

Five Ways the Supreme Court Decisions on DOMA & Proposition 8 Will Affect You & Your Organization

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The recent Supreme Court Decisions overturning DOMA and Prop 8 have far-reaching impact in the workplace beyond providing federal and state benefits for same-sex married couples. These decisions also affect single LGBT and heterosexual people in those workplaces, along with LGBT employees in states where same-sex marriage is not yet legal.

Brief Synopsis

Same-sex couples in states where their marriage is legal will receive state and federal benefits that include non-taxable health insurance, relocation, social security, old age and death benefits along with every other benefit that married couples receive. Marriages of transgender people in these states who transitioned after marriage will no longer be able to be annulled.

Couples that were married in one of those states but move to a state where same-sex marriage is not legal may still receive federal benefits depending on state law.

Five Changes and What They Mean

1. **LGBT people and their allies in other states will be empowered to get same-sex marriage legalized in their states.**

That means that employers in every state should prepare and know laws, benefits and protections for all married couples, in order to avoid confusion later.

1. **LGBT people who previously felt invisible, discounted, and suffered from internalized feelings of illegitimacy will now feel seen, heard and equal.**

1. **More LGBT people will be inspired to come out.**

This will result in higher productivity and more participation by LGBT employees. There is a psychic toll, of feeling like you have to hide who you are that can be draining, and

interfere with full participation. It will be easier to share resources when someone no longer feels that they have to keep a wide distance from people with whom they work.

4- Some people will think we are now in a post-sexual orientation era and there needs to be no further conversation.

The reality is that we're not. Whether or not your state has legalized gay marriage, homophobia still exists. Employees need to be educated, and those that are uncomfortable need to learn how to be comfortable and accept others.

There may be a homophobic backlash with some employees making homophobic jokes or bullying LGBT employees.

This means you need to be clear about appropriate and inappropriate behavior, have a process in place to openly, visibly, vocally support LGBT employees, and set limits. You will also need an effective way to educate employees rather than fire those who may be good people but act out conscious and unconscious bias.

1. LGBT inclusion will be a wide reaching issue in many workplaces across the country.

That means that this is an opportunity for you to learn about the LGBT people in your organization, filter out any of your biases, and become comfortable with any of your discomfort.

- Work with your LGBT ERG and/or an outside facilitator to educate the employees in three areas:

1. Laws, policies and benefits
2. *Overall work-related LGBT Issues that can also create opportunity to ask questions*
3. *Conscious and unconscious biases and stereotypes*

- Let all employees know that you are a safe person to speak with. You have to be a role model. Culture and behavior starts at the top.

- **Speak up when you hear homophobic remarks** and teach other people to do so-educate people on the effects of allowing hate speech and jokes

- Understand that it is not always up to the LGBT person to have to be the one to speak up- they may be intimidated. Don't assume that because they don't speak up when they hear a homophobic joke, that it doesn't matter to them.
- **“Take a gay to lunch”** Invite leaders of the LGBT ERG or someone in your organization you know is LGBT to lunch. Let them know you want to be supportive but don't always know how. Ask for their help and permission to ask any questions you may have.

Finally, I predict that same-sex marriage will make the institution of marriage stronger, because not only will LGBT people take their commitment to marriage seriously, it may inspire non-LGBT people living in domestic partnerships to get married so they can have the same benefits.

Simma Lieberman helps organizations become more profitable by creating inclusive cultures where people do their best work. Leaders contact her when they want to develop and implement a strategy that leverages the skills and talents of employees at every organizational level. <http://www.simmalieberman.com> <<http://www.simmalieberman.com/>> Contact Simma at 1-510-527-0700 or Simma@SimmaLieberman.com