contrast, the New Zealand EEO approach was markedly less comprehensive and appeared more confused. While each organisation had an EEO Plan, only four made specific reference to sexual orientation and only three of the 20 organisations considered gay and lesbian employees a specific EEO target group. This seems to support the findings that the New Zealand organisations are driven by legislative obligation. The State Sector Act 1988 requires public sector organisations to develop and implement an EEO plan which includes initiatives to address employment discrimination against Maori, women, other ethnic minorities, and people with disabilities. There is no requirement to include sexual orientation in any EEO plan. With regard to non-discrimination policies, 13 of the 20 organisations had some form of non-discrimination policy. While only four organisations made reference to sexual orientation in their EEO plans, 10 of the 13 who had a non-discrimination policy included sexual orientation. This suggests that for some, EEO initiatives and non-discrimination are distinct, further reinforcing the belief that the New Zealand organisations are legislatively driven. As there is no requirement for state sector organisations to address sexual orientation under the State Sector Act 1988, few do. However, as employment discrimination based on sexual orientation is prohibited by the Human Rights Act 1993, more organisations included sexual orientation in their generic non-discrimination policy statements for the recruitment of employees.

One of the clearest findings was the proactive approach of American organisations in undertaking a range of sexual orientation initiatives that included:

- reviewing policies and procedures to remove any heterosexist language or terminology and ensure documents are gender neutral and unbiased;
- issuing guidelines to recruitment personnel and organising training on interviewing techniques to ensure that recruitment processes are neither heterosexist nor assuming;
- sending human resources personnel to diversity related training workshops and seminars to ensure that they have access to the most recent diversity developments;
- developing resource rooms with resource material available for all staff including videos, books, magazines, training material, counselling services, legal information and support group information on gay and lesbian issues;
- facilitating, promoting and supporting the development of gay and lesbian support networks within the organisation;
- initiating organisational events to mark National Coming Out day;
- developing mentoring programmes for gay and lesbian employees;
- lobbying and supporting management, where necessary, on the importance of supporting gay and lesbian issues and identifying the tangible benefits to the company and the individual employee of implementing new diversity initiatives.

In marked contrast, from the information available, few of the New Zealand organisations sampled had undertaken any such initiatives. Although three organisations indicated their intent to review policies and procedures for discriminatory language and terminology, most initiatives were aimed at the traditional EEO target groups, for example; appointing and training a staff member as a contact person for concerns regarding sexual harassment.

Even at a more fundamental level, the New Zealand organisations sampled were clearly less aware of gay and lesbian issues and the workplace. Of particular concern was the high number of organisations that currently have human resource policies and procedures that discriminate against gay and lesbian employees, particularly policies for bereavement leave, sick leave, special leave, and domestic leave. While 13 of the organisations made provision for bereavement leave that did not overtly discriminate against gay and lesbian employees, the remaining five that forwarded information clearly discriminate based on the use of the term 'spouse'. In particular, three organisations limited bereavement leave to the death of the employee's "*...spouse, parent, grandparent, child, grandchild, brother, sister, father-in-law or mother-in-law.*" With regard to sick leave or domestic leave provisions a similar pattern emerged, with six organisations limiting the use of unused sick leave to married employees. The *Oxford Dictionary* defines spouse as a husband or wife and defines husband as a married man, and wife as a married woman. The Legal Resources Trust (1996: glossary), likewise defines a spouse as the person you are married to and defines marriage as the legal union between a man and a woman. For both bereavement and sick or domestic leave policies, the public sector, although not all public sector organisations, clearly emerged as being the most inclusive of all employers surveyed and less likely to have policies that were discriminatory against gay and lesbian employees.

None of the American organisations sampled drew any such distinction between their employees, and gay and lesbian staff were entitled to the same sick, bereavement, and domestic leave provisions as any employee.

While it may be that many of the New Zealand organisations don't actually enforce discriminatory policies and procedures, the fact that they are still current and have not been reviewed, indicates a lack of awareness regarding sexual orientation in the workplace and an apparent lack of concern for a significant percentage of their employees.

The other significant area of difference in policy was the provision in American organisations of domestic partner benefits. These non-cash employee benefits, which began as a way to increase workers' salaries and wages when employers were prohibited from raising salaries, are a major consideration in the American workplace. While these benefits have been traditionally extended to the spouse of a married employee and often their children, they have recently begun to be extended to the partners of gay and lesbian employees. All 10 of the American organisations sampled offered domestic partner benefits. Although this is not an issue in New Zealand, a comparable employee benefits example was found in the travel and hospitality industry organisations. In each of the four organisations in this category, employees received significant personal benefits from working within the industry, usually reduced cost travel and accommodation. Although it must be noted that many of these benefits are not provided by the employer, rather organisations they provide a service to, or whose products they sell, only one offered the same benefits for partners of gay and lesbian employees. While the other three all offered the same benefits to the spouse of a married employee as to the employee, the partner of a gay or lesbian employee was only eligible for the same, and reduced, discounts as a nominated friend or family member.

The findings of the research clearly indicate that, once again, there are major distinctions between the American and New Zealand organisations sampled. In the American organisations, there was a highly proactive approach and sexual orientation was considered as relevant as issues of, for example, gender and disability. This was reflected in the policies and procedures of the organisations which revealed no apparent discrimination against gay and lesbian employees. In the New Zealand organisations sampled, the approach appeared reactive with little being initiated to address the issues of sexual orientation in the workplace and in some organisations there were several examples of policies and procedures that are clearly discriminatory against gay and lesbian employees.

Support Networks

The literature relating to support networks stresses the importance of these groups for gay and lesbian employees within organisations. McNaught, (1993:83), Winfeld and Spielman (1995:48-50), Zuckerman and Simons (1996:84-85) and the National Gay and Lesbian Task Force (1996:1-9), write that they play an important role in lobbying for change, promoting ongoing education, monitoring internal policy, being involved in organisation working groups for issues affecting gay and lesbian staff, and also in facilitating personal and professional growth for members. In addition, these groups can be a valuable resource for human resources personnel, providing advice and assisting in the development of policy and procedure. The literature also points to the lobbying power of networks and the increasing emergence of the networks, not only within individual organisations, but also within industries.

Gay and lesbian employee support networks were present, in six of the 10 American organisations, and in four of the 20 New Zealand organisations

investigated in this study. However, there were significant differences between the two countries regarding the status of these networks, the level of formal recognition and support they receive, and the role they play, both for their members and within the organisation.

In the American organisations, support networks were more likely to have a visible presence within the organisation, undertaking a range of activities that were not only social and support oriented, but also politically oriented, aimed at increasing awareness of gay and lesbian issues in the workplace and in society in general. On a social and support level, the networks had regular meetings, undertook fundraising events for gay and lesbian charities, provided speakers for high schools and universities, and sponsored local gay and lesbian events. Their role within the organisations included assisting in staff training on issues of sexual orientation, and providing a gay and lesbian perspective in the development of policy and procedure. In many cases, the networks were credited by participants as primarily responsible for the introduction of non-discrimination policies and domestic partner benefits. In contrast, the New Zealand networks appeared more support oriented. While one was credited for the inclusion of gay and lesbian employees as an EEO target group in the organisation and had participated in some policy and procedure development, two other networks appeared to be solely focused on social and support activities. Given that the participant in the fourth organisation knew nothing about their network, it is fair to assume it has relatively low visibility within the organisation.

A major contrast between the New Zealand and American samples was the level of management support for the networks. In general, American networks received a high degree of support from their organisations' managements. While the reasons for this support may be varied, not least of

which being that it can generate excellent publicity for organisations targeting gay and lesbian consumers, tangible support was provided. This included providing funding (in some cases, extensive funding) to the networks to assist them to meet their own goals and objectives, sponsoring organisational floats in Gay Pride marches, undertaking events to mark National Coming Out Day, sponsoring network sports teams, providing funding for network representatives to attend gay and lesbian conferences, and providing the networks with access to organisational resources such as postage, computers, and photocopying. While two of the four New Zealand networks received access to resources, with one of the two receiving funding, this was low key and without the level of visibility, recognition, publicity and open pride the American organisations displayed. It would appear that the New Zealand organisations that do have support networks are not taking the opportunity to benefit from the combined expertise and experience available.

Education and Training

Education and training is another area where the differences in the American and New Zealand initiatives were marked. According to the literature, education is a key component in implementing sexual orientation diversity and McNaught (1993:9) states that "*...the problem of homophobia in the workplace is most effectively addressed through education*" and goes on to note that this should be for all employees, from top management down (McNaught:1993;73). Sexual orientation diversity education usually begins with information in an induction training programme that may include outlining the organisation's non-discrimination policy, information about domestic partner benefits, and information on the workbased gay and lesbian support group. This can then be supported by ongoing training and

development. An important component of training involves staff gaining an understanding of the effects of homophobia and heterosexism, on both the individual and the organisation. As Winfeld and Spielman note, homophobia and heterosexism is destructive and causes conflict within teams resulting in a lack of trust which in turn leads to an inability to work to an optimum level (1995:23). McNaught (1993:49) adds, *"If people feel they have to keep their life a secret, it makes it difficult for them to be fully productive and reduces their effectiveness as a team member."* This has costs for the individual, the team and, ultimately, the organisation.

While the findings of the American research suggest there is a whole industry based on sexual orientation diversity training, there were only two specific examples of training undertaken by New Zealand organisations - in one organisation where members of the gay and lesbian network organised training on homophobia in the workplace, and in another organisation, where staff training on customer service had included issues relating to gay and lesbian clients. The only other related training initiative (and this was not specifically focused on sexual orientation and the workplace) was training for staff involved in the recruitment and appointment of staff on appropriate interviewing techniques and non biased questioning and on the requirements of the Human Rights Act 1993.

Conversely, the American findings showed a vastly different picture. In the larger organisations, whole departments are set up to address diversity, and in a few cases human resource employees deal only with sexual orientation diversity. Training on sexual orientation in the workplace is regular, often compulsory and highly organised and professional. Information is included in orientation training, and courses focus on values exploration and awareness raising, information presentation, action planning, management training and

so on. One large organisation estimated it spent in the region of \$3,000,000 a year on sexual orientation diversity training alone, taking into account staff salary time. Even in the smallest participating organisations, specific sexual orientation diversity training was scheduled on a regular basis.

All 10 organisations deliver training that provides employees with information about sexual orientation; often this involves replacing long-held beliefs and assumptions with fact. Organisations with a service focus viewed this as critical in order that their employees are able to deliver a high quality service to all people regardless of their ethnicity, gender, ability or sexual orientation, and, for all the companies taking part in the research, each sector of society is an important customer base. Three organisations reported that all staff are required to attend a sexual orientation diversity training programme which provides a forum for exploring personal values and beliefs systems, and then examines styles of communication, communication skills, and working as a team. In seven of the 10 companies, training managers to manage a diverse staff was mandatory, with one organisation having six different diversity training programmes for managers, including one specifically addressing sexual orientation.

Many of the training sessions, particularly those past the introductory level, included action planning, the purpose being to promote employee ownership of diversity developments and make employees advocates for the goals trying to be achieved. The findings indicated that this had led to significant developments within organisations, including the development of a company policy for addressing HIV/AIDS in the workplace that resulted in 'HIV status' being added to the company's non-discrimination policy.

Opportunity or Obligation?

Perhaps the most striking difference in the research findings was the variance in attitude of the New Zealand and American individual participants and organisations that participated in the research. Diversity programmes, according to the participants and the literature reviewed, are about productivity and profit, day-to-day management, and agency culture. The belief is that if you value your staff and respect them for who they are, productivity will be increased, absenteeism and staff turnover reduced, and morale, staff loyalty, and goodwill increased. The bottom line is that diversity is good for business. On the other hand, EEO programmes focus on, and reinforce, moral obligation, legislative compliance, opening doors, and ultimately, assimilation. According to the experiences of the American participants and the literature, the result is usually counter productive, leading to resentment, reinforcement of stereotypes and conflict within an organisation.

In reviewing why sexual orientation diversity programmes were implemented in the American organisations sampled it is apparent that there were, in most cases, a range of contributing factors and stakeholders involved, including the lobbying of management by human resource departments and gay and lesbian network groups. While all participants spoke of attracting and retaining the best employees, keeping ahead of the competition, valuing staff, increasing morale, profit and productivity, very few spoke in detail about the legislative requirements. Diversity programmes, including sexual orientation diversity programmes, were considered logical in terms of human rights and social justice, but perhaps even more importantly, from a management perspective, in business terms. This attitude was perhaps the most evident distinction between the American and New Zealand organisations sampled. In both the

review of New Zealand policies and procedures and the discussions with New Zealand participants, the common themes to emerge were obligation, requirement, and compliance with legislation. Seven of the 20 organisations went so far as to refer to their legislative obligations or requirements in their EEO plans. While it is true that public sector organisations are required by the State Sector Act 1988 to develop and implement an EEO plan, the ones in this sample have apparently not been able to see the opportunities outside of the context of 'another requirement' and therefore miss the potential benefits, for their employees and their organisation, in terms of productivity and profitability. The fact that the State Services Commission monitors government department compliance most likely reinforces this mentality of obligation. While a few participants mentioned or alluded to social justice, not one spoke about productivity, profitability or business logic.

At the risk of over-generalising, it would appear fair to state the primary motivating factors for the American organisations were productivity and profitability – productivity being achieved when employees work to their full potential, and profitability, resulting from that productivity, as well as the opportunity to target gay and lesbian consumers. In addition, it would seem that competition, not only for consumers, but also for attracting and retaining the most skilled employees, is also highly motivating, as is the role and lobbying power of gay and lesbian support networks within the organisations. In contrast, it would have to be said that within the New Zealand sample the only obvious motivating factors were legislative and moral obligations and, even then, commitment was limited.

Chapter 6: General Conclusions

The original purpose of this research was to evaluate a selection of American organisations that implement sexual orientation diversity programmes, then to examine the response of New Zealand organisations to the concept of adopting diversity programmes and, finally, to identify the implications for those that do. As the research progressed it became apparent that the New Zealand phase of the research could not be implemented as intended. Essentially, the initial organisations contacted had no conceptual understanding of diversity programmes and very little apparent interest in addressing sexual orientation in the workplace. The response from the New Zealand organisations initially contacted was surprising and not what had been expected. After some consideration it was decided to abandon the second phase of the research as planned, and instead review a range of New Zealand organisations' human resource policies and procedures. If it were the case that sexual orientation is a non-issue in the New Zealand workplace, then it could be expected that this would be reflected in their policies, which would be non-discriminatory, and would perhaps indicate that diversity programmes are not required to the same degree as they are implemented in the United States. However, the review of policies and procedures, and subsequent discussions with participants indicated, that rather than sexual orientation being a non-issue because it is not needed, for the most part, it had just not been addressed or even considered. Of the 20 EEO plans, only four made reference to gay and lesbian employees, and only three considered gay and lesbian employees an EEO target group. While it can not be assumed that all the other organisations overtly discriminate, their non-inclusion of sexual orientation raises questions about their commitment to, or at least consideration of, gay and lesbian employees and issues of sexual orientation in the workplace.

Of even more concern were the findings when policies regarding leave entitlements were reviewed. Some 25 percent of the organisations clearly discriminate against gay and lesbian employees by extending various leave entitlements to 'married' employees or by referring to the employees' spouse. While it may be that some of these policies have never been enforced, failure to review them indicates that it is not deemed relevant or important, sending a subtle but clear message to gay and lesbian employees.

As noted previously, the research was to have focused solely on diversity programmes, but as this proved problematic for the New Zealand research, the only comparable programme was EEO. During the course of the research it became apparent that EEO and diversity programmes are considerably more dissimilar than first expected. While the literature indicates that diversity programmes evolved from EEO, I did not initially appreciate the extent of the difference. Not only are each based on a different premise, but the application of EEO versus diversity programmes has far reaching and influential effects on the whole organisation. The research further indicated that while the New Zealand organisations were scaling down their EEO initiatives, the American organisations were in growth mode, with diversity programmes gaining increasing prominence and respect within the organisations concerned. Clearly, the American organisations were significantly more advanced, particularly in their response to sexual orientation in the workplace. While all of the American organisations undertook major initiatives, the New Zealand organisations had not only done very little, most had done nothing at all.

A question raised by the New Zealand findings is whether or not there is a significant level of discrimination based on sexual orientation in the New Zealand workplace. On one hand, New Zealand has some of the most

progressive legislation in the world with regard to sexual orientation, and in general New Zealand is perceived to be a liberal country with socially liberal attitudes. As far back as 1990, an AGB McNair survey found that 90 percent of respondents thought it should be illegal for an employer to dismiss an employee on the grounds of homosexual orientation²⁷. Why then, is sexual orientation so ignored within New Zealand organisations and why do so many organisations have discriminatory policies and procedures? The question remains, how bad is the New Zealand workplace for gays and lesbians? While this is outside the scope of this research and requires further study, at least some local research referred to previously (Human Rights Commission: 1992:1, Songster and Torrie:1994:11) has found that discrimination against gay and lesbian employees is prevalent. Several issues are apparent. While the Human Rights Act 1993 deems discrimination against gays and lesbians to be unlawful, very few organisations respond in the same way as they do for other groups identified in the legislation. The State Services Act 1988 requires all public sector organisations to develop and implement an EEO programme but does not specifically mention gay and lesbian employees and this is reflected in the EEO plans sampled. Therefore, do organisations only do what is strictly required of them by legislation?

According to the American research and the literature, the potential rewards for an organisation that implements sexual orientation diversity far outweigh any possible cost. Although, somewhat surprisingly, none of the American organisations had undertaken any form of extensive evaluation to determine the success of their diversity programmes, the participants were all convinced of the benefits. While not attributing all these outcomes solely to sexual orientation diversity programmes, participants spoke of increased morale,

²⁷ Quoted in Human Rights Commission paper, Discrimination on the Ground of Sexual Orientation, (1992:ii), April 1992.

reduced staff turnover, reduced absenteeism, increased productivity and staff loyalty, improved customer service, and the ability to target more effectively the gay and lesbian consumer. For them, diversity programmes were good for business. Therefore, it would seem fair to assume that if these benefits are evident to American organisations, they would also be apparent for local organisations. Why have New Zealand organisations been so slow to respond?

Partly, it may be based on misinformation and incorrect assumptions. Research indicates the power and economic strength of gay men and lesbians, and in particular, gay males. Perhaps it is assumed that sexual orientation has not hindered gays and lesbians in the workplace. Another issue may well be visibility. Unlike gender or ethnicity, sexual orientation is primarily invisible. Individuals can make a decision either to be open about their sexual orientation in the workplace, or remain closeted. Assuming the literature is correct, that large numbers of gays and lesbians are afraid to 'come out' at work, it is not surprising that sexual orientation in the workplace remains largely ignored. However, rather than indicating that sexual orientation is a non-issue, it highlights the level of discrimination and inequity - a proportion of employees feel they cannot be honest about who they are at their place of work.

Furthermore, the literature and the American research indicates that a large number of employees in management positions within organisations are ignorant of issues to do with sexual orientation. While the majority have had some years to learn about issues of gender, ethnicity, disability and so on, most remain unaware about issues regarding sexual orientation and the workplace. From the information received and the review of policy and procedure, this was certainly true in the New Zealand organisations sampled.

This apparent lack of knowledge, however, was not confined to sexual orientation. Of the initial six organisations contacted in New Zealand, only one participant had any understanding of diversity and diversity programmes. Given that New Zealand generally follows American, British and Australian trends and developments in human resources, it would be fair to expect that local human resources personnel would be aware of international human resource developments, particularly one that has been practised, with such reported success, for over 10 years.

Sexual orientation in the workplace is a diversity issue, and the New Zealand focus on EEO is not conducive to this. While the diversity model is based on inclusivity, productivity and profitability, the EEO model continues to focus narrowly on opening doors by reinforcing legislative and moral obligations and requirements.

In returning to the original purpose of this research, it was intended to evaluate a selection of American organisations that implement sexual orientation diversity programmes, and then examine the response of New Zealand organisations to adopting diversity programmes and identify the implications for those that so choose. The American research clearly demonstrated the success of sexual orientation diversity programmes within the organisations sampled, at least in their opinion. The picture presented by the New Zealand organisations showed them to be primarily concerned with legislative obligations and significantly behind the play in what has now been proven to be a highly effective approach to this area of human resources. Reid (w42:15 March 1998), wrote that *"Diversity has changed from a moral imperative to a bottom-line business decision as companies realize they can't afford not to embrace it."* And as the Human Rights Campaign noted (1996:3), *"With competition so fierce and the difference between products*

and services so minute, the greatest advantage any company has over another is its people."

While this study was not focused on identifying the level of discrimination against gay and lesbian employees in the New Zealand workplace, research indicates that it exists. The review of organisational policy and procedures highlighted significant discriminatory provisions, an almost total lack of consideration of the issues dealing with sexual orientation and the workplace, and a high level of misinformation and lack of awareness among the human resource personnel.

In the twelve years since the American report *Workforce 2000* proved the catalyst for the diversity movement, the American workplace has demonstrated an ability to adapt to a changing environment. While New Zealand faces the same workplace challenges, it remains to be seen whether our public and private sectors can respond accordingly as we enter a new century.

Appendices

An Evaluation of Sexual Orientation Diversity Programmes - Research Consent Form

I,, have read the Information Sheet and have had the details of the research explained to me. Any questions I have asked have been explained to my satisfaction.

I understand I have the following rights:

1. to decline to participate in the research;
2. to ask questions at any point in the research;
3. to withdraw from the research at any time up until the completion of the thesis and without giving reason;
4. to have my privacy and confidentiality maintained, unless I give written consent indicating otherwise;
5. to turn off the tape recorder at any time during the interview/s;
6. to receive, review, amend, and correct any details in the transcribed interview;
7. to receive a copy of the final transcription;
8. to receive a summary paper of the research findings.

I agree to provide information to the researcher, Terence Powell, on the understanding that my name will not be used or appear in either the transcripts or final research. Any information that potentially identifies this organisation will not be used without my written permission and the written permission of an appropriately authorised person within this organisation.

I consent/do not consent to the interview/s being audio taped.

I have/do not have the authorised right to speak on behalf of my organisation.

This authorisation has been given by

I agree to participate in this study under the conditions set out in the Information Sheet.

Name _____

Signature _____

Date _____

Note that you have the right to withdraw this consent at any time.

Sexual Orientation Diversity Programmes - An Evaluation

Research Questionnaire

Data Gathering Information

- Status of the organisation, e.g. federal, state, city, private, not for profit etc
- Broad outline of the nature of the business
- Number of employees
- Overview of organisational structure
- Employee data - gender, ethnicity, etc. statistics

Sexual Orientation Diversity Programmes Information

- Does the organisation implement sexual orientation diversity programmes?
- What is the nature and composition of those programmes, e.g. domestic partner benefits, employee training, support groups for gay/lesbian staff etc.
- Why did the organisation implement the programmes? Who initiated them, e.g. gay/lesbian staff, management, human resources personnel?
- What are the identified outcomes sought for the individual staff member and the organisation as a whole?
- How are the outcomes measured - if at all?
- What do the results of any evaluations undertaken show, i.e. how successful are the programmes?

Participating Organisations' (USA) Non-Discrimination and Diversity Policy Statements

Non-Discrimination Policy Statements

"It is the expressed policy of [company name] to provide equal employment opportunity to all employees and applicants without regard to race, colour, age, religion, sex, sexual orientation, disability or veteran status. [Company name] takes all steps to ensure that this policy is practised in all actions relating to, but not limited to, recruitment, employment, training, benefits, promotion, transfer, demotion, termination, discipline and compensation."

"[Name of company] recruits and hires employees based on individual experience and ability, ensuring compliance with all local, state and federal laws and regulations. In recognition of the growing diversity in the marketplace, [name of company] is committed to recruiting qualified individuals who reflect that diversity. [Name of company] will not in any way discriminate against persons regardless of their race, sex, colour, ethnic or national origin, religion, ancestry, sexual orientation, disability, or marital status."

Diversity Statements

"Our mission at [name of company] is to create an inclusive workplace culture that values and respects all employees and customers and the diverse backgrounds they represent."

"[Name of company] is committed to fostering an environment where individuals are free from fear of discrimination or prejudice. [Name of company] promotes an atmosphere of mutual respect for the diversity represented throughout our company."

"In order to be the premier [industry type] in the world, [name of company] fully values the unique characteristics and abilities of every employee. Our competitive advantage is maintained by our commitment to diversity and policies of unconditional inclusion."

Human Resource Training Material (Participating Organisation - USA)

Check any of the following that has come to your notice as a human resources professional. If you check more than two, this is an indication that diversity training needs to be made a priority.

- ☐ Ethnic, racial, gender, disability or sexual orientation based jokes or slurs
- ☐ Stereotypical portrayals of people from diverse groups in the workplace, e.g. posters, reading material
- ☐ Lack of diversity at all levels within the company
- ☐ Grievances registered by members of diverse and minority groups
- ☐ Suits or complaints about workplace discrimination
- ☐ Lack of interaction between the employees of diverse groups
- ☐ Complaints about staff speaking different languages or with heavy accents
- ☐ Open hostility between employees of diverse groups
- ☐ Difficulty in recruiting and retaining employees representing diverse groups
- ☐ Lack of policies to address diversity, e.g. non-discrimination policy, affirmative action policy
- ☐ Lack of awareness within Human Resources of diversity issues and relevant legislation, e.g. The Americans with Disabilities Act of 1989
- ☐ Lack of interest across diverse groups in mixing at work related social activities
- ☐ Employee resistance to working in teams comprised of people from diverse groups

Appendix 5

Diversity Training Programme Material (Participating Organisation - USA)

A Personal Inventory

Listed below there are a series of statements that relate to diversity. Rate each statement according to how accurately it describes your beliefs and behaviours. Circle your answer.

1	2	3	4	5
not at all accurate		somewhat accurate		very accurate

Personal Inventory	Accuracy
The diverse workforce makes this company more competitive	1 2 3 4 5
The diverse workforce makes this company a better place to work	1 2 3 4 5
Our diversity helps us provide our customers with a better service	1 2 3 4 5
Everyone benefits by working in a diverse environment	1 2 3 4 5
Recruiting employees from diverse backgrounds builds a stronger and more effective team	1 2 3 4 5
Employees should challenge behaviour or comments that are discriminatory	1 2 3 4 5
Telling offensive jokes is unacceptable in the workplace	1 2 3 4 5
Displaying offensive materials is unacceptable in the workplace	1 2 3 4 5
Everyone benefits by attending diversity training	1 2 3 4 5
Diversity training should be mandatory for all employees	1 2 3 4 5

Diversity Training Programme Material
(Participating Organisation - USA)

Sexual Orientation Values and Beliefs Clarification

Read each statement and circle the extent to which you agree or disagree with it.

SA - strongly agree
D - disagree

A - agree
SD - strongly disagree

N - neutral

- | | | |
|---|---|---------------------|
| 1 | I would not be bothered if my child was gay/lesbian | SA A N D SD |
| 2 | If I had a choice I would prefer my child was heterosexual | SA A N D SD |
| 3 | I would be uncomfortable if a colleague told me they were gay/lesbian | SA A N D SD |
| 4 | My personal belief is that homosexuality is wrong | SA A N D SD |
| 5 | If a personal friend told me they were gay/lesbian, I would worry that people would question my sexual orientation | SA A N D SD |
| 6 | Gay and lesbian issues should not be brought to the workplace | SA A N D SD |
| 7 | I would be uncomfortable attending a work social event if I thought children would be exposed to openly gay/lesbian displays of affection | SA A N D SD |
| 8 | There is homophobia present within this company | SA A N D SD |

- | | | |
|----|---|---------------------|
| 9 | As an employee, I am obliged to combat homophobia in the workplace | SA A N D SD |
| 10 | Gay and lesbian employees have a right to receive the same company benefits as straight employees | SA A N D SD |
| 11 | Gay and lesbian people should not be teachers because of the risk to children | SA A N D SD |
| 12 | I support programs and policies designed to meet the needs of gay and lesbian employees | SA A N D SD |

Diversity Training Programme Material
(Participating Organisation - USA)

Reverse Questionnaire

Gay and lesbian people are constantly asked questions about their sexual orientation. When we turn these questions around, we begin to see them differently. Read through the questions and decide what your reaction would be if someone asked you one of the following.

1. What do you suppose caused your heterosexuality?
2. Would you be upset if your child turned out to be heterosexual?
3. Why do you heterosexuals insist on flaunting your sexuality? Can't you just keep it to yourself?
4. Is your heterosexuality a phase you're just going through?
5. What age were you when you decided you were heterosexual?
6. Do you think it is safe to let your children be taught by heterosexuals?
7. Why can't heterosexual people settle down with one partner?
8. Do you think you could change your heterosexuality if you met the right person?
9. Would therapy help you change your sexual orientation?

Human Resource Personnel Training Material
(Participating Organisation - USA)

Company Policy and Procedure Checklist

Policies and Procedures	<i>Done</i>	<i>Need</i>	<i>Not</i>
		<i>to do</i>	<i>necessary</i>
The company's non-discrimination policy includes the following protected categories			
<ul style="list-style-type: none">• sexual orientation• HIV/AIDS status• gender identity (transgender)			
The non-discrimination policy has been publicly endorsed by the company's top management			
The non-discrimination policy has been effectively communicated to all employees			
Recruitment			
All recruitment practices have been reviewed to ensure that they are non-discriminatory			
All employees involved in recruitment have been trained on appropriate and inappropriate interview questions, including those related to sexual orientation, gender identity, HIV/AIDS status			

Policies and Procedures	<i>Done</i>	<i>Need to do</i>	<i>Not necessary</i>
Positions are advertised in publications targeting the gay, lesbian and bisexual communities			
All orientation materials are inclusive of the needs of gay, lesbian and bisexual employees			
Orientation material outlines the company's non-discrimination policy			
Training			
The company provides training on the following:			
<ul style="list-style-type: none"> • sexual orientation diversity • HIV/AIDS awareness • the company's non-discrimination policy 			
Sexual orientation diversity training is mandatory for all employees			
All managers are required to attend sexual orientation sensitivity training			
Human resources personnel are trained in local, state and federal laws that govern non-discrimination			

Policies and Procedures	<i>Done</i>	<i>Need</i>	<i>Not</i>
		<i>to do</i>	<i>necessary</i>

Employee Benefits and Policies

The company has included domestic partners in all company policies including:

- bereavement leave
- family and medical leave
- pension survivor benefits
- relocation benefits
- employee assistance programmes
- parenting and childcare leave
- medical and dental benefits

A Gay, Lesbian and Bisexual Support Network Leaflet
(Participating Organisation - USA)

10 Tips for Coming Out at Work

There are many considerations to be taken into account when you make the decision to come out in the workplace. The following are some tips we have put together for you to consider.

- 1 Speak with a representative from the gay, lesbian, bisexual and transgender network. They will be able to give you advice and support.
- 2 Contact gay, lesbian and bisexual organisations in your professional field.
- 3 Go to your local library or bookstore and obtain one of the many books about coming out at work.
- 4 Start to talk with your colleagues about your life.
- 5 If you are in a relationship, bring your partner to work events and occasions.
- 6 If you are in a relationship, place a photo of your partner on your desk or workstation.
- 7 Make sure you are familiar with the company's non-discrimination policy and the domestic partner benefits available to you.
- 8 Offer your skills, experiences and connections to the gay, lesbian, bisexual and transgender network. We always need people to offer their time and assist on projects.
- 9 Don't be afraid to confront co-workers who act inappropriately or make inappropriate comments or jokes.
- 10 Above all else, be honest to yourself and be the person you are.

Domestic Partner Affidavit (Edited)
(Participating Organisation - USA)

I, _____ (name of employee) submit this Affidavit of

Domestic Partner/Spousal Equivalency and hereby declare

(name of partner) as my domestic partner (as defined below)

for the purpose of any and all benefits extended by (name of company)

to employee's spouses, spousal equivalents and domestic partners.

I, (name of employee) declare the following to be true.

I, and (name of partner) are in a domestic partnership.

We are two adults [of the same sex] who have chosen to live our lives in a committed relationship. We reside together and share a mutual obligation of support for each other's welfare. Specifically, I declare and acknowledge the following:

- we share the same residence and have done so from (date)
- we are not blood relatives to the extent that legal marriage would be prohibited
- we are each other's sole domestic partner and intend to be so indefinitely
- neither of us is married to anyone else
- we are both of at least the legal age of consent in the State in which we reside.

In addition, if we live in a jurisdiction which permits registration of domestic partners, I declare that I and my domestic partner have, or will register within the next 31 days, as domestic partners in that jurisdiction.

I acknowledge and understand:

1. That in making this domestic partner affidavit, I can not file another Domestic Partner/Spousal Equivalent Affidavit until at least six months after a Termination of Domestic Partnership/Spousal Equivalency has been filed.
2. That if health care coverage is requested, I will provide necessary documentation demonstrating the existence of my domestic partner relationship.
3. That I am required to file a Death or Termination of Domestic Partnership/Spousal Equivalency with (name of company) Company Plan Administrator or designated representative within 30 days of the termination of the domestic partnership or death of my partner.
4. That I am advised to consult an attorney regarding any potential legal consequences resulting from the filing of this Affidavit.

I declare, under penalty of perjury, that the statements in this Affidavit are true to the best of my knowledge.

Dated:

Full Name:

Signature:

Full Address:

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