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How to be an Ally Toolkit

Background

When we think about creating an inclusive workplace, where employees are encouraged to bring their full selves to work, without fear of experiencing bias, negative judgment, or discrimination, there are certain things that we must keep in mind.

Sexual orientation is often an invisible characteristic that requires disclosure, intentional or not, for others to be made aware. LGBT people who are openly LGBT ("out") constantly have to navigate this process of disclosure, ("coming out"), deciding when to come out, to whom, and how. This process also requires the LGBT person to consider the impact that coming out may have on their relationships and careers. While we hope that every person who comes out as LGBT experiences a warm and positive reception, the reality is that this is not always the case. The recent Supreme Court decision affirming marriage equality, the rhetoric of religious freedom, and the changing legal landscape related to employment discrimination of LGBT employees simultaneously shows the victories and the setbacks that members of the legal profession must celebrate and take on. This Toolkit provides another resource in understanding and addressing the unique considerations of LGBT legal professionals.

The Toolkit will provide more substantive information about these considerations; however, we will provide some background information here to get you started.

Sexual orientation and gender identity are different, though related, concepts. Sexual orientation describes how one person feels about other people. It describes whom a person is attracted to sexually, emotionally, and/or romantically. Gender identity describes how a person feels about him/her/themselves. A person's gender identity may or may not correspond to that person's assigned sex at birth, e.g., male, female, or intersex. Gender expression refers to the outward manifestation of gender and is shown by a person's name, personal pronouns, clothing, mannerisms, hair style, behavior, voice, or body characteristics. Masculinity and femininity are social defined based upon history, location, and culture, and transgender is an umbrella term for people whose gender identity and/or gender expression is different from what is typically associated with the sex they were assigned at birth.

Employees who are either perceived to be or are actually LGBT experience bias and discrimination not necessarily because of their LGBT status, but rather, because of the implications of that status. A person is the victim of discrimination because that person's gender expression does not conform to the social norms of gender and
sexuality. For instance, a masculine presenting man may still face discrimination because he is gay, not for the sake of his being gay, but rather, because his sexual orientation does not conform to social notions of what it means to be a "man."

Not only does the Toolkit provide insight and strategies for mediating explicitly expressed bias, but it also addresses those instances when one's unconsciously held beliefs about groups of people have real-world consequences for how one interacts with those groups. Such implicit biases are discriminatory biases that are based on unconscious attitudes or stereotypes. They are dangerous because we use implicit biases when we do not intend to, and when we should not use them. For instance, implicit bias has been shown to predict more negative evaluations of women who are confident, aggressive, and/or ambitious in certain hiring conditions. When we think about how gender, race and ethnicity, age, ability, and sexual orientation stereotypes impact the advancement, attraction, and retention of LGBT lawyers, it becomes clear that, as legal professionals, we must get a handle on our implicitly held biases so that every legal professional gets a fair shot at their career.

The Toolkit will help to identify and mediate against these implicitly held, and sometimes explicitly expressed, biases.