

PAYING AN UNFAIR PRICE

The Financial Penalty for LGBT Women in America

March 2015



Center for American Progress



MAP

movement advancement project ▶

Authors



a better balance
the work and family legal center



FAMILY VALUES WORK



LEGAL momentum



N A S W
National Association of Social Workers



nea
NATIONAL EDUCATION ASSOCIATION
Great Public Schools for Every Student

NATIONAL LGBTQ TASK FORCE



re:gender
research. rethink. reframe.
Emory National Council for Research on Women



Transgender Law Center



Partners

This report was authored by:

Center for American Progress

The Center for American Progress (CAP) is a think tank dedicated to improving the lives of Americans through ideas and action. CAP combines bold policy ideas with a modern communications platform to help shape the national debate. CAP is designed to provide long-term leadership and support to the progressive movement. CAP's policy experts cover a wide range of issue areas, and often work across disciplines to tackle complex, interrelated issues such as national security, energy, and climate change.

Movement Advancement Project

The Movement Advancement Project (MAP) is an independent think tank that provides rigorous research, insight and analysis that help speed equality for LGBT people. MAP works collaboratively with LGBT organizations, advocates and funders, providing information, analysis and resources that help coordinate and strengthen efforts for maximum impact. MAP's policy research informs the public and policymakers about the legal and policy needs of LGBT people and their families.

Contact Information

Center for American Progress

1333 H Street, NW, 10th Floor
Washington, DC 20005
202-682-1611
www.americanprogress.com

Movement Advancement Project (MAP)

2215 Market Street
Denver, CO 80205
720-274-3263
www.lgbtmap.org

This report was developed in partnership with the following organizations:

9to5
A Better Balance
Center for Community Change
Center for Popular Democracy
Family Values @ Work
Forward Together
Legal Momentum
National Asian Pacific American Women's Forum
National Association of Social Workers
National Center for Transgender Equality
National Education Association
National LGBTQ Task Force
National Partnership for Women & Families
National Women's Law Center
Re:Gender
Transgender Law Center
UltraViolet

See pages 52-53 for more information about these organizations.

MAP thanks the following funders, without whom this report would not have been possible:

David Bohnett Foundation
David Dechman
Ford Foundation
David Geffen Foundation
Gill Foundation
Esmond Harmsworth
Jim Hormel
Johnson Family Foundation
Amy Mandel and Katina Rodis
Weston Milliken
The Palette Fund
Mona Pittenger
H. van Ameringen Foundation
Wild Geese Foundation

TABLE OF CONTENTS

INTRODUCTION	1
Who are LGBT Women?	1
How Are LGBT Women at Increased Risk for Economic Insecurity?	4
Why Are LGBT Women at Increased Risk for Economic Insecurity?.....	4
JOBS: LGBT WOMEN STRUGGLE TO FIND AND KEEP GOOD JOBS.....	10
Hiring, Firing, and Advancement	10
Wages.....	12
An Added Barrier for Transgender Women: Inaccurate Identity Documents.....	16
Education as a Key to Good Jobs	17
HEALTH: LGBT WOMEN FACE CHALLENGES TO GOOD HEALTH THAT IMPACT ECONOMIC SECURITY	22
Discrimination by Healthcare Providers.....	22
Added Problems for LGBT Women Living with HIV	26
Pregnancy and Family Planning	28
FAMILY: LACK OF SUPPORT FOR LGBT WOMEN AND THEIR FAMILIES RESULTS IN HIGHER COSTS	30
Lack of Recognition of LGBT Families	30
Pregnancy Discrimination	38
Paid, Job-Protected Leave	39
Affordable Child Care	41
Workplace Flexibility	42
CONCLUSION	44
ENDNOTES	46
PARTNER ORGANIZATIONS' DESCRIPTIONS	52



INTRODUCTION

Women in America have made significant progress over the past 50 years—in the workplace, where women now comprise roughly half of all workers;¹ in public office, where women have served as Speaker of the House and as Secretary of State;² and in schools, where women now enroll in college in greater numbers than men.³

Despite these gains, serious challenges remain for women in the United States. Women are still paid less than men.⁴ They are more likely to be in low-wage and minimum-wage jobs,⁵ and they hold just 5% of Fortune 500 CEO positions.⁶ More than one in seven women live in poverty, and of those living in poverty, two in five live in extreme poverty.⁷ The economic picture for women of color is even bleaker, with lower wages, higher rates of unemployment, and even fewer women of color in positions of power.⁸ Women disproportionately have to take leave from work (often without pay) to care for children or aging parents,⁹ and incidents of violence against women remain persistently high.¹⁰

Women who are lesbian, gay, bisexual, and/or transgender (LGBT)^a have the same concerns as other women. They worry about finding and keeping good jobs, saving for the future, taking care of their children and families, and making ends meet. But America's 5.1 million LGBT women face added challenges and worries not just because of their gender, but also because of who they are and whom they love.

Discrimination and stigma, combined with the struggles faced by all women, make LGBT women and their families especially vulnerable. Anti-LGBT laws, together with inequitable and outdated policies, mean that LGBT women are forced to pay an unfair price in reduced incomes and added costs for everything from healthcare to housing. Making matters worse, the burden falls most acutely on those who can least afford it: LGBT women raising children, older LGBT women, LGBT women of color, LGBT immigrants, and those LGBT women and families who are already living near or below the poverty line.

Even at a time when the public is showing increased understanding and acceptance of LGBT people and their relationships, the unique concerns and struggles of LGBT women are largely absent in the national conversation. This report focuses on the economic challenges facing LGBT women across the nation in three critical areas: jobs, health and family. It also offers recommendations for change.

Who are LGBT Women?

There are an estimated 5.1 million lesbian, gay, bisexual, and transgender (LGBT) adult women in the United States.^b A 2014 Gallup survey estimated that 4.1% of U.S. adult women identify as LGBT (compared to 3.9% of adult men), as shown in the infographic on the next page.¹¹ Of adults ages 18-44, 6.7% of women identify as LGBT compared to 4.5% of men.¹² Many LGBT women identify as bisexual. Of all women who identify as lesbian, gay, or bisexual (LGB), more than half identify as bisexual.¹³

Within the LGBT population, it is estimated there are 350,000 transgender women.^c Transgender women may identify as lesbian, gay, bisexual, or heterosexual; and some women who identify as LGB may also be transgender. Of respondents to the National Transgender Discrimination Survey, the largest survey of transgender people to date, 47% of respondents identified as transgender women.¹⁴

Many LGBT women are in relationships and many are raising children. Approximately half of lesbians (51%) are married or living with a partner, compared to 31% of bisexual women and 57% of heterosexual women.¹⁵ Gallup's survey found nearly half (48%) of LGBT women under 50 years of age were raising children,¹⁶ with higher rates of childrearing for African American, Hispanic, and Asian LGBT women compared to white LGBT women.¹⁷ Data from the U.S. Census find that women of color in same-sex couples are nearly twice as likely to be raising children as white women in same-sex couples (35% vs. 24%).¹⁸ More than half of transgender women surveyed in the National Transgender Discrimination Survey were parents (52%).¹⁹

LGBT women are racially and ethnically diverse. Many lesbian, bisexual, and transgender women are members of communities of color. In fact, people of color are more likely to identify as LGBT than are white people. According

^a We use the term *LGBT women* throughout this report to refer to those women whose sexual orientation is gay, lesbian, or bisexual as well as transgender women, who were considered male at birth, but who identify as women and live their lives as women. See page 3 for a more detailed glossary of key terms.

^b Estimate based upon Gallup Daily Tracking Survey (January-June 2014) results and American Community Survey (2013) population estimates. Estimates of LGBT prevalence among women vary considerably across surveys, including the National Health Interview Survey (2.2%), the General Social Survey (3.2%), and the National Family Growth Survey (5.2% for ages 18-44). Notably, Gallup is the only nationally representative survey that includes transgender identity. For this reason, Gallup's prevalence estimate of 4.1% is accepted as the basis for analysis.

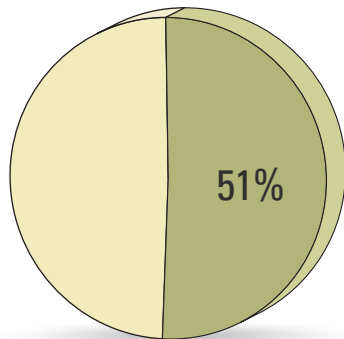
^c Research about the transgender population is limited because few surveys ask questions about gender identity or expression. According to a survey review conducted by the Williams Institute, 0.3% of the adult population (700,000 adults) identifies as transgender. Few data exists to show the gender identity of transgender people, so we assume 50% of transgender people identify as women, which corresponds to the 47% of transgender people who identified as transgender women in the National Transgender Discrimination Survey.

WHO ARE LGBT WOMEN IN THE UNITED STATES?

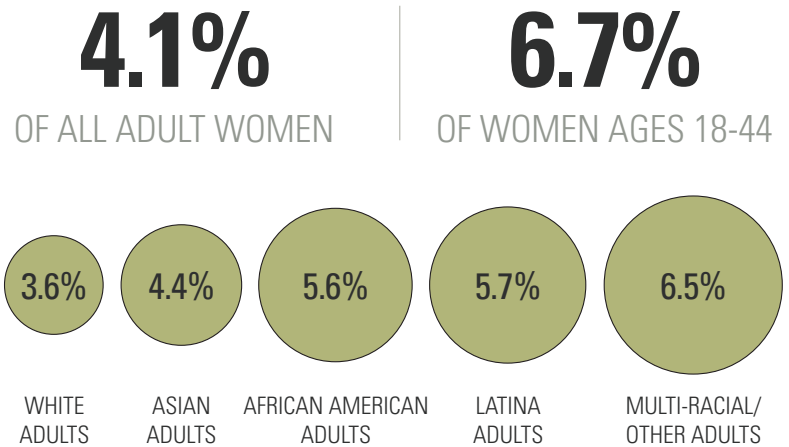


5.1 MILLION LGBT WOMEN:

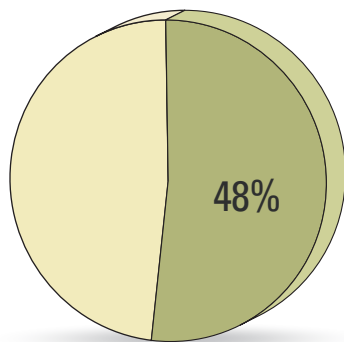
HALF ARE LIVING WITH A PARTNER



PERCENT OF WOMEN WHO IDENTIFY AS LGBT



NEARLY HALF UNDER 50 YEARS OLD ARE RAISING CHILDREN



2 IN 3
LGB WOMEN IDENTIFY AS BISEXUAL



Glossary

- **Economic security and economic insecurity.** This report uses the terms *economic security* and the lack thereof, *economic insecurity*, to refer broadly to an individual or family's economic wellbeing. *Economic security* means that an individual or family has the financial resources to provide not only for basic necessities but also to weather unexpected events that negatively impact one's financial situation, such as a period of unemployment, a serious illness, or the death of a spouse or partner. *Economic insecurity*, on the other hand, refers to financial instability and uncertainty and in many instances means difficulty obtaining the most basic necessities.

LGBT Women

- **Women.** This report uses the term *women* to refer to individuals who currently identify as women—rather than relying on whether a person was considered to be female at birth. This definition is purposefully inclusive of transgender women (see below for more detail).
- **Lesbian, gay, and bisexual (LGB).** The terms *lesbian* and *gay* refers to a person's sexual orientation and describes people who are attracted to individuals of the same sex or gender. The term *bisexual* also refers to a person's sexual orientation and describes people who can be attracted to more than one sex or gender. While the term *gay* is frequently used to describe men, we use the term LGB in this report as an acknowledgement that some women also use the term to describe their sexual orientation.
- **Transgender.** The term *transgender* is independent of sexual orientation and describes individuals whose sex assigned at birth is different from who they know they are on the inside. At some point in their lives, many transgender people decide they must live their lives as the gender they have always known themselves to be, and transition to living as that gender. A *transgender woman* is someone who was considered male at birth but identifies and lives as a woman. A *transgender man* is someone who was considered female at birth but identifies and lives as a man.
- **Gender identity and gender expression.** *Gender identity* is a person's deeply-felt inner sense of being male, female, or something else or in-between. *Gender expression* refers to a person's characteristics and behaviors such as appearance, dress, mannerisms and speech patterns that can be described as masculine, feminine, or something else. Note that gender identity and expression are independent of sexual orientation, and transgender people may identify as heterosexual, gay, lesbian, or bisexual.
- **Gender nonconforming.** This report uses the term *gender nonconforming* to describe a person who has, or is perceived to have, gender-related characteristics and/or behaviors that do not conform to traditional or societal expectations. Gender nonconforming women may or may not also identify as lesbian, gay, bisexual, or transgender.
- **Women of color; people of color.** In some cases, this report uses the terms *women of color* or *people of color* to refer broadly to African American or black, Latino or Hispanic, Asian/Pacific Islander, Native American, and other non-white people in the United States. This term is not meant to suggest a singular experience, but rather to signal that the report is discussing individuals who are not white.
- **Same-sex and opposite-sex couples.** This report often uses the term *same-sex couples* or *same-sex partners/spouses* to refer to same-sex couples in committed relationships who may or may not be recognized under the law. When applicable, the report uses the term *same-sex spouse(s)* to identify those individuals in same-sex couples who are legally married (see below for a discussion of this term). Particularly when discussing data from the U.S. Census Bureau, we use the term *opposite-sex couples* to refer to couples where individuals identify one partner as male and another as female. Individuals in same- and opposite-sex couples may identify as heterosexual, gay, lesbian, or bisexual, but the survey does not ask questions about sexual orientation. Additionally, because questions about gender identity are not asked, some individuals in these couples may identify as transgender.

LGBT Parenting

- **Legal parents and non-legally recognized parents.** We use the terms *legal parent* or *legally recognized parent* to refer to a person who is recognized as a parent under state (and sometimes federal) law, and who is generally related in some manner by blood, adoption, or other legal tie to a child. There are many instances in which someone acts as a parent to a child but is not recognized as a legal parent under state (and sometimes federal) law. Throughout the report, we distinguish between the terms *legally recognized parent* and *non-legally recognized parent*.

Marriage for Same-Sex Couples

- **Legally married.** Same-sex couples can obtain official state-issued marriage licenses in many states, though not in all states. In this report, we use the term *legal marriage*, *legally married*, *marriage* or *married* interchangeably to refer to marriages that were/are entered into according to the laws of a particular state or other jurisdiction.
- **State of celebration.** Some federal laws and regulations recognize same-sex couples as married as long as their marriage took place in a state that recognizes the marriage as legal—even if the couple's current state of residence refuses to recognize the marriage. For example, a couple married in New York but now living in Ohio would be considered married by a federal program using the state of celebration standard. Although it is sometimes called the *place of celebration* standard to indicate that some other countries offer the freedom to marry and these marriages are recognized by the federal government, we use the term *state of celebration* in this report.
- **State of residence.** Other federal laws recognize a legally married same-sex couple only if they currently live in a state with marriage equality. For example, a couple married in New York but now living in Ohio would not be considered married by a federal program using the state of residence standard. Although it is sometimes referred to as the *place of domicile* standard, we use the term *state of residence* in this report.

to a 2012 Gallup survey, 5.6% of African Americans identified as LGBT, as did 5.7% of Hispanics and 4.4% of Asian Americans. The comparable figure for white respondents was 3.6%.²⁰ Same-sex couples are more than twice as likely as opposite-sex couples to include individuals of different ethnicities or races.²¹ There are an estimated 267,000 LGBT-identified individuals among the adult undocumented immigrant population and an estimated 637,000 LGBT-identified individuals among the adult documented immigrant population.²²

How Are LGBT Women at Increased Risk for Economic Insecurity?

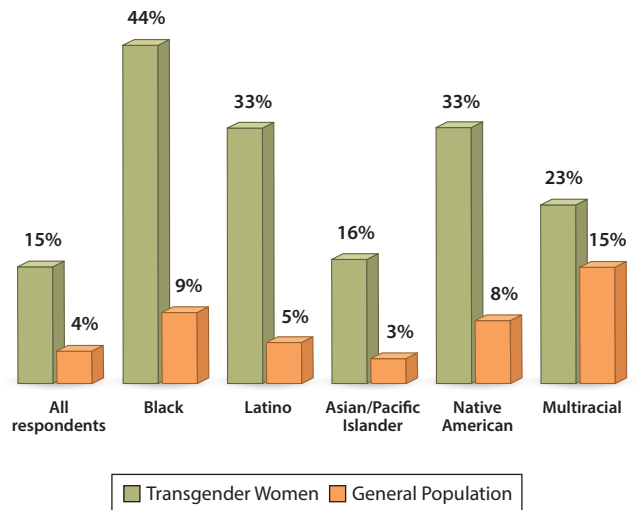
Research finds that LGBT women are at increased risk for economic insecurity—compared to other women and compared to men, as shown in the infographic on the next page. According to a 2014 Gallup survey, LGBT women score lower than non-LGBT women and men (whether LGBT or not) on a comprehensive measure that takes into consideration an individual's social, financial, physical well-being.²³ According to the survey, less than three out of ten (29%) LGBT women were thriving financially compared to 39% of non-LGBT women, 32% of LGBT men, and 40% of non-LGBT men.

These feelings of financial insecurity among LGBT women are backed up by data showing that they are more likely than other groups—both LGBT and non-LGBT—to live in poverty. Nearly one in three bisexual women ages 18-44 lives in poverty, and one in five LGBT women living alone lives in poverty.²⁴ Women in same-sex couples are more likely to be “working poor” than men in same-sex couples or men or women in opposite-sex married couples. Although the National Transgender Discrimination Survey does not break out poverty rates for transgender women separate from transgender men and gender nonconforming people, transgender and gender nonconforming people as a group have poverty rates nearly four times the rate of the general population.²⁵ As shown in *Figure 1*, the disparities are even more pronounced for transgender women of color.

LGBT women of color, older LGBT women, and LGBT women raising children are left particularly vulnerable.²⁶ For example:

- African American and Latina women in same-sex couples are three and two times more likely, respectively, to be poor than white women in same-sex couples.²⁷

Figure 1: Transgender Women of Color More Likely to Report Extremely Low Incomes



Source: Analysis of data from the National Transgender Discrimination Survey by Jody L. Herman and Sandy James, March 2015.

- Women in same-sex couples lacking a college degree and those with a disability are at increased likelihood of living in poverty compared to similar women in married opposite-sex couples and compared to men in same-sex and opposite-sex couples.²⁸
- Older women (ages 65 and above) in same-sex couples have nearly twice the poverty rate of older married opposite-sex couples.²⁹ A separate survey found that LGBT older women are more likely than older gay, bisexual and transgender men to worry about having enough money to live on (57% vs. 49%).³⁰
- Fifteen percent of female same-sex couples raising children are living in poverty, compared to 9% of married opposite-sex couples with children.³¹

Why Are LGBT Women at Increased Risk for Economic Insecurity?

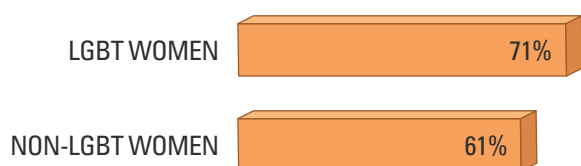
The economic challenges facing LGBT women are the direct result of discriminatory and outdated laws.

LGBT women not only face lower pay, frequent harassment, compromised access to health care, and heightened violence³² because they are women, they also face a confusing patchwork of laws that can negatively impact LGBT people. For example, laws addressing employment discrimination and marriage to adoption and safe schools for LGBT people vary state-by-state. Some regions of the country lack even the most basic levels of

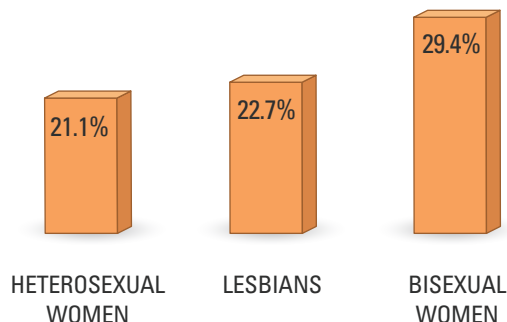
LGBT WOMEN FACE GREATER ECONOMIC INSECURITY

MORE LGBT WOMEN ARE NOT THRIVING FINANCIALLY

% OF WOMEN NOT FINANCIALLY THRIVING

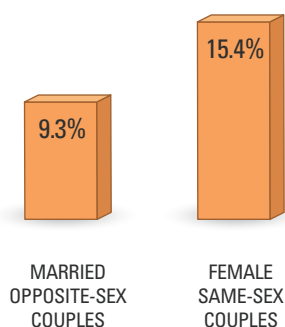


LESBIANS AND BISEXUAL WOMEN MORE LIKELY TO LIVE IN POVERTY

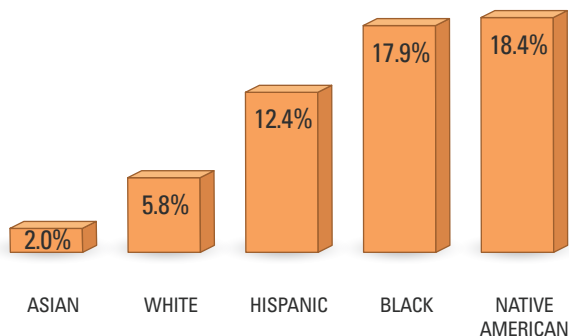


HIGHER RATES OF POVERTY FOR...

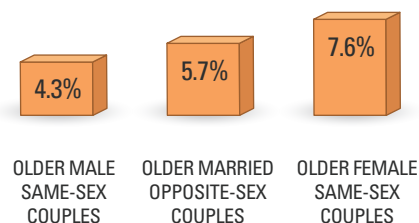
FEMALE SAME-SEX COUPLES RAISING CHILDREN



WOMEN OF COLOR IN SAME-SEX COUPLES



WOMEN AGES 65+ IN SAME-SEX COUPLES



TRANSGENDER WOMEN ARE

3.8x

MORE LIKELY TO LIVE IN POVERTY

BISEXUAL WOMEN AGES 18-44 ARE

2.1x

MORE LIKELY TO LIVE IN POVERTY

LGBT WOMEN LIVING ALONE ARE

1.4x

MORE LIKELY TO LIVE IN POVERTY

THAN THE GENERAL POPULATION

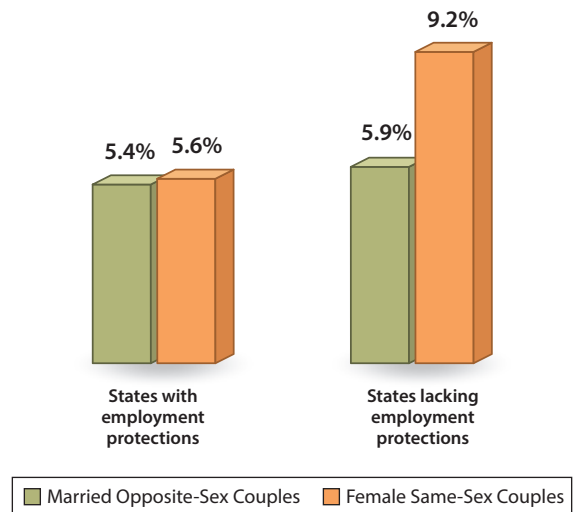
equality for LGBT people (as shown in the infographic on the next page). This patchwork of laws means that some LGBT women and their families are paying an even higher price for being LGBT than other LGBT women. For example, women in same-sex couples living in areas of the country where the law generally affords little protection for LGBT people—often the central region of the United States and in rural communities—have higher rates of poverty than married opposite-sex couples in those regions.³³ And, stigma and discrimination toward LGBT women remains an issue even in areas where progress has been made in advancing legal equality.

As shown in *Figure 2*, the average poverty rate for female same-sex couples was 3.6 percentage points higher in states without employment protections covering sexual orientation compared to states with these protections.³⁴ For married opposite-sex couples, the comparable difference in poverty between states with and without protections was just half a percentage point. *Figure 3* shows that 5.9% of female same-sex couples were poor in states with marriage or comprehensive relationship recognition, compared to 8.0% of female same-sex couples in states without relationship recognition of any kind, for a 2.1 percentage point difference.^d In comparison, the difference in the poverty rate for married opposite-sex couples across these states was just one-tenth of a percentage point.^e

The economic disparities experienced by LGBT women are a direct result of the stigma, the discrimination, and the legal disadvantages they experience because they are women and because they are LGBT. This report spotlights how LGBT women face unique challenges in three major areas that dramatically increase economic insecurity and poverty rates, as summarized in the infographic on page 9:

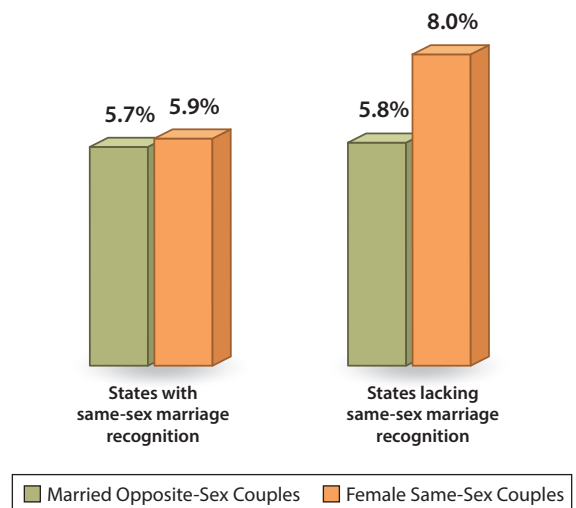
- **JOBS. LGBT women struggle to find and keep good jobs.** LGBT women face discrimination when looking for work *and* while on the job. This discrimination happens both because of their gender and because they are LGBT. The result is lower pay and fewer opportunities to advance. Workplaces also may be unwelcoming, hostile, or even physically unsafe. Transgender women face added challenges because they often cannot obtain accurate identity documents necessary for work or may be forced to come out as transgender at work.

Figure 2: Poverty Rate for Couples in States With and Without Employment Protections in 2010



Source: M.V. Lee, Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013.

Figure 3: Poverty Rate for Couples in States With and Without Marriage or Comprehensive Relationship Recognition



Source: M.V. Lee, Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013.

^d This analysis was conducted using data collected in 2010 and reflects only those states that had marriage equality or comprehensive relationship recognition in 2010.

^e The authors found that, when controlling for factors influencing poverty, the differences across states were no longer statistically significant, but that states with nondiscrimination laws and recognition for same-sex couples had lower poverty rates for all couple types.

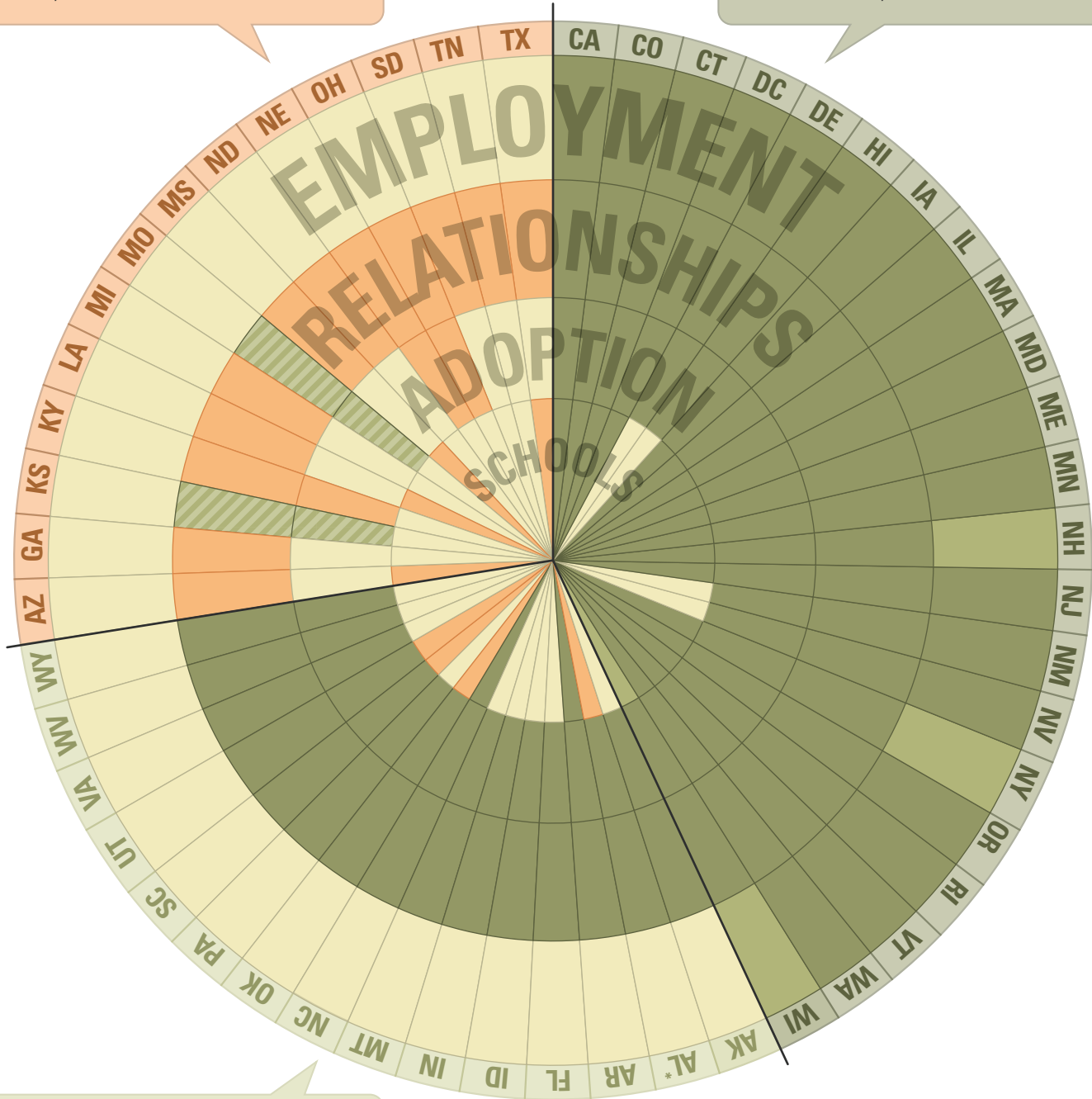
A PATCHWORK OF LEGAL EQUALITY

LOW EQUALITY STATES

14 STATES, 27% OF THE LGBT POPULATION

HIGH EQUALITY STATES

21 STATES & DC, 48% OF THE LGBT POPULATION



MEDIUM EQUALITY STATES

15 STATES, 25% OF THE LGBT POPULATION

KEY

- FULL LGBT EQUALITY
- LIMITED LGBT EQUALITY
- PENDING LGBT EQUALITY
- NO LGBT EQUALITY
- ANTI-LGBT LAW

*As of March 6, 2015, marriage is legal statewide, but the Alabama Supreme Court has forbidden state clerks from issuing licenses to same-sex couples.

Note: As of March 6, 2015, Kansas and Missouri have court rulings in favor of marriage equality, and marriage and adoption will be available to same-sex couples pending further action.

Source: Movement Advancement Project, "LGBT Equality Maps."

- **HEALTH. LGBT women face challenges to good health that impact economic security.** Healthcare can be more costly for LGBT women because of discriminatory laws, discrimination by providers, insurance exclusions for transgender people, and inadequate reproductive health coverage. The result: these women are at greater risk for health problems that can affect quality of life and threaten their ability to work, and they also tend to pay higher costs for healthcare.
- **FAMILIES. Lack of support for LGBT women and their families results in higher costs.** In many states, LGBT women still are not able to legally marry or to establish legal ties to their children. This means they may not be able to access affordable health insurance, safety net programs meant to keep families out of poverty, and job-protected leave to care for a sick partner. What's more, like all women in the United States, LGBT women often are forced by law to make difficult and costly choices that can threaten their family's economic security. The United States, for example, is the only developed country in the world that does not offer paid maternity leave.

ECONOMIC CHALLENGES ADD UP FOR LGBT WOMEN

JOBS



- DISCRIMINATION IN HIRING, FIRING, ON THE JOB
- WAGE DISPARITIES
- DIFFICULTY OBTAINING ACCURATE ID DOCUMENTS
- EDUCATIONAL OBSTACLES

HEALTH



- DISCRIMINATION BY PROVIDERS
- INSURANCE COVERAGE DISPARITIES AND EXCLUSIONS
- HIV CRIMINALIZATION
- COMPREHENSIVE REPRODUCTIVE HEALTHCARE

FAMILY



- LACK OF RECOGNITION OF COUPLES AND PARENT-CHILD RELATIONSHIPS
- PREGNANCY DISCRIMINATION
- LACK OF PAID, JOB-PROTECTED LEAVE
- LACK OF AFFORDABLE CHILD CARE
- INFLEXIBLE WORKPLACES

THE BOTTOM LINE



LOWER INCOMES AND **HIGHER COSTS**



THE IMPACT



LGBT WOMEN
LEFT STRUGGLING TO GET BY





JOBS: LGBT WOMEN STRUGGLE TO FIND AND KEEP GOOD JOBS

Women are the single or primary earners in 40% of American families.³⁵ In addition, 70% of women ages 25-54 worked outside the home in 2014, compared to 50% in 1970.³⁶ Despite their active participation in the U.S. workforce, women continue to face substantial challenges when it comes to finding and keeping jobs and receiving equitable salaries and wages. These challenges are exacerbated for LGBT women, who face higher rates of employment discrimination and insufficient legal protections based on sexual orientation and gender identity.

Hiring, Firing, and Advancement

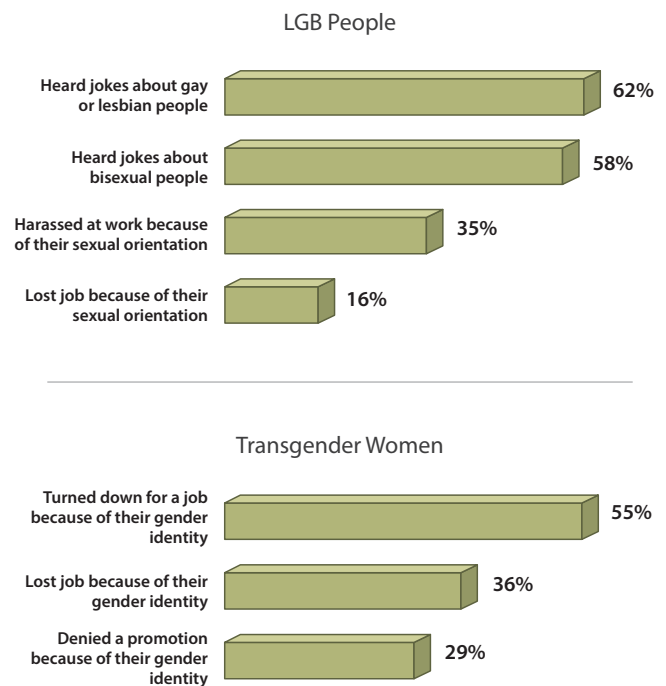
Few studies have examined the specific job experiences of LGBT women, but it is well documented that women overall still experience pay inequity, sexual harassment and other forms of discrimination at work. LGBT women face the added challenge that many states lack of explicit protections for gender identity and sexual orientation protecting LGBT workers from being fired just because they are LGBT. LGBT people in general report high rates of employment discrimination. And in many workplaces, LGBT workers face conditions that range from unwelcoming to unsafe. For example:

- **The workplace is not yet equal for women.** Despite federal, state, and local laws prohibiting discrimination based on sex in the workplace (see sidebar on the next page), many women still experience harassment and job-related bias. In 2013, the federal Equal Employment Opportunity Commission (EEOC) received more than 27,000 complaints of sex-based discrimination in employment settings.³⁷ There were nearly 6,000 complaints of sexual harassment filed in the same year by women.^{38,f} These numbers likely undercount the actual number of incidents, given that they only include complaints filed.
- **LGBT people report high rates of discrimination on the job.** In the 2008 General Social Survey, 16% of lesbian, gay, and bisexual people indicated they had lost a job because of their sexual orientation and 35% reported being harassed at work, as shown in *Figure 4*.³⁹ In a 2013 study of women working in

construction trades, 37% of women who identified as LGBT reported constant or frequent discrimination and harassment based on their sexual orientation.⁴⁰ LGBT workers report frequently hearing jokes about gay or lesbian people (62%).⁴¹ Nearly 60% of bisexual people report hearing anti-bisexual jokes and comments on the job.⁴²

- **Transgender women are particularly at risk.** Transgender women report higher rates of employment discrimination compared to transgender men.⁴³ As shown in *Figure 4*, one-quarter (26%) of transgender people report losing a job because of their gender identity or expression, with transgender women reporting even higher rates (36%). More than half (55%) of transgender women indicated they had been denied a job because they were transgender; 29% had been denied a promotion.

Figure 4: LGBT People Report High Rates of Employment Discrimination



Sources: Brad Sears and Christy Mallory, "Documented Evidence of Employment Discrimination & Its Effects on LGBT People," The Williams Institute, July 2011; Deena Fidas and Liz Cooper, "The Cost of the Closet and the Rewards of Inclusion: Why the Workplace Environment for LGBT People Matters to Employers," Human Rights Campaign Foundation, May 2014; Ann E. Tweedy and Karen Yescavage, "Employment Discrimination against Bisexuals: An Empirical Study," William & Mary Journal of Women and the Law, July 24, 2013 (forthcoming); Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

^f In some cases, sexual harassment complaints filed with the EEOC may be included in the total number of sex-based discrimination complaints.

- **LGBT women of color face higher rates of discrimination because of multiple identities, including race, gender, sexual orientation and gender identity/expression.** Surveys of Asian and Pacific Islander (API) LGBT people uncovered shockingly high rates of sexual orientation discrimination; between 75% and 82% of API LGBT people said they had been discriminated against at work because of their sexual orientation.⁴⁴ Surveys of black LGBT people indicate that four in 10 (42%)

have experienced employment discrimination.⁴⁵ Transgender workers of color also report higher rates of job loss and employment discrimination compared to white transgender workers.⁴⁶ LGBT immigrants can be particularly vulnerable; for example, they may be exploited due to lack of immigration status, lack access to programs and services because of limited English proficiency, or being discriminated against because they are immigrants and/or because of having limited English proficiency.⁴⁷

How the Law Does—and Doesn't—Protect LGBT Women at Work

LGBT women face a confusing and complicated patchwork of laws affecting their ability to find and keep good jobs. Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment based on sex.⁴⁸ This means that an employer cannot fire or refuse to hire a worker because of their sex. The law was later amended to make it illegal to discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.⁴⁹ Many states have laws mirroring the federal Civil Rights Act. Similarly, the Equal Pay Act of 1963 prohibits wage discrimination based on sex.⁵⁰ Workers may sue for equal pay on the basis of sex discrimination; the Lilly Ledbetter Fair Pay Act of 2009 eases the restrictions on filing such suits.

Despite these laws, overwhelming evidence shows that women continue to face workplace discrimination in numerous forms, and they are also paid less than men in identical professions (as described below). One probable reason for these ongoing disparities is that providing evidence for sex discrimination can be very difficult. In 2013, the Equal Employment Opportunity Commission (EEOC) processed more than 27,000 charges of sex discrimination. Of these, 63% were dismissed for lack of probable cause for action.⁵¹ In order to bring a claim for employment discrimination, for example, a woman must have evidence indicating that her employer made a decision based on the woman's sex, evidence that is often difficult to produce. Many factors that lead to unequal pay are not explicitly prohibited by law, or are prohibited in some states and not in others. For example, federal law does not protect workers based on parental status, and only a few states have protections. Small businesses are not covered by federal law and may or may not be covered by state laws. This means that many employers across the country would be within their rights to fire or not hire a woman because she has children or because she states that she intends to have children.

Protections for LGBT women based on sexual orientation and gender identity are even less clear. Federal law does not explicitly prohibit discrimination in employment based on sexual orientation or gender identity, and a minority of states have extended such protections.⁵² In 2012, the EEOC ruled that the prohibition on sex discrimination includes discrimination against transgender people, and federal agencies and various federal courts have affirmed this ruling.⁵³ And, federal Executive Order 11246 prohibits discrimination based on gender identity and sexual orientation by the federal government and federal contractors.⁵⁴ Decades of case law find that sex protections also prohibit employment decisions based on sex stereotypes (such as whether a female worker should wear makeup or whether a male worker can have long hair). However, there are few federal protections against sexual orientation discrimination.⁹ Some courts and the EEOC have agreed that discrimination based on sexual orientation can be sex discrimination, finding that many decisions based on a worker's sexual orientation are because the worker didn't conform to traditional gender roles. Beginning in January 2013, the EEOC began tracking complaints filed alleging discrimination based on sexual orientation and gender identity. From January 2014 through September 2014, the EEOC received 663 charges alleging discrimination related to sexual orientation and 140 alleging sex discrimination based on gender identity or transgender status.⁵⁵

⁹ Federal workers are protected from discrimination based on sexual orientation and gender identity, as are the employees of federal contractors.

Working at Saks Fifth Avenue and Facing Discrimination



While working on the sale floor at Saks Fifth Avenue in Houston, Leyth O. Jamal, a transgender woman, was forced to use men's restrooms, was harassed and belittled by her coworkers, and her coworkers repeatedly and intentionally used male pronouns to describe her.

One coworker asked her if she was a prostitute, and another threatened to beat her up. Her manager even told her that she needed to appear more masculine at work, not wear makeup at work, and she needed to "separate her home life from her work life."

All this was despite the fact that Leyth was excelling at work; she was told that she was the number two seller out of a team of twenty employees. Leyth filed a complaint with the Equal Employment Opportunity Commission (EEOC) alleging sex discrimination, given the EEOC's guidance that discrimination against transgender people is covered by Title VII. Just 10 days later, Leyth was fired from her job. In response to her EEOC complaint, the EEOC found reasonable case and attempted conciliation between Leyth and Saks Fifth Avenue. Leyth then received a "right to sue" letter. In March 2015, Leyth's attorney, Jillian T. Weiss, stated "The parties have amicably settled the lawsuit, and will have no further comments regarding the suit."

Adapted from Weiss Law, *Jama v. Saks & Co.*, accessed February 27, 2015, <http://jtweisslaw.com/jamal-v-saks/>; <http://hr.cch.com/ELD/JamalVSaksComplaint.pdf>.

LGBT women experience discrimination not only because of their sexual orientation and gender identity, but also because they are women and members of other at-risk communities, including people of color, people with disabilities, and/or religious minorities.

Wages

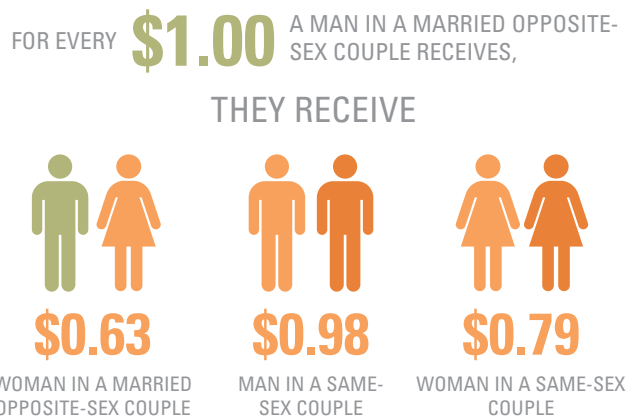
As shown in the infographic on page 5, LGBT women are more likely to live in poverty than LGBT men or non-LGBT women. The factors influencing the wage disparities experienced by LGBT women are complicated as they can be connected to sexual orientation, gender and sex, and race and ethnicity.

Research finds that individual women in same-sex couples tend to have a wage advantage over individual women in married opposite-sex couples, as shown in *Figure 5*. This may be the result of higher educational achievement and different career choices, increased working hours, lower rates of childrearing, or a strong sense among women in same-sex couples that they need to provide for their own economic security.^h Women in same-sex couples, regardless of age, are also more likely to be employed than women in opposite-sex couples, and they are more likely to have a college degree.⁵⁶

In some cases, lesbian, gay, and bisexual women who have attributes that are traditionally viewed as masculine

may actually benefit from some ways in which society unfairly rewards traits associated with men—although in other cases they may face harassment or discrimination for being perceived as gender nonconforming.⁵⁷ Also, women in same-sex couples are less likely to have children than women married to men.⁵⁸ This means LGB women are more able to reap work-related benefits associated with not taking parental leave, such as more frequent promotions and increased salary.⁵⁹ In fact, new research

Figure 5: Income Disparities for Individuals in Couples



Source: Gary J. Gates, "Same-sex and Different-sex Couples in the American Community Survey: 2005-2011," The Williams Institute, February 2013.

^h For more about the wage advantage for lesbians and bisexual women, see page 35 of *A Broken Bargain: Discrimination, Fewer Benefits and More Taxes for LGBT Workers*, released in June 2013.

finds that a woman's salary decreases by 4% per child controlling for all other characteristics, and the penalty for women paid low wages is 6% compared to an actual wage advantage for the highest paid women.⁶⁰

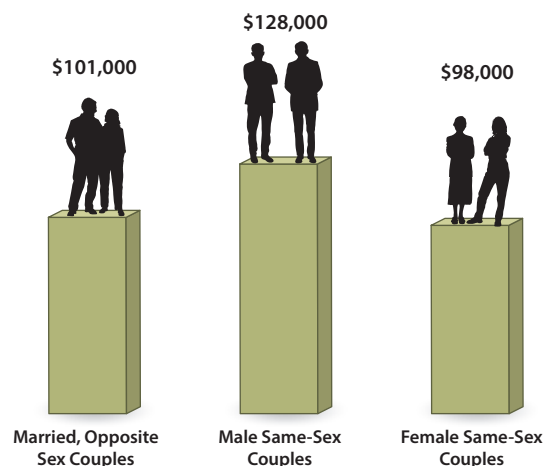
Despite these advantages, the impact of the wage gap between men and women has a particularly detrimental impact on LGBT women. Total household incomes for families headed by lesbian couples are considerably lower when compared to the incomes of opposite-sex households and households headed by gay male couples, as shown in *Figure 6*.⁶¹ Two women—even if they individually are paid more than other individual women in comparable jobs—may still have a combined household income lower than that of a married opposite-sex couple. The reason? For the female same-sex couple, both earners' wages are affected by the gender wage gap. In other words, the presence of a male earner (or two male earners in the case of gay male couples) means that married opposite-sex couples and male same-sex couples out-earn female same-sex couples.

The disparity in household incomes is even greater for LGBT women of color, as shown in *Figure 7*. For example, Asian and Pacific Islander (API) male same-sex couples have higher median household incomes than API female same-sex couples by more than \$26,000.^{62,i} The comparable gap for African American female same-sex couples relative to African American male same-sex couples is \$21,000,⁶³ and the gap is nearly \$14,000 for Latino female same-sex couples.⁶⁴

Research shows transgender women face similar disparities. For example, a 2008 study showed that transgender women saw their wages fall by nearly one-third after they transitioned from male to female, while transgender men made slightly more after transitioning from female to male.⁶⁵ Adding to the challenges for transgender women and men alike, research consistently finds that transgender people have lower incomes than their non-transgender peers (as shown in the infographic on page 5).

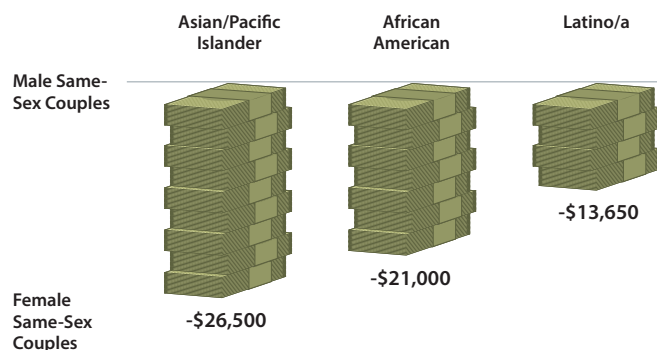
Women working low-wage jobs. A growing number of jobs in the United States pay very little and rarely provide benefits such as health insurance, paid sick leave, or retirement savings.⁶⁶ And, women are more likely to work in industries that pay low wages and do not provide benefits. Currently, the federal minimum wage is \$7.25 per hour,⁶⁷ which amounts to \$15,080 annually for someone

Figure 6: Average Household Income
By Couple Type



Source: U.S. Census Bureau, 2013 American Community Survey 1-year data file. Table 1. Household Characteristics for Opposite-Sex and Same-Sex Couple Households: ACS 2013.

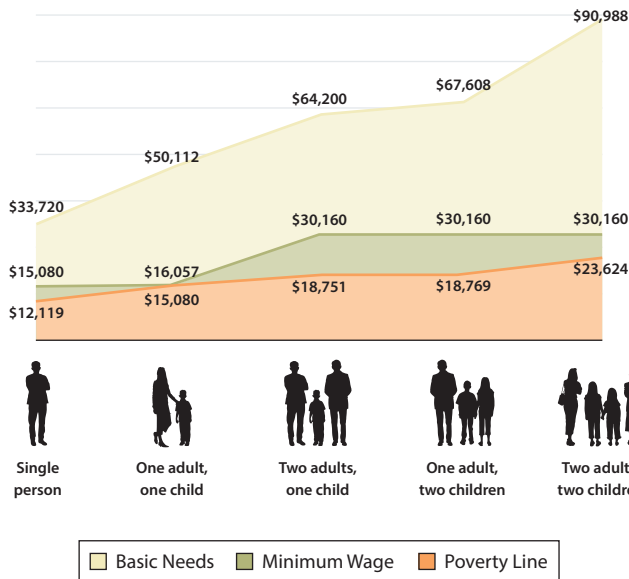
Figure 7: Difference in Median Household Income
Between Male and Female Same-Sex Couples
By Race



Source: U.S. Census Bureau, 2013 American Community Survey 1-year data file. Table 1. Source: Angeliki Kastanis and Gary J. Gates, "LGBT Asian and Pacific Islander Individuals and Same-Sex Couples," The Williams Institute, September 2013; Angeliki Kastanis and Gary J. Gates, "LGBT African-American Individuals and African-American Same-Sex Couples," The Williams Institute, October 2013; Angeliki Kastanis and Gary J. Gates, "LGBT Latino/a Individuals and Latino/a Same-Sex Couples," The Williams Institute, October 2013.

ⁱ There is diversity within the Asian and Pacific Islander community that is frequently masked in data analysis, particularly for LGBT people and individuals in same-sex couples. For example, nearly three out of five employed Asians in 2010 had earned a bachelor's degree—60% greater than white people and more than double and triple the proportions of black and Latino workers. However, within Asian communities in the U.S., Vietnamese workers are among the least likely to have a college degree, while three-quarters of Indian workers had college degrees, and three-fifths of Chinese, Filipino, Japanese, and Korean workers had degrees. According to one study, Pacific Islander and Southeast Asian Americans who are 25 years or older are among the least likely to have finished high school of any Americans.

Figure 8: Minimum Wage Jobs Don't Meet Basic Needs



Sources: University of California Davis, Center for Poverty Research, "What are the annual earnings for a full-time minimum wage worker?"; Wider Opportunities for Women, "Basic Economic Security Tables-Families."

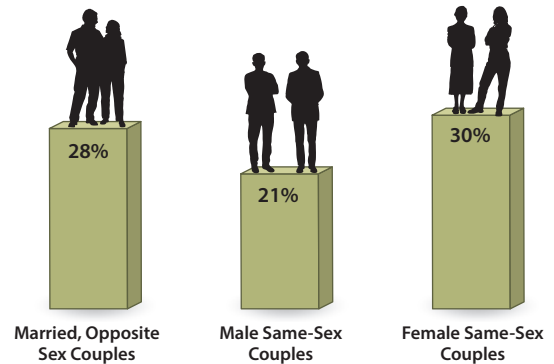
working an average of 40 hours a week.⁶⁸ Numerous studies have shown that the federal minimum wage is not enough income to keep a family out of poverty, nor has it been for many decades.⁶⁹ Low wages mean that even with full-time work, workers are not paid enough to meet a family's average needs including housing, utilities, food, transportation, child care, healthcare, taxes, and minimal savings among other expenses using the 2013 Basic Economic Security Tables (BEST) Index, as shown in *Figure 8*.⁷⁰

Research also shows that women are disproportionately concentrated in minimum-wage and other low-wage jobs, which include jobs in retail, home healthcare, child care, and cleaning/custodial work.⁷¹ Women of color are twice as likely as white women to work in low-wage jobs.⁷² A greater share of female same-sex couples have household incomes less than \$50,000 than married opposite-sex couples or male same-sex couples, as shown in *Figure 9*.

Women comprise two-thirds of workers who rely on tips to supplement their wages.⁷³ Federal law allows employers to pay tipped employees a lower minimum wage of \$2.13.⁷⁴ As a result, poverty rates among tipped workers are twice as high as poverty rates for workers in general.

There are very limited data on the wages of LGBT women. But given the barriers to employment experienced by women and LGBT people, it is likely

Figure 9: Percent of Households with Incomes Less than \$50,000 By Couple Type



Source: U.S. Census Bureau, 2013 American Community Survey 1-year data file. Table 1. Household Characteristics for Opposite-Sex and Same-Sex Couple Households: ACS 2013.

Figure 10: Increasing Federal Minimum Wage Helps LGBT Women



Source: M.V. Lee Badgett and Alyssa Schneebaum, "The Impact of a Higher Minimum Wage on Poverty Among Same-Sex Couples," The Williams Institute, April 2014.

that many LGBT women are working in low-wage jobs. Transgender workers, who disproportionately have extremely low household incomes, are particularly vulnerable. The Williams Institute estimated in 2014 that increasing the federal minimum wage to \$10.10 per hour would lift at least 13,200 women in same-sex couples out of poverty, reducing the poverty rate for female same-sex couples by 24% (see *Figure 10*).⁷⁵

Finally, for the estimated 87,000 LGBT women in the United States who are undocumented immigrants,⁷⁶ lack of work authorization and immigration documentation can result in greater economic peril—they are often underpaid and unable to access important job-related benefits designed to protect workers, such as a minimum wage, family and medical leave, and Social Security disability benefits.

LGBT Immigrants, Including LGBT Women, Face Challenges to Economic Security

According to a 2013 report by The Williams Institute, there were an estimated 904,000 LGBT immigrants in the United States.⁷⁷ Of these, 267,000 are LGBT adults who have are in the United States without a valid visa or legal residency status and are “undocumented immigrants,” of which 71% are Hispanic, 15% are Asian or Pacific Islander, and 6% are black. There are an additional 637,000 LGBT adults who are documented immigrants, including 30% who are Hispanic and 35% who are Asian or Pacific Islander.

For immigrants lacking legal work authorization, including those who are undocumented, economic challenges abound, including in areas of fair employment, housing, healthcare, and safety net programs.

The employment options for immigrants without work authorization are limited, as the law places significant penalties on employers who hire such workers. Still, many industries—including manufacturing, service, construction, restaurant, and agriculture—rely heavily on such labor. In 2010, undocumented workers constituted an estimated 5.2% of the nation’s workforce, or 8.4 million undocumented workers.⁷⁸ Like other undocumented workers, undocumented LGBT workers may face greater economic peril—they are often underpaid and unable to access important job-related benefits designed to protect workers, such as a minimum wage, family and medical leave, and Social Security disability benefits, as well as safety net programs such as food assistance and health insurance.

Not only do LGBT undocumented immigrants risk being deported and torn away from their lives and families in the U.S., they may be required to go back to a country where they will experience persecution. LGBT immigrants face extreme violence in immigration detention facilities, including increased risk of verbal abuse, sexual assault, and physical assault, solitary confinement, and lack of access to essential healthcare, particularly for transgender individuals.⁷⁹ They may also be unable to speak up about workplace discrimination, unsafe working conditions, or unfair wages, out of fear of being deported. And even when an LGBT undocumented worker works in a state with legal protections prohibiting discrimination based on sexual orientation or gender identity/ expression, or they experience race- or national origin-based discrimination prohibited by federal law, their undocumented status may dissuade them from filing a complaint against an employer out of fear of deportation.

An Added Barrier for Transgender Women: Inaccurate Identity Documents

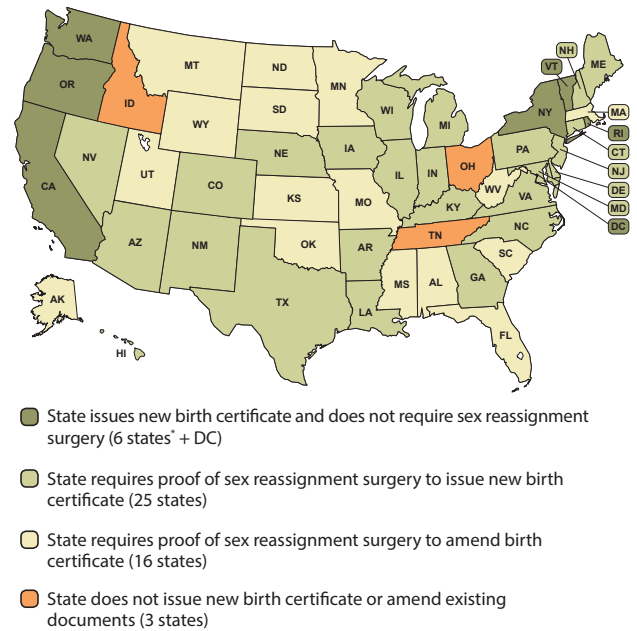
Transgender people face the added job-related challenge of acquiring official identity documents that match their lived gender. Non-matching identification—including passports, drivers' licenses, and birth certificates—makes employment more difficult and can expose transgender people to harassment, violence, job loss, and other problems. For transgender women, this added barrier can exacerbate economic insecurity already experienced based upon race, sexual orientation, or immigration status.

The processes involved in changing each form of government-issued identity document can be onerous and expensive, requiring filing of numerous applications, payment of filing fees, publishing notices of a name change, court appearances, and in some states, background checks. Historically, state and federal governments have imposed intrusive and burdensome requirements on transgender people seeking to change their documents—such as proof of surgery and court orders. A fairly small number of transgender people actually have access to or seek to have surgery, however, due to factors ranging from cost to medical contraindications to concerns about maintaining reproductive capacity.⁸⁰ These burdens and costs are not typically required for other individuals seeking to change their names as a result of marriage, for example. This has made it impossible for many transgender people to obtain accurate and consistent identification.

As shown in *Figure 11*, only six states and the District of Columbia allow transgender people to obtain a new birth certificate without proof of sex reassignment surgery.⁸¹ Nearly all states require more burdensome documentation from a physician, such as proof of surgery, to issue a new birth certificate. Sixteen states only provide a visibly amended birth certificate. The problem with the latter approach for transgender people is that an amended birth certificate may make any gender marker changes clearly visible and “out” the worker as transgender. Three states simply will not change gender markers on birth certificates.

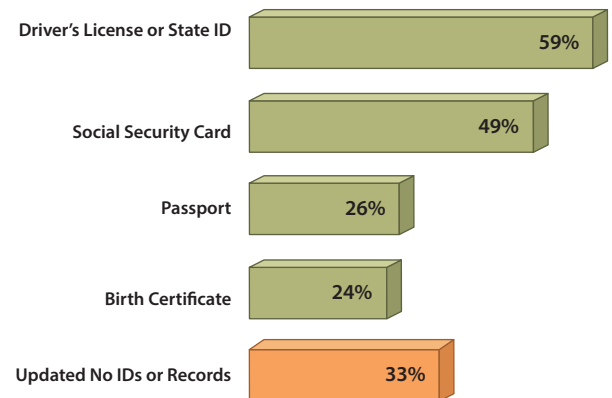
According to the National Transgender Discrimination Survey, only one-fifth (21%) of transgender people who had transitioned to living in accordance with their gender identity were able to update all of their identification documents and records

Figure 11: State Birth Certificate Policies



Source: Movement Advancement Project, “LGBT Equality Maps: Birth Certificate Laws.”

Figure 12: Percent of Transgender People Who Have Successfully Updated Identity Documents



Source: Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, “Injustice at Every Turn: A Report of the National Transgender Discrimination Survey,” National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

with their new gender, and one-third had not updated any of their documents (see *Figure 12*).⁸² Presenting incongruent identity documents can make daily life difficult, and it can also put transgender people's safety in jeopardy.⁸³ The National Transgender Discrimination Survey found that 40% of respondents had been harassed and 3% assaulted when presenting identity documents that did not match how they expressed their gender.

Transgender Women of Color's Struggle for Survival

Transgender women, particularly transgender women of color, face extraordinary obstacles to economic security. As noted above, transgender women struggle to obtain accurate identity documents, essential healthcare, and safe housing—not to mention jobs that can help them meet their needs. High levels of discrimination experienced by transgender people, especially transgender women of color, result in chronic underemployment and unemployment. Lacking economic security, transgender women are frequently forced into survival economies, such as sex work or selling drugs, and into situations where they are physically unsafe. Just in the first two months of 2015, at least seven transgender women of color have been murdered.⁸⁴ In 2013, three quarters (72%) of murdered LGBT people in the United States were transgender women, and fully two-thirds were transgender women of color.⁸⁵

While employment nondiscrimination laws and policies are important, substantial investments is needed to insure that transgender people can compete in the job market, especially those who do not have strong educational and employment backgrounds, and those who may have criminal records. There are a handful of initiatives that have been created to address this issue, funded by non-profits as well as by governments. For example, the Transgender Economic Empowerment Initiative in San Francisco and the Transgender Economic Empowerment Project in Los Angeles, and the TransLife Center in Chicago. These programs should be emulated in other localities and on the state level. In addition, initiatives should be created to motivate employers to hire transgender people and to motivate financial institutions to support transgender entrepreneurs. All job training centers must open their doors intentionally to transgender people, in particular transgender women of color. Without access to 21st century job skills and meaningful and well-paying work, the cycle of poverty will continue for too many transgender people across the country. Without proactive programs, many transgender women will remain outside the workforce and relegated to survival economies, with great risk to their wellbeing, health and safety, and of course, their economic security.

Education as a Key to Good Jobs

Education remains a cornerstone in achieving economic security. Graduating from high school and pursuing a two- or four-year degree, or completing trade and vocational training, is a key indicator of an individual's future earning power.⁸⁶ Yet for LGBT women, unsafe and unwelcoming schools can make obtaining a quality education more difficult.

LGB girls report feeling unsafe at school. Half (52%) of LGB girls in grades 6-12, who did not also identify as transgender, reported feeling unsafe at school because of their sexual orientation—a rate nearly identical to non-transgender gay and bisexual boys (51%) (see *Figure 13* on the next page).⁸⁷ However, rates of verbal and physical harassment for LGB girls were lower than for gay and bisexual boys and for transgender and gender nonconforming students. It is possible that LGB girls are perceived to be less threatening to their peers than male students who identify as gay or bisexual. In some communities, there is often greater stigma attached to a boy who acts in a manner considered “feminine” than a girl who acts in a manner considered “masculine.” Additionally, intimate relationships between women are often sexualized in the media and presented as an enticement to men, rather than an authentic relationship.⁸⁸ This perception, while problematic and certainly a cause for concern given the high rates of sexual assault against young women including bisexual women,⁸⁹ may reduce the overt verbal and physical harassment LGB girls experience.

Transgender students face extreme harassment and bullying at school. Three-quarters (75%) of transgender students and 66% of gender nonconforming students reported feeling unsafe at school because of their gender identity or expression, compared to 26% of LGB girls who did not also identify as transgender, and 31% of non-transgender gay and bisexual boys, as shown in *Figure 13*.⁹⁰ Transgender girls were the most likely to avoid locker rooms because they felt unsafe or uncomfortable.⁹¹ School administrators and school policies often create hostile climates for transgender students. More than half (59%) of transgender youth reported they were forced to use the incorrect restroom or locker room and 42% were unable to use their preferred name or pronoun at school.⁹² And harassment doesn't just happen at school; 70% of LGBT youth reported experienced street harassment compared to 49% of non-LGBT youth.⁹³

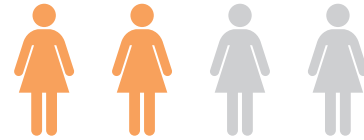
Harsh disciplinary policies disproportionately affect LGBT girls, and particularly girls of color. Emerging research suggests that girls are at increased risk of harsh school disciplinary policies, particularly girls of color and girls who identify as LGBT who are perceived to be gender nonconforming in some way, such as dressing in a more masculine fashion, speaking out in class, or playing sports.⁹⁴ Several studies have found that when African American girls are outspoken in class, confront people in authority positions, violate dress code provisions, or even chew gum, they are disciplined more harshly than other girls with the same behavior.⁹⁵ Other studies find that girls who identify as LGBT also face the stigma of their sexual orientation or gender identity. A study published in *Pediatrics* found that students who reported identifying as LGB or having same-sex attractions were more likely to be stopped by police, to be expelled from school, or to be arrested and convicted as juveniles and adults.⁹⁶ Similarly, the 2013 National School Climate Survey revealed that transgender students were more likely to have experienced school disciplinary actions, including detention, suspension, or expulsion, than non-transgender LGB students. LGBT girls of color can face even more acute disciplinary disparities. In a 2012 survey of LGBT people, 69% of African American LGBT youth had been sent to detention in middle or high school compared to 56% of non-African American LGBT students, while 31% of African American LGBT students had been suspended compared to 18% of other students.⁹⁷

Unsafe schools and discriminatory disciplinary policies can lead to substantial economic costs for LGBT girls. There are few data on educational outcomes for LGB girls. However, studies show that transgender women are less likely to have a college degree than transgender men (41% vs. 52%).⁹⁸ This is likely related to the finding that more transgender women than transgender men say they were forced to leave school because of harassment based on their gender identity. The bottom line: we know that LGBT girls (and, indeed, all LGBT students) face more bullying and harassment than their non-LGBT peers, and that students who are bullied are less likely to graduate from high school. This results in a \$7,840 per year wage disadvantage compared to high school graduates and \$27,390 compared to college graduates.⁹⁹ Research finds that among women, only those with a college degree or higher are likely to be paid more during their careers than men with simply a high school diploma.¹⁰⁰

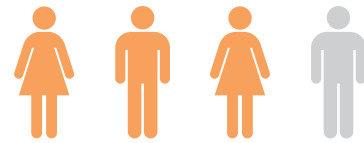
^j Researchers believe these high levels of achievement appear to be largely due to respondents returning to school later in life.

Figure 13: LGBT Students Feel Unsafe at School

52% OF LGB GIRLS FEEL UNSAFE BECAUSE OF THEIR SEXUAL ORIENTATION



75% OF TRANSGENDER STUDENTS FEEL UNSAFE BECAUSE OF THEIR GENDER IDENTITY



Source: Joseph G. Kosciw, Emily A. Greytak, Neal A. Palmer, and Madelyn J. Boesen, "The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools," GLSEN, 2014.

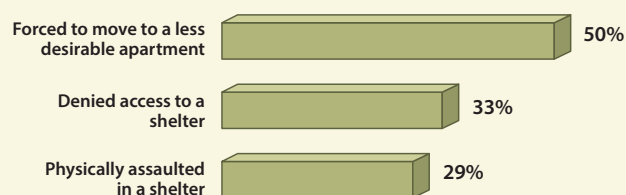
Persistent Bullying and Harassment

Jewlyes Gutierrez was charged with misdemeanor battery after an altercation between her and several other students was caught on video in November, 2013. The subject of persistent harassment and intimidation at school, Ms. Gutierrez had previously sought intervention and support from Hercules High staff with no success. Local organizations such as the Transgender Law Center, RYSE Youth Center (RYSE,) and Rainbow Community Center rallied in support of Ms. Gutierrez. As a result, she was able to enter into an agreement with the court to have her case reevaluated upon the completion of a restorative justice program conducted by the National Council on Crime and Delinquency (NCCD). After reviewing the case in May 2014, Judge Thomas M. Maddock dropped the charge in recognition of Ms. Gutierrez's successful completion of the restorative justice program. Restorative justice practices aim precisely for the results produced in this case—facilitating individual and community healing and accountability and working to protect young people of color, who have the highest inequitable rates of contact, from entry and engagement in the juvenile justice system.

Source: Transgender Law Center, "Charge Dropped Against Transgender Student, Restorative Justice at Work," <http://transgenderlawcenter.org/archives/10281>.

Barriers to Affordable, Safe Housing Jeopardize Economic Security

Figure 14: Transgender Women Face Extreme Housing Discrimination



Source: Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

Finding safe and affordable housing is an essential piece of the economic security puzzle for all people, but LGBT women often pay an unfair price in the housing market because of their sexual orientation or gender identity/expression. A groundbreaking study commissioned by the U.S. Department of Housing and Urban Development (HUD) in 2013 found that heterosexual couples were favored over same-sex couples when applying for rental housing 16% of the time.¹⁰¹ Another 2013 study focused on the experiences of older LGBT adults.¹⁰² It found that in 48% of the cases studied, a same-sex spouse or couple experienced adverse treatment compared to an opposite-sex couple when exploring a move to an independent

living, continuing care or assisted living facility. In some cases, the same-sex couple was presented with fewer housing options, quoted higher rents, or asked to undergo a more extensive application process. Other times, they were not given information about promotions or other financial incentives. Additionally, older same-sex couples were more likely to be shown two-bedroom units, even when they asked about one-bedroom units.

The challenges may be even greater for transgender women. Many transgender people report experiencing housing discrimination; 19% have been refused a home or apartment and 11% have been evicted, as had 21% of undocumented transgender immigrants.¹⁰³ As a result, 50% of transgender women said they had moved to a less expensive home or apartment due to bias compared to 34% of transgender men (see *Figure 14*).¹⁰⁴ Transgender women also have higher rates of being denied access to shelter; one-third of transgender women had been denied access to a homeless or residential shelter compared to 20% of transgender men.¹⁰⁵ Nearly one in three transgender women said they had been physically assaulted in a shelter (29%).¹⁰⁶

In February 2015, HUD issued guidance to federally-funded shelters and transitional housing programs about the treatment of transgender people.¹⁰⁷ The guidance states that shelters must rely on an individual's self-reported sex or gender identity and that there is no "legitimate reason" for a provider to request documentation of a person's sex in order to determine if someone may access shelter services. Additionally, the guidance states that shelters cannot turn away a client because they do not conform to gender stereotypes in appearance or behavior.

Harassment and Bullying at School Have Taken Their Toll

When I was in high school, I had an incredibly hard time with grades—with everything, really. School was very hard for me. I had two teachers who I enjoyed greatly, but they were almost the only positive people in my life. And they couldn't make up for the rest of my life at school, where not only students who bullied me in the halls, but also teachers. It was horrible and I couldn't enjoy school as much as I wanted. I didn't feel safe, especially during a time when I was just beginning to come out as a lesbian. Because of this, I fell behind in classes. I never felt able to ask for help. Between having no motivation because I was a bullied high school mess, and not feeling that I could get the help I needed, I had poor grades throughout high school. I didn't realize how being bullied in high school would impact my future.

When I began applying to colleges I realized that because of my grades, I had a very small list to choose from. Not only were my poor grades a restriction, but I knew that there was no way I would be able to handle dorms. With the way people had treated me in high school, I had this notion that because I was gay, there would never be a place for me to feel comfortable, and to be accepted.

Luckily for me I was able to find a school in the city that worked perfectly and would accept me. The first few years that I was on campus I kept my head down and avoided as many people as I could. I never once thought about not being open about who I am, but that didn't mean I wanted to deal with people that I couldn't help but get angry at. I have been in college for four years now and have retaken six pre-requisite classes, all because there are so many things that I missed in high school. Those classes aren't cheap. The longer I stay in school the longer I pay for tuition, classes, and the more time I take off of work. I'm working as hard as I can, but I'm worried about how I will pay for my student loans. I can't help but think that if I hadn't been bullied in school, if I had more supportive teachers, if I had felt safe, I could have focused on my studies. I wouldn't have to take the same classes in college. I wouldn't have to pay for that.

Both my partner and I have become very comfortable with ourselves. However there are still situations where we have to make the rough financial decisions. Such as we chose to live closer to the large city in our state, to keep ourselves away from the neighborhoods where we could potentially be unsafe. We chose to eat at restaurants and go to hang out at places that are established as safe for us, even though they tend to be the places that are a little more expensive.

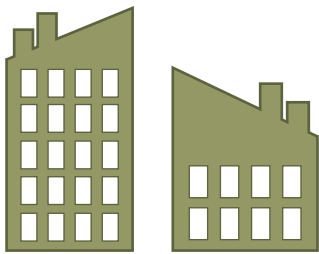
Being picked on affected a lot of aspects in my life when I was younger. There were years of my life when I thought that I could either be gay, or be liked. And I was not sure that both were possible until much later in my life.

—Jessie, Colorado

RECOMMENDATIONS FOR ENSURING LGBT WOMEN HAVE ACCESS TO GOOD JOBS

SUMMARY

LGBT women pay the price for discrimination when seeking jobs and when on the job. LGBT women are paid less and are frequently harassed or let go. Transgender women face challenges in obtaining identity documents needed for work. And LGBT youth and girls in particular face unsafe and discriminatory educational environments that make it difficult to find and compete for good jobs. The following high-level recommendations are designed to provide a path forward to improving the opportunities for LGBT women to be treated fairly on the job, to be able to support themselves, and to have the opportunity to compete for good jobs.



EMPLOYMENT NONDISCRIMINATION

Update and strengthen employment nondiscrimination laws to protect LGBT women from discrimination based on their sex, sexual orientation or gender identity or expression, as well as race, ethnicity, religion or other factors.



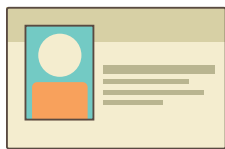
HOUSING NONDISCRIMINATION

Update and strengthen housing nondiscrimination laws to protect LGBT women from discrimination based on their sex, sexual orientation or gender identity or expression, as well as race, ethnicity, religion or other factors.



SCHOOL POLICIES

Address hostile, unsafe, and discriminatory educational environments through updated nondiscrimination and anti-bullying laws, revised disciplinary policies, and respectful district policies.



IDENTITY DOCUMENTS

Remove barriers to updating identity documents for transgender people.



MINIMUM WAGE

Raise the minimum wage so women who work hard can provide for themselves.



EQUAL PAY LAWS

Update and strengthen equal pay laws to eliminate unfair pay disparities for women.



HEALTH: LGBT WOMEN FACE CHALLENGES TO GOOD HEALTH THAT IMPACT ECONOMIC SECURITY

Staying healthy and finding affordable healthcare are critical to an individual's or a family's economic security. But many LGBT women face discrimination by healthcare providers that makes it hard to find competent, affordable care. LGBT women also face high rates of insurance discrimination. Transgender women sometimes are not able to find needed healthcare at all—and if they do, they often have to pay for it out of pocket because of discrimination in insurance coverage. Women living with HIV, many of whom are LGBT, face their own special challenges because of laws based on fear and misconception, not science and reality.

These challenges contribute to overall rates of poor health among LGBT women. In fact, only one-quarter (24%) of LGBT women report they are thriving physically compared to 36% of non-LGBT women, 28% of LGBT men, and 30% of non-LGBT men (see *Figure 15*).¹⁰⁸ In another study, lesbian and bisexual women were less likely to say they were in good health compared to heterosexual women (see *Figure 16*).¹⁰⁹

Discrimination by Healthcare Providers

LGBT women, like many LGBT people, frequently face discrimination in healthcare settings, as well as inadequate care from healthcare providers who lack training on working with LGBT patients. As shown in *Figure 17*, 56% of LGB respondents and 70% of transgender respondents reported being discriminated against in a healthcare setting.¹¹⁰ In a separate survey, 24% of transgender women had been refused health treatment because of their gender identity compared to 20% of transgender men.¹¹¹

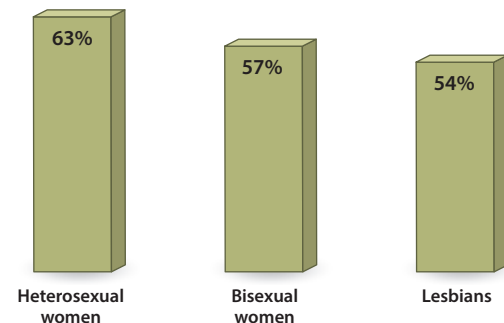
There are limited data about the specific experiences of LGBT women in the healthcare marketplace, but research shows that LGBT women are less likely to have a consistent healthcare provider from whom they regularly seek care. In fact, LGBT women are twice as likely as non-LGBT women to lack a personal doctor (29% vs. 16%).¹¹² And, in a national survey of adults ages 18-64, 86% of heterosexual women had a usual place to go for medical care compared to 76% lesbians and 72% of bisexual women.¹¹³

Figure 15: LGBT Women Are Least Likely To Be Thriving Physically



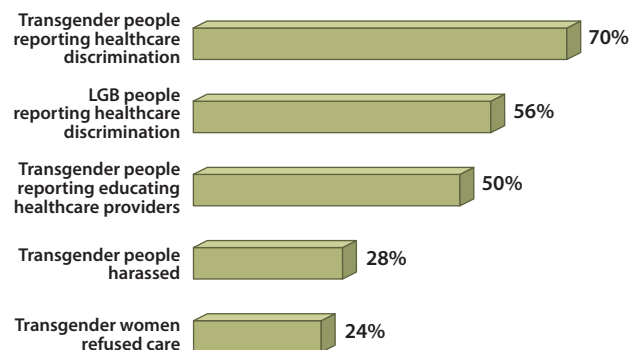
Source: Gary J. Gates, "LGBT Americans Report Lower Well-Being," Gallup, August 25, 2014.

Figure 16: LGB Women Less Likely to Report Being in Excellent or Good Health



Source: Brian W. Ward, James M. Dahlhamer, Adena M. Galinsky, and Sarah S. Joestl, "Sexual Orientation and Health Among U.S. Adults: National Health Interview Survey, 2013," National Health Statistics Reports; no. 77, National Center for Health Statistics, 2014.

Figure 17: LGBT People Report High Rates of Healthcare Discrimination



Source: Lambda Legal, "When Health Care Isn't Caring: Lambda Legal's Survey of Discrimination Against LGBT People and People with HIV," 2010; National Center for Transgender Equality and the National Gay and Lesbian Task Force, "National Transgender Discrimination Survey Report on Health and Health Care," October 2010.

For LGBT women, discrimination by healthcare providers stands in the way of finding competent care. When LGBT women are discriminated against when seeking healthcare, they may delay needed care, leading to more costly treatment later and potential loss of wages resulting from a more serious illness.

In most states, discrimination by healthcare providers based on sexual orientation or gender identity/expression is not prohibited. Federal, state, and local laws ensure that people have equal access to public accommodations, including doctors' offices and hospitals, regardless of race, color, religion, and national origin.¹¹⁴ Only 17 states and the District of Columbia have laws ensuring equal access to public accommodations for LGBT people.¹¹⁵ The federal Affordable Care Act of 2010 includes provisions that prohibit discrimination by federally-funded health programs based on a number of characteristics, including sex, which the Department of Health and Human Services clarified to cover gender identity and sex stereotyping.¹¹⁶

Pediatrician Refuses to Care for Couple's Baby

When Krista and Jami Contreras met with Dr. Vesna Roi, a pediatrician in Roseville, Michigan, they were pleased and thought she'd provide good care to the child they were expecting. After their daughter, Bay, was born, the couple took her for a check-up. It was at this appointment for their daughter that the couple was notified by another physician at the office that Dr. Roi wouldn't be able to care of the couple's child. The reason: the couple are lesbians. In a letter, the doctor wrote, "I felt that I would not be able to develop the person patient-doctor relationships that I normally do with my patients." The couple was surprised and upset. "We're not your patient—she's your patient. And the fact is that your job is to keep babies healthy and you can't keep a baby healthy that has gay parents?," Jami asks. "It was embarrassing, it was humiliating and here we are, new parents trying to protect her," Jami said. "And we know this happens in the world and we're completely prepared for this to happen other places. But not at our six-day-old's wellness appointment."

Adapted from myFOXDetroit.com, "Doctor refuses treatment of same-sex couple's baby," February 18, 2015, accessed February 27, 2015, <http://www.myfoxdetroit.com/story/28142401/doctor-refuses-treatment-of-same-sex-couples-baby>.

Insurance Discrimination, Including Lack of Coverage for Transgender Women

Discrimination by healthcare providers is just one part of the challenge facing LGBT women when it comes to accessing the care they need to stay healthy. Another barrier for LGBT women is the lack of health insurance, in many cases caused by insurance discrimination. This means many LGBT women end up paying out of pocket for care they need, or they skip getting care altogether.

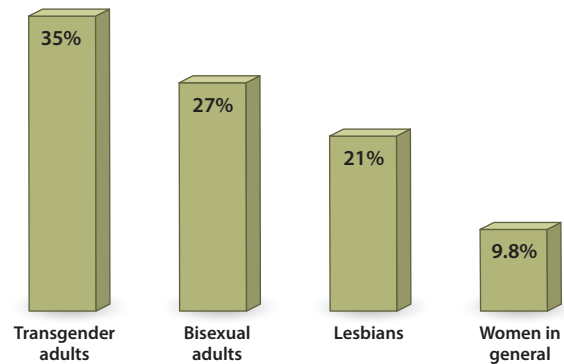
- Women of color are more likely to lack health insurance.** Women of color are more than half (53%) of the uninsured women in the United States (and more than one-third of all Americans lacking health insurance¹¹⁷), even though they comprise just 36% of all women.¹¹⁸ Nearly four out of every 10 Latinas (38%) and nearly one in four black (23%) and Asian and Pacific Islander (24%) women lack health insurance coverage. In addition, many women of color who have coverage are under-insured, meaning their insurance does not adequately cover their medical care, resulting in high medical expenses. Additionally, immigrants, both lawfully present and undocumented, face barriers to accessing health insurance through the Affordable Care Act, including the inability to access health insurance through state exchanges or Medicaid.¹¹⁹ Likewise, youth present in the United States under the Deferred Action for Childhood Arrivals program cannot access health care coverage through federal funded programs.
- LGBT women are more likely to lack health insurance.** As shown in *Figure 18* on the next page, in 2014, 21% of lesbians, 27% of bisexual people, and 35% of transgender people with incomes under 400% of the federal poverty level, or roughly \$47,000 for one person, lacked health insurance.¹²⁰ The comparable figures were 9.8% for adult women under 65 and 11 % for all adults under 65.¹²¹
- LGBT women are more likely to struggle to pay for healthcare.** In 2014, 29% of LGBT women and 19% of non-LGBT women said they had struggled in the past 12 months to pay for healthcare or medicine for themselves or their families, as shown in *Figure 19* on the next page.¹²² This compares to 21% of LGBT men and 15% of non-LGBT men. To the extent that healthcare is unaffordable, LGBT women (like others faced with

resource constraints and/or high healthcare costs) will forgo needed care. The 2013 National Health Interview Survey found that 15.2% of lesbians between the ages of 18-64 failed to obtain needed medical care in the past year because of cost, as did 17% of bisexual women, compared to just 9.6% of heterosexual women.¹²³

- **Insurance exclusions make healthcare costlier for transgender women.** Most insurance companies in the majority of states continue to exclude coverage for transition-related care. These exclusions deny transgender people coverage for a range of vital, medically necessary services (including hormone replacement therapy, mental health services, and gender transition-related surgeries) even when the same services are covered for non-transgender people.
- **Transgender workers also may be denied job-protected personal medical leave for transition-related care.** This happens even though such leave is available to eligible workers under federal, and sometimes state, laws. This unfair denial puts transgender workers in the position of risking their jobs to care for themselves or delaying medically necessary care.

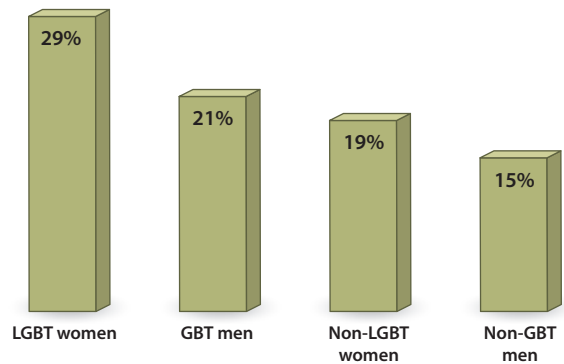
The health insurance legal landscape is changing quickly, so there is some hope of positive change for LGBT women. For example, as a result of the federal Affordable Care Act, federal law now prohibits insurance companies from charging women more for health insurance than similarly situated men. Regulations implementing the Affordable Care Act also outlaw the outright denial of health coverage because of gender identity and sexual orientation.¹²⁴ In addition, eight states and the District of Columbia have laws prohibiting health insurance discrimination based on sexual orientation and gender identity; nine states and the District of Columbia have specific prohibitions against plan exclusions targeting transgender people.¹²⁵

Figure 18: Low and Middle-Income LGBT People Face Higher Rates of Uninsurance



Source: Kellan Baker, Laura E. Durso, and Andrew Cray, "Moving the Needle: The Impact of the Affordable Care Act on LGBT Communities," Center for American Progress, 2014; FamiliesUSA, "Federal Poverty Guidelines," February 2015.

Figure 19: LGBT Women Struggle to Afford Healthcare
% struggled to pay for healthcare in the past 12 months



Source: Gary J. Gates, "In U.S., LGBT More Likely Than Non-LGBT to Be Uninsured," Gallup, August 26, 2014.

Need for Improved Data about LGBT Women

Researchers, policymakers, and advocates struggle to understand the needs of the LGBT community and how changes in policy are impacting the LGBT community because of a lack of data. Very few large, nationally representative surveys ask about sexual orientation and none ask about gender identity. The two largest nationally representative surveys in the country, the decennial Census and the annual American Community Survey (ACS), conducted by the U.S. Census Bureau, do not ask about sexual orientation or gender identity. The information about the LGBT community that is available through the Census and the ACS is limited to the number of individuals living in same-sex couples and no information is available to determine whether people identify as transgender. The National Health Interview Survey, the largest federal health survey, contained questions about sexual orientation for the first time in 2013, and it is the first large federal survey to include such questions.¹²⁶ The National Transgender Discrimination Survey, fielded by the National Center for Transgender Equality and The National LGBTQ Task Force, provides the largest picture of the experiences of transgender and gender nonconforming people with a sample size of more than 6,000.¹²⁷

There is great need for more granular data—disaggregated by, for example, gender/gender identity and race/ethnicity—on the LGBT population. More data on subpopulations is critical to developing a comprehensive understanding of, and then addressing, the needs of all members of the LGBT population. The challenge of small sample sizes can be overcome by oversampling. And strategies can and must be developed to ensure that isolated—due to language and other reasons—populations are reached. A lack of disaggregated data can render invisible the experiences and needs of LGBT subpopulations. For example, high poverty rates among several Asian American and Pacific Islander ethnic groups (e.g. Hmong) are rendered invisible when data are aggregated.¹²⁸

Federal, state, and local surveys examining health, school environments, economic security, and housing and homelessness need to include questions about sexual orientation and gender identity so that the ways in which LGBT people are impacted become clearer.^k More precise data collection, stronger samples, and larger sample sizes will allow us to precisely examine disparities facing LGBT people and specifically, how different LGBT communities are impacted by different disparities.

^k For current best practices for asking questions about sexual orientation and gender identity on surveys see, The GenIUSS Group, “Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys,” Jody L. Herman (editor), The Williams Institute, 2014, accessed February 23, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>.

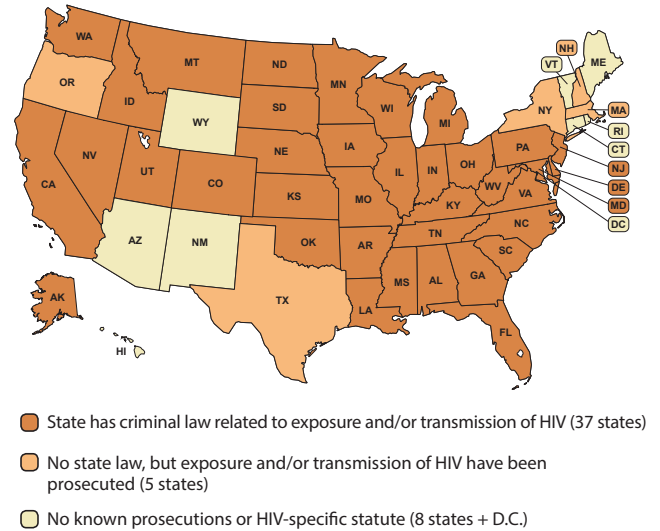
Added Problems for LGBT Women Living with HIV

Data are limited about the prevalence of HIV among LGBT women, but one in four people in the United States living with HIV are women and women of color are overrepresented within this group. According to a meta-analysis of 29 studies, conducted by the Centers for Disease Control and Prevention, 28% of transgender women tested positive for HIV.¹²⁹

HIV persists as a dangerous healthcare threat for LGBT women for a number of reasons. First, lesbian and bisexual women may have a false sense of confidence that they aren't at risk; they also are less likely to receive sexual health information from their physicians.¹³⁰ But the risk for these women is real. Bisexual women and many women who identify as lesbian have sexual contact with men, and research shows that this sexual contact is more likely to be with bisexual or gay men, who are at increased risk for HIV.¹³¹ In addition, LGBT women who are engaged in the underground economy, such as sex work or the drug trade, are at increased risk for infection. Of the respondents to the National Transgender Discrimination Survey, those who had done sex work in the past were 25 times more likely to be HIV-positive than the general population (15.32%¹ v. 0.6%).¹³²

Like other people living with HIV, LGBT women living with HIV face a patchwork of outdated and reactionary laws that rely on misinformation rather than accurate science about the transmission of HIV (see *Figure 20*). These laws, frequently called "HIV criminalization laws," penalize behavior by people living with HIV, even when that behavior unintentionally exposes others to the virus or has no risk of transmission like spitting. The laws also criminalize consensual sexual behavior between adults. Research finds these laws create a culture of fear and do nothing to support appropriate disclosure or to encourage people to seek testing or treatment.¹³³ According to the Centers for Disease Control and Prevention, these laws also do not take into consideration prevention measures, including condoms, antiretroviral medications, and pre-exposure prophylaxis (also known as PrEP), all of which reduce transmission risk.¹³⁴ Women with HIV may be targeted, particularly when they are parents or wish to become parents. HIV status could be used against women in custody matters, adoption, or foster care.¹³⁵

Figure 20: HIV Criminalization Laws



Source: Movement Advancement Project, "LGBT Equality Maps: HIV Criminalization Laws."

¹ HIV rate was not rounded for better comparison to national data.

Two of a Kind: Love Can Conquer All

From March 2015 POZ. Reprinted with permission. Copyright © CDM Publishing



In many aspects, Octavia Lewis and Shawn Lopez are like most couples forging a life together. Introduced about four years ago by friends, the pair recently moved into a two-bedroom apartment in the Bronx, New York, where they've already started a family. Marriage is on the horizon.

In many other aspects, Octavia and Shawn are unique. They are helping raise two very young boys, Ethan and Messiah, who arrived from Children's Village, which places vulnerable children in homes. What's more, Octavia and Shawn are a serodiscordant couple—Octavia contracted HIV in 2006 from an unfaithful partner, and Shawn is HIV negative. They're also transgender.

Octavia laments that so many women of trans experience turn to sex work. She explains that because they don't have equal employment opportunities, it's often one of the only ways they can pay for food, rent or surgeries. "I used to do commercialized sex," Octavia acknowledges. "It's not something I'm proud of. I did it because I had to pay my way to school." She earned her master's degree from DeVry University and is working on her doctorate at Capella University.

Speaking honestly, even about topics such as sex work, is part of what Octavia does as an advocate and educator. As a member of Trans Women of Color, she has spoken about HIV/AIDS issues for events at the Apollo Theater and at New York University. "I educate those who want to be allies," she says, noting that she uses every platform available to get her messages across—and that includes being an active parent in her community.

Of course, Shawn and Octavia don't define themselves or their relationship in terms of statistics and research. To Shawn, he and his fiancée are just "two kind, loving people." Currently they have a domestic partnership, but they do plan to get married once they've completed all their surgeries. In the more immediate future, they're looking forward to warmer-weather activities—going to the movies, restaurants and beaches—and of course lots of time with family.

Octavia dreams of becoming the director of an HIV clinic. "I understand what it's like to be a consumer," she says, "and then I understand what it's like to be HIV positive. I also have experience as a health care professional." She's a self-proclaimed "unapologetic woman" who advises other transgender people to live their authentic truth without shame or regret.

Shawn, a proud stay-at-home dad, is focused on raising Ethan and Messiah, no easy task since Ethan is developmentally behind other 18-month-olds and requires therapy twice a week. Shawn would love for his family to own a home someday—and to adopt another child. "My dream," he says, "is to continue being a father and see that my children's dreams come true."

Such aspirations might seem commonplace, even mundane, among most couples; for Octavia and Shawn, though, such dreams are also unique.

Excerpted, with permission, from Ademola Bello, "Two of a Kind," POZ, March 2015, accessed February 27, 2015, http://www.poz.com/articles/octavia_lewis_shawn_lopez_2916_26816.shtml.

Pregnancy and Family Planning

Autonomy and the ability to decide whether and when to become pregnant is crucial to women's economic security. With the high price of pregnancy, childbirth and child care, the lack of paid job-protected leave (see below for discussions of these topics), and the reduced income potential many women face when parenting, having a child can be the difference being able to make ends meet and not. Access to comprehensive healthcare—including sex education; affordable, effective contraception; and safe abortion care—is vitally important for LGBT women and their economic security.

Sex Education. Comprehensive sex education gives young women the knowledge and autonomy to make decisions about their sexuality and their future. For many LGBT women, comprehensive sex education may lead to a greater understanding about their own lives because it can be one of the first times they hear about sexual orientation or gender identity. The need for this type of sex education among LGBT women is clear in data showing that young lesbian, bisexual, and questioning women had almost twice the pregnancy rate of young heterosexual women.¹³⁶ LGBT-inclusive sex education has been shown to reduce sexual behavior in LGBT youth.¹³⁷ To be effective, sex education for LGBT youth must comprehensively address the consequences of all sexual behavior, not simply focus on the behaviors and consequences for heterosexual youth.

Affordable contraception. Access to affordable contraception is at the heart of economic security for all women. This may not appear to be an immediate concern for many women in same-sex relationships, but lesbian and bisexual women and transgender men, who may become pregnant, can also need access affordable contraception and family planning. Being able to decide when and whether to have a family allows women to plan for their education and careers.¹³⁸ Research finds that improving women's ability to time their pregnancies accounted for 10% of the narrowing of the wage gap between men and women.¹³⁹ What's more, many women take contraceptives for medical reasons not related to family planning.¹⁴⁰ But state and federal laws continue to limit access to safe, affordable contraception.¹⁴¹ Recently, the Supreme Court found that certain private companies with religious objections to providing coverage for contraception, as required

by the Affordable Care Act, were not obligated to do so.¹⁴² When insurance doesn't cover these medications, women are forced to pay out-of-pocket or go without.

Access to assisted reproductive technology. Out-of-pocket costs also can be substantial LGBT women whose healthcare needs are not commonly covered by insurance. For instance, many lesbian couples starting a family may have to pay out-of-pocket for assisted reproductive services and treatments that may be covered for heterosexual couples seeking the same services and treatments. Alternatively, insurers may require that a lesbian who is trying to get pregnant pay for a number of fertility treatments on her own before receiving coverage.¹⁴³

Abortion. Finally, restrictions on access to abortion are a threat to women's economic security, including LGBT women.¹⁴⁴ As noted above, LGB young women are more likely to become pregnant than heterosexual youth. LGBT women also are at increased risk of sexual assault.¹⁴⁵ The Hyde Amendment, passed in 1976, bans the use of federal funds to access abortion care, meaning low-income women cannot use Medicaid funding for abortions.¹⁴⁶ Dozens of other federal laws have followed suit, including the Affordable Care Act.¹⁴⁷ A minority of states cover abortion care through state Medicaid programs, but the majority do not.¹⁴⁸ States also restrict coverage of abortion care through other means, including restricting coverage through private insurance.¹⁴⁹ State and federal laws continue to limit the cases in which abortion care is even legal, reducing the ability for all women to make the decisions they need to make for their health, safety, well-being, and economic security.¹⁵⁰

Control over pregnancy and childbirth has a direct bearing on women's economic security. A 2013 study by the Guttmacher Institute found that access to birth control had a positive impact on women's postsecondary education and employment, including increased earning power and a narrowing of the gender gap in pay.¹⁵¹ Conversely, unplanned pregnancy due to lack of access to contraception interfered with a woman's ability to graduate from high school and to enroll in and graduate from college, reducing her lifetime earning power and her economic security.¹⁵²

RECOMMENDATIONS FOR SUPPORTING LGBT WOMEN'S HEALTH

SUMMARY

Central to economic security is good health. LGBT women's economic security is jeopardized by discrimination by healthcare providers and insurance companies, laws criminalizing living with HIV, and limits of comprehensive health care including family planning care. These recommendations provide a roadmap for improving the health of LGBT women.



HEALTHCARE

Update insurance and public accommodations nondiscrimination laws to explicitly include sexual orientation and gender identity and expression to ensure equal treatment by healthcare providers and coverage parity for transgender people. Eliminate exclusions for transgender-related coverage.

PROVIDER EDUCATION

Healthcare providers should receive, and medical schools should provide, ongoing education about LGBT people and their unique medical concerns.

DATA COLLECTION

Government agencies and researchers should include questions about sexual orientation and gender identity on surveys. By including these questions, government agencies and researchers will be better able to gauge the impact of discrimination and anti-LGBT laws on LGBT people—as well as measure progress in improving the lives of LGBT people.



SEXUAL EDUCATION

Include information about contraception in sexual health education and ensure it is LGBT-inclusive.

ABORTION & CONTRACEPTION

Repeal limitations on access to abortion—and funding to access abortion care and require insurance companies to cover contraception.

HIV CRIMINALIZATION

Modernize laws targeting people with HIV to conform to current scientific and legal standards.



FAMILY: LACK OF SUPPORT FOR LGBT WOMEN AND THEIR FAMILIES RESULTS IN HIGHER COSTS

As noted above, LGBT women make less on the job, face added job discrimination, and encounter unique healthcare challenges that impact their economic security, when compared to other women and the broader population. For LGBT women with families, these challenges are compounded by the struggle to have their families recognized as families under the law. This is not just a huge emotional issue for children and parents alike, it also is a serious economic issue.

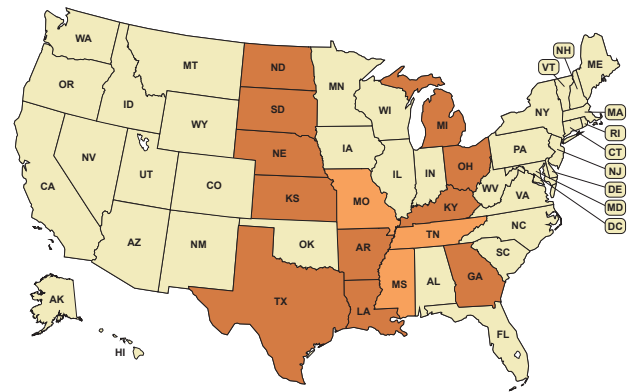
When LGBT women are not able to marry or to become legal parents to their children, they are denied many benefits afforded to non-LGBT families—including health insurance, tax credits and access to vital safety-net and retirement saving programs. As a result, LGBT families pay more than other families for health insurance, taxes, legal assistance, and essential protections during times of crisis.^m And these are not the only family-related challenges facing LGBT women. Others include a lack of access to paid, job-protected family leave and medical leave or the right to earn paid sick days; a lack pregnancy discrimination protections; insufficient workplace flexibility; and the struggle to find safe, affordable child care.

Lack of Recognition of LGBT Families

LGBT families, which are more likely than not to be headed by LGBT women, are financially penalized because of the lack of marriage equality for same-sex couples, as well as their inability to establish legal ties to their children. Transgender people can also face economic challenges related to lack of family recognition, particularly those who are in same-sex couples.

- **Marriage.** Many government programs and laws affecting families require that couples be legally married, but same-sex couples are barred from marriage in 14 states, largely concentrated in the Southern and Upper Midwestern regions of the country (see *Figure 21*).¹⁵³ In jurisdictions where same-sex couples may not marry, opposite-sex couples in which one spouse is transgender may have difficulty marrying or having a marriage recognized if the transgender spouse has not changed their

Figure 21: State Laws Prohibiting Marriage



- Constitutional amendment bans marriage and other forms of relationship recognition similar to marriage for same-sex couples (11 states)
- Constitutional amendment bans marriage for same-sex couples (3 states)
- Statute bans marriage and other forms of relationship recognition similar to marriage for same-sex couples (2 states)
- Statute bans marriage for same-sex couples (12 states)
- No legal ban on marriage or relationship recognition (36 states + D.C.)

Source: Movement Advancement Project, "LGBT Equality Maps: Marriage & Relationship Recognition."

identity documents or has been prohibited from doing so by state law. When couples cannot marry, they may be treated as "legal strangers" when it comes to everything from counting dependents to determining death benefits. This can result in both dramatically lower incomes and higher costs for LGBT people—making it much more difficult for them to provide for themselves and their families.ⁿ

- **Parental Recognition.** Adding to the challenges for same-sex couples, many laws and government programs and services require parents to have a legal parent-child relationship with their children. Same-sex couples may face problems accessing these parenting ties. The reason: many same-sex couples are barred from marriage, and their families typically include at least one non-biological parent. Because most laws and policies do not grant parenting rights to people who are raising children but who are not legal parents, this means that one LGBT parent may be a legal stranger to a child even when that parent has helped raise the child from birth.

^m This report highlights several programs for which women are disproportionately harmed by the lack of recognition of their families. *Paying an Unfair Price: The Financial Penalty for Being LGBT in America*, released in September 2014 and updated in November 2014, has additional information about other programs.

ⁿ The U.S. Supreme Court is considering cases challenging state bans on marriage and whether states must recognize marriages legally preformed out-of-state. A decision on those cases is expected in June 2015.

For example, when a lesbian couple uses donor insemination, most states have no mechanism for the non-biological mother to become a legal parent of her child. In these states, same-sex couples are not able to jointly adopt their children, leaving just one parent as a legal parent in the case of an adopted child.¹⁵⁴ Same-sex couples also face barriers to obtaining second-parent or stepparent adoptions, through which a parent’s partner can secure legal ties to the child they are parenting together (see *Figure 22*). Parents faced with these barriers are at increased risk of being legal strangers to their children or are forced to pay legal fees to obtain co-parenting agreements, which may or may not be recognized by courts.

States in the South are more likely than those in other regions to deny marriage and parenting rights to same-sex couples, or to deny custody or visitation to a parent simply for being LGBT. Given the higher childrearing rates for same-sex couples in the South relative to other regions, this lack of protection leaves LGBT women and their families living in those states vulnerable.

The denial of marriage and legal parenting ties takes a tremendous emotional toll on LGBT families. But these barriers can also have more tangible, financial impacts. As discussed in this section of the report, these impacts can include: higher healthcare costs or the unfair denial of health insurance; lack of access to safety-net programs;

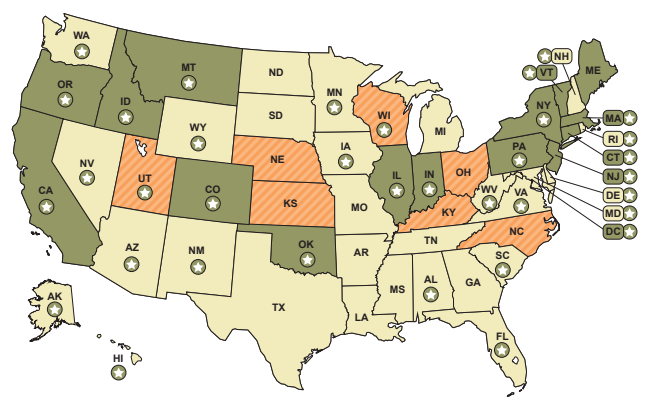
higher taxes; the inability to access Social Security retirement and disability programs; challenges in saving for retirement; exclusion from intestacy laws governing inheritance; and more.

When is a Couple Recognized as Married by the Federal Government?

In June 2013, the U.S. Supreme Court struck down Section 3 of the Defense of Marriage Act (DOMA), which had prevented the federal government from recognizing the legal marriages of same-sex couples. As a result of this ruling, the federal government has worked to implement policies recognizing legally married, same-sex couples for the purposes of federal law and programs. While the Supreme Court is scheduled to decide whether states can prohibit same-sex couples from marrying or refuse to recognize the legal marriages of couples married out-of-state, the way in which the federal government currently treats a same-sex couple depends on where that couple lives.

A majority of federal programs recognize the marriages of same-sex couples based on the “state of celebration,” including federal taxes, immigration, retirement plans, and student loan assistance. This means that same-sex couples as recognized as married as long as their marriage took place in a state that recognizes the marriage as legal—even if the couple’s current state of residence refuses to recognize the marriage. But despite the Supreme Court’s DOMA ruling and the federal government’s explicit intention to extend it as broadly as possible, there are still some federal rules and regulations that do not recognize legally married same-sex couples who are currently living in states without marriage equality.¹⁵⁵ These rules and regulations use a “state of residence” standard, which only recognizes the marriages of same-sex couples who currently live in states where those marriages are valid. Programs using this latter standard include Social Security and veterans’ benefits. Finally, there are some government programs where the standard for recognizing same-sex couples’ marriages remains uncertain, including family health insurance benefits, Medicaid and Medicare, and Temporary Assistance for Needy Families. Notably, these are some of the most significant programs in terms of helping families who are struggling meet their most basic needs.

Figure 22: State Step- and Second-Parent Adoption Laws



- LGBT parents can petition for second-parent adoption statewide (15 states + D.C.)
- ★ Parents in legally recognized same-sex relationships can petition for stepparent adoption statewide; relies on access to marriage or relationship recognition (36 states + D.C.)
- Availability is uncertain (10 states)
- Same-sex couples face legal restrictions when petitioning for second-parent adoption (7 states)

Source: Movement Advancement Project, “LGBT Equality Maps: Foster and Adoption Laws.”

Asked to Pay Thousands to Adopt Their Own Child



Mikyla and Katie Miller were married in California in 2008. When they moved to Nevada in 2010, their marriage wasn't recognized. Despite registering as domestic partners, they felt the immediate shift in legal recognition.

Shortly after moving to Nevada, Mikyla had chest pains and rushed to the hospital. When she asked for Katie to join her in the exam room, hospital staff refused. In the middle of her health crisis, Mikyla was put in the position of advocating for her spouse to be by her side. Fortunately, a doctor intervened and the couple was allowed to be together.

This experience hovered over them as they planned for the birth of their daughter. Because of patchwork legal protections, Katie wouldn't be recognized as a parent when they welcomed their daughter into the world—which wouldn't have been the case in California where their marriage was honored. As they decorated the nursery and took birth classes, they also interviewed hospitals to ensure that Katie would be permitted to be by her wife's side during the birth.

In addition to the emotional toll of worrying how their family would be respected at the hospital, they needed to establish parentage by having Katie's name on the birth certificate, something that required a great deal of advocacy with the hospital. The hospital staff informed them that in order for Katie to be listed on the birth certificate—which was a requirement for their baby to be covered on Katie's insurance policy—Katie needed to formally adopt their baby at a cost of thousands of dollars. Once again, the couple was put in the stressful position of advocating for the most basic recognition of their family. After involving the hospital's legal department, they were able to list Katie on the birth certificate. Still, they were forced to provide extra paperwork and jump through hurdles in order to enjoy one of the most important events of their lives—becoming mothers.

In Katie's words, "Because of the marriage ban, I [felt] like my voice [did] not matter. I [felt] like other people who have decided that my relationship with Mikyla does not deserve to be considered a marriage [were] controlling my fate. I want to be in control of my own destiny by being recognized as married to the woman I love."

Adapted with permission from Lambda Legal. For more information, see Lambda Legal, *Sevcik v. Sandoval*.

Lack of Access to Health Insurance Through an Employer

Earlier, this report described how legal discrimination in healthcare treatment and coverage can impact the physical, mental and financial well-being of LGBT women. This section describes how the lack of family recognition means that LGBT women and their families can be unfairly denied employer-sponsored health insurance.

- **Unmarried partners may be unable to receive health insurance.** No federal or state law uniformly requires all employers who offer health insurance to legally married couples to offer it to unmarried couples. As a result, an LGBT worker who is barred by state law from marrying her same-sex partner is also often unable to access health insurance through an employer for her partner. Data from 2012 find that only 31% of employers offer health insurance to the unmarried same-sex partners of their employees.¹⁵⁶ In California, married heterosexual women were four

times more likely than partnered lesbians to have health coverage through a partner or spouse.¹⁵⁷ A 2013 survey found that when LGB people living at or below 400% of the poverty line (roughly \$64,000 for a family of two) tried to secure employer-based coverage for a same-sex partner, three-quarters experienced discrimination in the process.¹⁵⁸

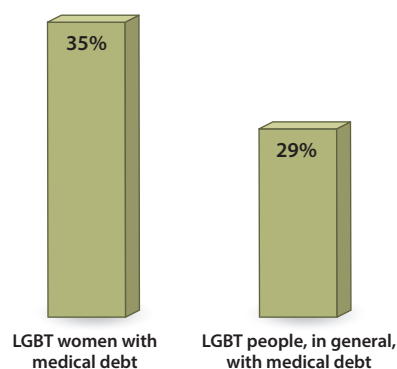
Even when an LGBT employee can enroll her unmarried partner or a partner's child in an employer-sponsored health insurance plan, the family is forced to pay more for family coverage than a legally married colleague because of added federal and state taxes. First, the value of the health insurance is added to the employee's taxable income (called "imputed income"), and then the employee's portion of the premium must be paid with post-tax dollars. By contrast, legally married couples can pay for these premiums using pre-tax dollars. In the case of two workers earning \$50,000, an LGBT worker will pay \$3,417

more in taxes for the same family health insurance coverage because of the imputed income tax.¹⁵⁹

Over the past 20 years, the number of companies offering benefits to the unmarried domestic partners of LGBT employees has increased steadily. These benefits are a crucial component of employee compensation and are valuable to employees when choosing a job. As more states allow same-sex couples to marry, employers are shifting their policies to require employees be married to be able to enroll a partner in benefits. Unmarried couples working for these employers are once again unable to access necessary benefits.

- **Married same-sex couples face uncertainty in accessing health insurance.** Whether an employer is required to offer health benefits to the same-sex spouse or legally recognized partner of an employee is complicated and evolving. In large part, the answer is determined by where a couple lives and the type of employer. Employers that sponsor their own insurance, known as “self-insured” employers, are not currently required to offer health benefits to same-sex spouses, though they may be violating federal and state nondiscrimination laws if they offer these benefits only to opposite-sex spouses. On the other hand, employers who purchase insurance through an insurance company, known as “fully insured” employers, must comply with all applicable state insurance laws in the state where they purchase health insurance. This means that in states with marriage or comprehensive relationship recognition for same-sex couples, legally recognized same-sex couples must be treated the same as married opposite-sex couples under state insurance law. Federal law changes as of January 1, 2015 require health insurance companies that sell group or individual insurance plans covering married opposite-sex spouses through the state or federal health insurance marketplaces to also offer coverage for same-sex spouses who are legally married. Insurers must do this regardless of where the couple lives or where the insurance policy is offered, sold, issued, or renewed.¹⁶⁰ This requirement does not cover couples in domestic partnerships or civil unions.
- **Coverage for non-legally recognized children depends on the employer.** Employers can choose whether their insurance plans provide coverage for

Figure 23: Low- and Middle-Income LGBT Women are More Likely to Carry Medical Debt



Source: Analysis by the Center for American Progress, August 22, 2014.

dependents, including children, and how to define the relationship between a worker and a child for eligibility. Some employers, particularly those that do not offer coverage to the same-sex spouses or partners of employees, may not allow an employee to sign up a spouse’s or partner’s children if the employee does not have a direct legal tie to the child, through adoption or biology.

- **Affordable Care Act penalties for lack of insurance can be hard to get around for LGBT families.** Under the Affordable Care Act, individuals and families who lack health insurance coverage are penalized on their taxes. Families may avoid these penalties by showing financial hardship. For families living in states that do not offer the freedom to marry, filing for financial hardship may be as burdensome as trying to find affordable coverage for their whole family. Often, extra paperwork is needed to show financial hardship, such as documents showing joint finances and household size. This can be difficult or costly for LGBT families, particularly those living in states that don’t recognize LGBT family relationships. With one in four lower-income LGBT people lacking insurance in 2014,¹⁶¹ these families face the difficult task of gathering the documents needed to show financial hardship, or paying a penalty for their lack of health insurance.

The consequence of these barriers to health insurance for LGBT women and their families is that many go without health insurance or have to pay more. In general, women are less likely than men to receive health insurance through their employer (35% vs. 44%, respectively).¹⁶² When LGBT women cannot enroll their

Unable to Access Spousal Health Insurance Results in \$100,000 in Medical Bills



Diana Smithson and Jacqueline Cote

Dee was costly for the family. A few years later, Dee was unable to obtain new coverage, in part because of her recent diagnosis with ovarian cancer. The couple has spent approximately \$100,000 on medical expenses, including treatment for ovarian cancer, including chemotherapy and hospitalization for a pulmonary embolism.

In 2014, Jacqueline filed a complaint with the Equal Employment Opportunity Commission (EEOC) alleging discrimination based on sex because she would have been able to enroll Dee in spousal health insurance if she were a woman married to man. In January 2015, the EEOC issued a notice of probable cause, and the couple and her attorneys at Gay & Lesbian Advocates & Defenders (GLAD) are seeking a resolution.

Adapted from GLAD, *Cote v. Walmart*, accessed February 26, 2015, <http://www.glad.org/work/cases/cote-v-walmart>.

Jacqueline Cote works as an associate at Walmart, where she's worked for more than 16 years. She met her wife, Dee, working at Walmart. In May 2004, Jacqueline and Dee were married in Massachusetts, where the couple now live. Each year beginning in 2006 and continuing through 2012, Jacqueline tried to enroll her wife in the spousal health insurance benefits offered by Walmart, but she was repeatedly told that Walmart didn't offer health insurance coverage to the same-sex spouses of employees. Purchasing individual health insurance for

families in employer-sponsored health insurance—either because their employer doesn't offer it or because their employer won't recognize their family—they may be forced to purchase their own coverage or risk their health and financial security by trying to get by without coverage, putting them at increased risk for substantial medical debt. As shown in *Figure 23* on the previous page, in 2014 35% of uninsured LGBT women with incomes at or below 400% of the federal poverty level (approximately \$64,000 for a family of two) had unpaid medical bills, compared to 29% of LGBT people in general.¹⁶³

Limited Access to Long-Term Care Assistance Through Medicaid

Many people receive long-term care assistance through Medicare, the federal health insurance program for older adults. For low-income older adults, Medicaid, the federal-state health insurance program targeting lower-income individuals and families of all ages, provides additional long-term care coverage. In fact, Medicaid is the largest funder of long-term care in the United States. The program finances 40% of all long-term care spending.¹⁶⁴ Medicaid also covers the nursing home costs of 63% of the 1.6 million people living in such facilities; another 2.8 million Americans receive Medicaid assistance to pay for home and community-based care.¹⁶⁵

Medicaid is a critical program for women in the United States. More than two-thirds (68%) of individuals 65 and older receiving Medicaid and Medicare are women.¹⁶⁶ This is due in part to the fact that women live, on average, longer than men. Women also are more likely than men to struggle financially in older age because of lower lifetime earnings, which result in lower Social Security and pension benefits.¹⁶⁷ In fact, 25% of women ages 85 and older are on Medicaid. Of women 65 and older, 40% of Latina women, and 38% of black women are on Medicaid, compared to 12% of white women.¹⁶⁸

Because Medicaid's long-term care coverage is a means-tested program, individuals must have limited assets and income in order to qualify. For married opposite-sex couples, Medicaid has "spousal impoverishment rules," or exemptions so a healthy spouse does not have to sell a shared home or live in poverty to pay for the other spouse's costly long-term care. However, these protections do not apply to most unmarried same-sex couples. And, the Centers for Medicare and Medicaid Services allow states discretion in how they determine eligibility for same-sex couples, including those who are married.

When LGBT women cannot qualify for Medicaid's long-term care assistance—either because of incorrect calculations of a family's income and assets, or because

LGBT Women in Unsafe Relationships Face Added Barriers to Help

Intimate partner violence is a concern in the LGBT community, just as it is for society as a whole. The frequency of intimate partner violence among same-sex couples is roughly the same as it is for opposite-sex couples,¹⁶⁹ although bisexual women and gay and bisexual men report higher rates than heterosexual individuals.¹⁷⁰ Data on the frequency of intimate partner violence against transgender women is not readily available, though data indicates that other types of domestic and sexual violence transgender people, including transgender women, face is significantly elevated.¹⁷¹

While many women face obstacles in receiving assistance when a relationship is violent or unhealthy, LGBT women face unique barriers related to lack of protection from discrimination, lack of family recognition, and the economic toll these inequalities take on LGBT people. An abusive partner may threaten to “out” an LGBT person to their family or employer, potentially costing her a job.¹⁷² Particularly for low-income women, threats like these could mean the difference between living on the streets or being able to support oneself. And, bisexual women are less likely to be “out,” so they may be particularly vulnerable to threats made by an abusive partner.¹⁷³

For LGBT women with children, who are less likely to have a legally-recognized parent-child relationship, leaving an abusive partner or confronting her could mean losing any connection to her own children.¹⁷⁴ Bisexual women, who report shockingly high levels of intimate partner violence, may be at greatest risk for being bullied into staying in an unhealthy relationship—bisexual people are generally less “out” to coworkers and friends about their sexual orientation, and this invisibility and the risks of being “outed” may mean that some women stay in unsafe situations.

The stereotypical view of intimate partner violence is that only heterosexual women with men as partners can be abused, so women in same-sex relationships may not have their concerns taken seriously by law enforcement. They may also be reluctant to report the violence in the first place. In some instances, police may arrest both individuals involved in an incident. Given the high rates of police harassment reported by LGBT people—particularly transgender women and LGBT people of color—LGBT women who are victims of violence may hesitate to seek police protection.¹⁷⁵

LGBT women who have experienced, or are at risk of experiencing, intimate partner violence, are frequently rendered invisible. Their needs are ignored by law enforcement, social service organizations, and even crisis centers.¹⁷⁶

LGBT Families Face Unique Obstacles in Applying for Government Assistance

LGBT women and their families may not receive vital assistance from government programs when they need it—even when they qualify.

First, families simply may not be aware that they are eligible for this assistance. The reason: confusion about the recent changes in the federal government’s recognition of same-sex couples and frequently changing state laws around relationship recognition. Plus, the inconsistent definition of family and household across government programs means that families may be eligible for some programs and not others. As a result, families may incorrectly believe that if they are not eligible for one program, they are automatically not eligible for another.

LGBT women may also worry about coming out to staff as part of the application process for these programs. This may be of particular concern in smaller communities and for transgender people, for whom identity documents may not match the way they live their lives. And, government employees may not be aware of recent changes in the ways federal and state programs recognize LGBT families. These concerns may be justified in many cases, as there is no guarantee that frontline staff has received cultural competency training and have been made aware of program changes so they are able to effectively and courteously serve LGBT people.

a same-sex couple is forced to reduce their income and assets beyond what is required for opposite-sex couples—the financial impact is substantial. Not having access to this assistance can make the difference between financial stability and increased poverty, instability, and economic distress during old age.

Unfair Taxation

LGBT people often end up paying more in taxes than other Americans simply because they are LGBT. The most obvious—and egregious—way in which this happens is when tax laws and regulations do not recognize the spouses or children of LGBT taxpayers. For example, unmarried couples and those in domestic partnerships or civil unions are not able to file joint federal tax returns. As a result, these taxpayers are denied many of the substantial tax credits and deductions that are available to married couples. Additionally, many married same-sex couples cannot file joint state tax returns.

A 2009 study by the Tax Foundation found that an average-income American family receives approximately \$16,781 in benefits each year from the federal government—much of it in the form of tax credits and deductions. Women have an enormous amount at stake when it comes to accessing these benefits. According to the Tax Policy Center, two-thirds of the federal tax assistance related to the Child Tax Credit and the Earned Income Tax Credit, which are designed to help working parents make ends meet, go to women and their families, including many women of color.¹⁷⁷ It is estimated that the federal Earned Income Tax Credit lifted 1.5 million women and 2.7 million children out of poverty in 2013.¹⁷⁸

When a family cannot access these tax credits, the impact of is substantial. Even if an LGBT woman has the same income as a non-LGBT coworker or relative, she may end up paying thousands of dollars more in taxes, leaving her with less to provide for herself and her family.

Denial of Social Security Benefits

Social Security is a vital program for many Americans, including older adults, workers who have been disabled on the job, and children. Almost all older adults in the United States (86%) receive income from Social Security,¹⁷⁹ as do more than 4.4 million children.¹⁸⁰ Women are 57% of beneficiaries ages 62 and older, and 68% of beneficiaries ages 85 and older.¹⁸¹ In 2012, Social Security benefits lifted more than 22 million Americans out of poverty—including 15.3 million seniors and 1 million children.¹⁸² Without Social

Security, 44% of older Americans would be in poverty, compared to just 9% who live in poverty today.¹⁸³

Social Security is a vital source of income during older age for women. First, women have longer life expectancies than men, so they are more likely to outlive other forms of retirement savings. Additionally, women have traditionally worked in jobs that are less likely to offer retirement plans—and even when plans are offered, women may receive fewer benefits because of lower earnings. As a result, Social Security provides a cornerstone of income during older age for many women.¹⁸⁴

However, Social Security benefits are earned benefits, meaning that eligibility and benefit amounts are based on how much workers contribute to Social Security through mandatory payroll taxes throughout their working lives. Benefits for individual workers with similar earnings and job histories will be similar. But same-sex female couples, because of the lower pay women receive during their lifetimes, will have lower total household income from Social Security than households with a male earner (or two in the case of gay male couples). In 2012, the average annual benefit for women ages 65 and older was \$12,250 compared to \$16,398 for older men.¹⁸⁵

In addition, LGBT women and their families get shortchanged by Social Security and do not receive the full value of their benefits based on what they have paid. The reason is that the federal government does not fully recognize the families of LGBT people when it comes to extending spousal and survivor benefits. These valuable benefits are generally unavailable to the unmarried partner of an LGBT worker, meaning they exclude partners in civil unions and domestic partnerships, and generally also exclude any non-legally recognized children of an LGBT worker. For example:

- A woman, married to a man, who has never worked outside the home may nonetheless claim \$500 monthly in Social Security benefits if her husband receives \$1,000 monthly in Social Security benefits, but an LGBT woman who had been living with (but banned from marrying) her female partner would receive no such benefit. This can cost a retired female same-sex couple up to \$15,852 a year in lost benefits.
- A surviving widow who was married to a man can receive the greater of her individual Social Security benefit or 100% of her deceased husband's benefit. For an LGBT woman who was unable to marry her

Denied Social Security Benefits, Living on \$800 Less Each Month

Arlene Goldberg and her wife, Carol Goldwasser, were partners for 47 years and were legally married in New York in 2011. After Carol's death, Arlene's claim for survivor benefits through Social Security was denied because the couple lived in Florida, which did not recognize their marriage at the time of Arlene's death. Without these survivor benefits, Arlene has been forced to live on \$800 less each month.

Adapted from Ken Sweet, "Retirement is a struggle for gays and lesbians; bias can be financially costly," *The Associated Press*, November 30, 2014, accessed February 27, 2015, http://www.washingtonpost.com/politics/retirement-is-a-struggle-for-gays-and-lesbians-bias-can-be-financially-costly/2014/11/30/05545d48-78c5-11e4-b821-503cc7efed9e_story.html.

Figure 24: Social Security Benefit Differences



Source: Naomi G. Goldberg, "The Impact of Inequality for Same-Sex Couples in Employer-Sponsored Retirement Plans," *The Williams Institute*, October 2009.

female partner, not having access to this benefit could cost her up to \$31,704 a year in lost benefits.

Being denied Social Security spousal benefits and other retirement benefits adds to the unique financial challenges facing LGBT people—and can make retirement impossible for members of low-income households. As shown in *Figure 24*, older female same-sex couples receive an average of 15% less in Social Security benefits compared to older opposite-sex couples.¹⁸⁶

Unequal Access to Retirement Savings

While Social Security provides benefits to most older adults, those benefits by themselves are rarely sufficient to ensure economic security for people after they retire; as noted above, the average annual Social Security

benefit for older women in 2012 was just \$12,250.¹⁸⁷ Many Americans also participate in employer-sponsored retirement plans, which can provide additional income during retirement to supplement Social Security. But here too, women are disadvantaged when it comes to accessing these benefits. First, they are more likely to work part-time and don't qualify for employer-facilitated retirement plans, and they also are more likely to work in industries that do not offer retirement plans to their workers, like retail and home health.¹⁸⁸ Second, women make less than men and therefore have less to contribute to retirement, and they are more likely to take time out of the labor force to care for children or aging parents.¹⁸⁹

For LGBT women, planning for a secure retirement is made even more difficult because of the way employer-sponsored plans privilege married couples. To see how this happens, we need to consider that employer-sponsored retirement plans come in two main categories: defined-benefit plans, often called "pension plans"; and defined-contribution plans, such as 401(k)s.

- **Defined-Benefit Plans.** Defined-benefit plans usually allow a retired employee to receive a set level of benefit payments (usually monthly) over the course of their retirement. Nearly one-third of retirees age 65 and older (31%) receive some income from pension plans,¹⁹⁰ although men traditionally have been more likely to work in industries that offer pensions.

Under federal law, pension plans automatically extend financial protection to a worker's spouse should the worker die. A Qualified Joint and Survivor Annuity (QJSA) makes the pension payable (albeit with a smaller monthly payment) over the lifetimes of both the worker and their spouse. A Qualified Pre-Retirement Survivor Annuity (QPSA) allows the worker's surviving spouse to receive the pension if the worker dies before retiring. Legally married same-sex couples, regardless of where they live, are eligible for pension benefits.¹⁹¹ However, employers are not required to make QJSAs nor QPSAs available for same-sex partners (though many employers still elect to do so). The lack of recognition of same-sex couples has wide-reaching and detrimental impacts.

- **401(k)s, IRAs, and Other Defined-Contribution Plans.** Defined-contribution plans, such as 401(k)s, simple IRAs, or stock or profit-sharing plans, are the most common form of employer-sponsored

retirement plans for employees in the private sector. Employees—and sometimes employers—contribute money to the accounts, and the amount available when an employee retires depends on contributions and investment performance over time. If a working man is married to a woman and he dies, the funds in these plans go to his widow tax-free—and then are treated as the widow's for purposes of taking distributions. This means that the widow can leave the account to grow tax-free until she reaches the age of 70 ½ years. A surviving unmarried same-sex partner, however, must begin taking these distributions immediately. This difference results in a substantial penalty for LGBT women who were unable to marry their same-sex partners—both in terms of taxes paid now and income during retirement.

With unequal access to retirement savings, surviving same-sex partners can be economically devastated and at risk for poverty when a partner passes away. For example, an LGBT woman who cannot receive pension benefits through a deceased same-sex partner would miss out on \$196,560 over 20 years compared to a woman married to a man. Similarly, an unmarried LGBT woman who inherits her deceased partner's 401(k) retirement plan at age 39 could lose \$3,205 a year in retirement income when she reaches age 65 because her relationship with her partner was not legally recognized. With their lower lifetime incomes, women in same-sex couples are left particularly vulnerable in retirement.

Pregnancy Discrimination

Many women, LGBT or not, as well as transgender men, face the possibility of becoming pregnant at some point in their lives. While pregnancy can be a time of great excitement for women and their families, it can also cause great economic strain.

The federal prohibition on sex discrimination in the workplace was amended in 1978 to include pregnancy.¹⁹² A worker may not be fired, turned down for a job, or face discrimination because they are pregnant or intend to become pregnant. Despite this law, pregnancy discrimination persists for women, particularly for low-wage women and women working in retail jobs. Reports abound about employers failing to accommodate pregnant workers.¹⁹³ Pregnant workers are often denied reasonable accommodations—modest measures like being able to sit on a stool at their cash register, being able to carry a bottle of water, being able to take more frequent bathroom breaks—that would allow them to ensure the safety of their pregnancies, and stay on the job and maintain their income until they are ready to take leave. Many state and local protections explicitly require employers to provide pregnant workers with reasonable accommodations so they can stay healthy and continue working.¹⁹⁴

Pregnant workers also are often forced by their employers to take unpaid leave they cannot afford¹⁹⁵, face termination, or other economic consequences.¹⁹⁶ In 2013, the Equal Employment Opportunity Commission received more than 3,500 claims of pregnancy discrimination.¹⁹⁷ According to a study by the National Partnership for Women & Families, there was a 65% increase in pregnancy discrimination claims between 1992 and 2007.¹⁹⁸ Looking at just women of color, the jump was 76%.¹⁹⁹

FedEx Refuses to Give Survivor Benefits to Spouse of 26 Year Employee



Stacey Schuett and Lesly Toboada-Hall spent more than thirty years together as a couple living in Sebastopol, California. Lesly was the primary earner in the family, working for FedEx for more than 26 years, while Stacey was a stay-at-home parent to the couple's two children and also illustrated children's books. After Lesly's death, FedEx refused to provide surviving spousal pension benefits to Stacey, even though the couple was legally married. FedEx claimed that the federal Defense of Marriage Act (DOMA) meant they didn't need to offer equal pension benefits to legally married same-sex couples, even though the Supreme Court overturned DOMA in June 2013. The National Center for Lesbian Rights is working to ensure that Stacey can receive the pension benefits that Lesly worked hard to earn.

Adapted from National Center for Lesbian Rights, *Schuett v. FedEx*, accessed February 26, 2015, <http://www.nclrights.org/wp-content/uploads/2015/01/Schuett-Complaint.pdf>.

In 2014, the Supreme Court heard arguments in a case where a UPS driver was denied accommodation for her pregnancy, despite similarly incapacitated workers, and even workers who could no longer drive because of suspended licenses, being given appropriate accommodation.²⁰⁰ UPS argued that it did not need to accommodate workers who were not injured on the job.²⁰¹ The Supreme Court will rule on the case by June 2015.

High Cost of Pregnancy and Childbirth

In a given year, approximately 10% of women between the ages of 15 and 44 are pregnant.²⁰² Women workers simply cannot afford pregnancy discrimination. Pregnancy itself is an expensive experience. From 2004 to 2010, out-of-pocket expenses for childbirth increased four-fold to nearly \$2,000, an unaffordable expense for many mothers.²⁰³ Newborn care averaged around \$625.²⁰⁴ Less than half of mothers (47%) rely on private insurance for their maternity care; 38% rely on Medicaid or state children's health insurance programs, 10% on some other public program, and 5% of mothers pay out of pocket for their maternity care.²⁰⁵ LGBT women, who may not be able to access a partner's private insurance, may need to rely on their eligibility for public coverage, or pay out of pocket. Without insurance, the average price charged by a hospital or health care provider for a vaginal birth is approximately \$30,000; for cesarean birth the cost is \$50,000.²⁰⁶ These averages do not reflect the actual costs paid out of pocket for women without insurance coverage, nor the lower costs paid by insurance companies, but illustrate the high cost of birth in the United States.

Need for Protections against Pregnancy Discrimination

While the pregnancy rate in the U.S. continues to drop, the highest pregnancy rates are among women in their 20s, those at the start of their careers and members of economically vulnerable communities.²⁰⁷ In 2009, 15% of women ages 20-24 and 16% of women ages 25-29 became pregnant.²⁰⁸ These are mostly working women; discrimination based on pregnancy or their intent to become pregnant deeply impacts their economic security now and for years to come.

Paid, Job-Protected Leave

Workers frequently need time off work to recover from sickness, seek medical care, bond with a new child, or care for a loved one. Paid, job-protected leave allows workers to take time to care for themselves or their family members without worrying about whether their job will be there when they return. And, paid leave allows workers to take time without worrying about how to make ends meet.

Paid Family and Medical Leave

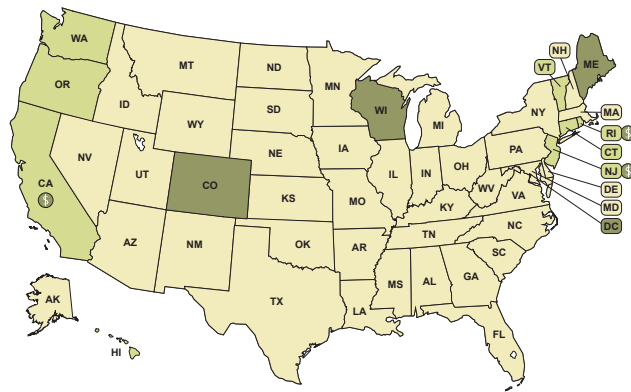
Research finds that access to paid family and medical leave—extended time off from work to bond with a new child or care for a seriously ill family member—increases women's wages and total hours worked when they return to work after leave. Also, women who take paid leave are more likely to return to the workforce than women who lack access to paid leave.²⁰⁹

Despite the importance of leave for workers, the United States lags far behind other developed countries in offering paid leave. The federal Family and Medical Leave Act (FMLA) provides for up to 12 weeks of unpaid, job-protected leave to bond with a new child, even if a parent lacks a legal or biological relationship to that child, or to care for a seriously ill family member. However, the FMLA defines family narrowly to only include spouses, children, or parents; domestic partners and other family relationships are not covered. Furthermore, many workers simply cannot afford to take unpaid leave, and more than 40% of workers do not qualify for FMLA leave due to the law's threshold requirements on business size, hours worked, and duration of employment.²¹⁰

Without access to paid, job-protected leave, women's incomes and jobs can be at risk when they need to take care of a newborn, a sick child or family member. When parents are forced to choose between their jobs and their families, everyone suffers, particularly children and infants. Parental bonding with an infant is shown to increase an infant's health and decrease health care costs.²¹¹ Additionally, access to paid family and medical leave has been shown to increase the likelihood of breastfeeding as well as the duration of breastfeeding, which leads to important health benefits for both mothers and their children. In all, only 10% of lower-wage women workers have access to paid parental leave.²¹²

Only 16 states and D.C. have their own family leave laws (see *Figures 25 and 26* on the next page).²¹³ Of these,

Figure 25: Spouse/Partner Family Leave Laws



- Law grants workers leave to care for a same-sex partner, even if couple is not legally recognized (3 states + D.C.)
- State leave law includes pay during time off (3 states)
- Law grants workers leave to care for a same-sex partner, but only if couple is in a legally recognized relationship (8 states)
- State lacks leave law (39 states)

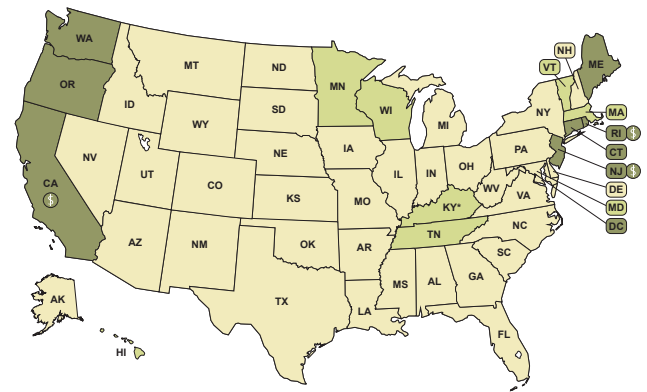
Source: Movement Advancement Project, "Family Leave Laws: Spouse/Partner."

only three states offer paid leave to bond with a child or care for a seriously ill family member; the remaining leave laws are unpaid. Three states and D.C. have family leave laws that allow workers to care for a same-sex partner even if the relationship is not legally formalized or recognized. Also, only eight states and D.C. have family leave laws that grant a worker leave to care for her child even if she lacks a legal or biological relationship to that child.⁹ As discussed in earlier, it is sometimes impossible for a parent, and especially an LGBT mother, to create that legal relationship to her child, meaning the parent would be ineligible for any expanded leave offered under state law.

Additionally, for LGBT women, even asking for leave to take care of a same-sex partner can "out" their sexual orientation or gender identity, making them vulnerable to discrimination or losing their job. Lower-income LGBT women, especially lower-income LGBT women of color, at higher risk for discrimination, may already be living paycheck-to-paycheck. Transgender men may also experience discrimination when applying for pregnancy-related family and medical leave because employers may not think they are eligible for leave (or that they deserve it). Many workers simply cannot afford to take unpaid time off along with risking their jobs to do so.

⁹ Maryland's leave law does not explicitly define child; in January 2015, Commissioner on Labor and Industry proposed regulations that would adopt the federal Family Medical Leave Act rules and regulations.

Figure 26: Child-Related Family Leave Laws



- Law grants workers leave to care for a child for whom the worker is parenting, even if the worker lacks a legal or biological relationship to the child (7 states + D.C.)
- State leave law includes pay during time off (3 states)
- Law grants workers leave to care for a child only if the worker has a legal or biological relationship to the child (8 states)
- State lacks leave law (35 states)

* Leave available for parents upon the adoption of a child under the age of seven only
Source: Movement Advancement Project, "Family Leave Laws: Child."

Paid Sick Leave

Nationwide, nearly 49 million workers—and 37% of all lesbian and bisexual women—lack access to paid sick leave for personal or family health needs.²¹⁴ Among low-wage women workers, 86% lack access to paid sick leave.²¹⁵ Without paid, job-protected paid sick leave, these workers are often forced to risk their jobs or paychecks during an illness or injury, when a sick child is sent home from school, or a loved one needs to be accompanied to a doctor or medical procedure. In a 2013 survey of low-wage workers, 19% of working mothers reported having lost a job when they got sick or stayed at home to care for a sick parent or child.²¹⁶

The widespread lack of paid sick leave can be devastating to LGBT women.²¹⁷ As described on page 22, there are relatively high rates of poor health among LGBT women. Due to these health disparities, many LGBT women have an increased need for paid sick leave that can be used to recover from illness, care for a sick loved one, or seek preventive care. In addition, loss of pay or employment during a personal or family illness can threaten the economic security of LGBT women, who face an increased risk of poverty.

Paid sick leave can be particularly important for transgender women and women living with HIV. When

women living with HIV/AIDS are unable to take paid time off to care for themselves, their health and economic security are both jeopardized.²¹⁸ Likewise, when transgender women are denied paid sick leave for transition-related care, they have to choose between protecting their health or protecting their economic security.²¹⁹

Although there is no federal right to paid sick leave, there is a growing movement at the state and local level to guarantee that workers earn paid sick leave for personal or family health needs. Connecticut, California, and Massachusetts have passed statewide laws that guarantee a minimum amount of paid sick leave, and all three laws allow a worker to care for her child even if she lacks a legal or biological relationship to that child. In addition, 17 cities have passed paid sick leave laws, with all but two of these laws passed since 2013.²²⁰

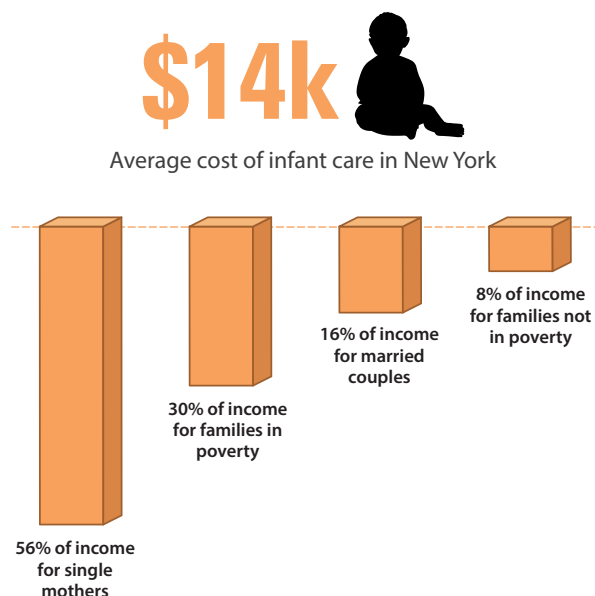
Affordable Child Care

Many women with children find it hard to seek and maintain employment because of the lack of affordable, high-quality child care. The total cost of raising a child born in 2013 to age 18 is over \$245,000.²²¹ Eighteen percent of that cost is allocated to child care and education.²²² The total cost of child care varies by state: in the least affordable state, New York, one year of infant care cost over \$14,000.²²³ As shown in *Figure 27*, this represented almost 16% of the median income of a married couple and 56% of the income of a single mother.²²⁴ For families in poverty, the cost of child care increases proportionately to take up 30% of household income, compared to just 8% of household income for families not in poverty.²²⁵

Despite the importance of ensuring that workers have access to child care so they can support their families and help power the U.S. economy, child care is not generally subsidized in the United States. Of 11 million children across the country under five years of age who need child care, only 2.6 million children receive assistance through federal programs such as the Child Care and Development Block Grant (CCDBG), Temporary Assistance for Needy Families (TANF) and the Social Services Block Grant (SSBG).²²⁶

These programs help lower-income families and families of children with disabilities care for their children. But at the same time, these programs are chronically under-funded, making them unable to assist all eligible children and families.²²⁷ Families may also take advantage of tax credits such as the Earned

Figure 27: Cost of Child Care Stretches Families



Sources: Child Care Aware of America, "Parents and the High Cost of Child Care: 2014 Report"; U.S. Census Bureau, "Child Care: an Important Part of American Life."

Income Tax Credit, the Child Tax Credit, the Child and Dependent Care Tax Credit, and Dependent Care Assistance Programs to help afford child care. However, if a mother lacks a legal or biological relationship to her child, as many women in same-sex households do, the family may not be able to access these tax benefits.^p

Not every family will have child care expenses. In a study by the U.S. Department of Agriculture on the cost of raising a child, 31% of lower-income families headed by married opposite-sex couples and 34% of lower-income single parent families had child care and education expenses, compared to 45% and 56% of middle and higher income families headed by married opposite-sex couples and 44% of single-parent families.²²⁸ The report notes that due to the high cost of child care, many lower-income families will rely on family members to care for children.²²⁹ Given the lower earning power of female same-sex couples, they often are forced to make the difficult choice to save money on child care or to spend the money and hope that the extra income compensates for the cost.

^p See All Children Matter for a discussion of these tax credits and difficulties in accessing them.

Workplace Flexibility

In many retail positions, as well as other low-wage jobs such as child care and healthcare, workers face unpredictable schedules. The number of hours can fluctuate from week to week, as can workers' shifts.²³⁰ In fact, a survey of New York City retail employees found that just 17% had a fixed work schedule.²³¹ Nearly three in four (70%) were notified of their work schedule just one week in advance, in a trend toward "just-in-time scheduling."²³² This unpredictability puts a particular strain on women with children, who need to coordinate child care while they work.

Given the barriers to employment and education that LGBT women experience, it is likely that many LGBT women, particularly transgender women, may work in low-wage jobs that do not pay adequately or offer the workplace stability and flexibility that allows people to take care of themselves and their families.

RECOMMENDATIONS FOR SUPPORTING LGBT WOMEN AND THEIR FAMILIES

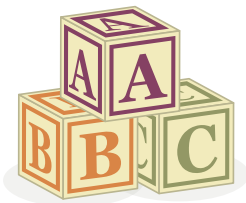
SUMMARY

LGBT women and their families suffer economic hardship because of lack of recognition and because laws and policies haven't kept pace with the needs of today's families. Recognizing LGBT families and offering the support families need is crucial to ensuring that LGBT women and their families can be economically secure and thrive.



FAMILY RECOGNITION

Update definitions of family to be inclusive of LGBT families and other diverse families. Extend the freedom to marry to same-sex couples. Pass comprehensive parental recognition laws to help LGBT parents gain legal ties to their children.

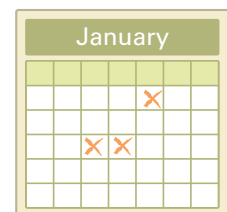


JOB-PROTECTED LEAVE

Pass legislation allowing employees to contribute to a paid family and medical leave insurance program so workers can have a portion of their wages replaced when they need to take leave for medical or family reasons. Legislation should allow workers to take paid leave to care for a same-sex or opposite-sex married or unmarried partner, any child for whom the worker acts as a parent, parent-in-law, adult child, sibling, grandparent, or an informal provider of in-home or community care.

PREGNANCY LAWS

Enforce existing laws protecting people from discrimination when they become pregnant. Pass legislation requiring employers to make reasonable accommodations for pregnant workers.



AFFORDABLE CHILD CARE

Increase federal and state funding for child care assistance programs to help low- and middle-income families afford child care. Make tax credits for child care should refundable and expanded to provide assistance to more families.

WORK SCHEDULES

Pass legislation allowing workers to have advance notice of work schedules, be paid for time if they are sent home early without appropriate notice, and to have scheduling requests considered by their employees.

CONCLUSION

Despite the significant progress made by women in America over the past decades, many challenges remain. In particular, the persistent wage gap and employment discrimination, lack of comprehensive healthcare, and lack of support for pregnancy, childbirth and raising children create significant economic disparities for women.

These challenges are amplified for LGBT women. In most states, LGBT women have insufficient legal protections if they are fired or denied housing simply because of who they are or who they love. Additionally, when two women build a life together, they amplify the wage gap between men and women, resulting in lower income and higher rates of poverty. Transgender women, LGBT women of color, LGBT women raising children, and older LGBT women are especially vulnerable. Lack of legal recognition of LGBT women's families can mean higher taxes, lower retirement benefits, denial of family health insurance, inability to take family medical leave and more.

Change is needed to improve economic security for women in general, as well as for LGBT women specifically. Laws prohibiting discrimination against women need to be strengthened and existing nondiscrimination laws should also explicitly prohibit discrimination against LGBT people. Access to quality healthcare for LGBT women—and all women—also should be a key priority. Transgender women who have been pushed out of, or prevented from joining the traditional workforce and instead have engaged in sex work to survive, should be given access to job-readiness, training, and other services to assist them to get jobs in the formal economy if they desire. America should join the ranks of every other developed nation and provide paid parental and other family and medical leave. In addition, policymakers should update programs designed to support families to allow LGBT families to access the same protections and benefits available to others, such as health insurance, family leave, and childcare assistance.

Addressing the ways in which LGBT women are forced to pay an unfair price simply requires that LGBT women, their families, and women in general, be treated equally. These are steps we have to take now—before more women and their families have to pay an unfair price.

ENDNOTES

- ¹ U.S. Department of Labor, Women's Bureau, "Women in the Labor Force in 2010," accessed February 19, 2015, <http://www.dol.gov/wb/factsheets/Qf-laborforce-10.htm>.
- ² U.S. Department of State, Bureau of International Information Programs, "Power Plays — Celebrating Women's Achievements," *Ejournal USA*, March 2014, accessed February 19, 2015, http://photos.state.gov/libraries/amgov/30145/publications-english/1403_EJ_PowerPlays_English_Low.pdf.
- ³ Mark Hugo Lopez and Ana Gonzalez-Barrera, "Women's college enrollment gains leave men behind," Pew Research Center, March 6, 2014, accessed February 19, 2015, <http://www.pewresearch.org/fact-tank/2014/03/06/womens-college-enrollment-gains-leave-men-behind>.
- ⁴ U.S. Department of Labor, Women's Bureau, "Labor Force Participation Rates," accessed February 19, 2015, <http://www.dol.gov/wb/stats/recentfacts.htm#rates>.
- ⁵ *Ibid.*
- ⁶ Catalyst, "Women CEOs of the S&P 500," January 13, 2015, accessed February 19, 2015, <http://www.catalyst.org/knowledge/women-ceos-fortune-1000>.
- ⁷ Joan Entmacher, Katherine Gallagher Robbins, Julie Vogtman, and Anne Morrison, "Insecure & Unequal: Poverty and Income Among Women and Families 2000-2013," National Women's Law Center, September 2014, accessed February 19, 2015, http://www.nwlc.org/sites/default/files/pdfs/final_2014_nwlc_poverty_report.pdf.
- ⁸ The White House Council on Women and Girls, "Women and Girls of Color: Addressing Challenges and Expanding Opportunity," November 2014, accessed March 2, 2015, http://www.whitehouse.gov/sites/default/files/docs/cwg_women_and_girls_of_color_report_112014.pdf.
- ⁹ National Partnership for Women & Families, "A Look at the U.S. Department of Labor's 2012 Family and Medical Leave Act Employee and Worksite Surveys," February 2013, accessed February 19, 2015, <http://www.nationalpartnership.org/research-library/work-family/fmla/dol-fmla-survey-key-findings-2012.pdf>; Yeonjung Lee and Fengyan Tang, "More Caregiving, Less Working: Caregiving Roles and Gender Difference," *Journal of Applied Gerontology* 0733464813508649 (2013) doi:10.1177/0733464813508649.
- ¹⁰ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, "National Data on Intimate Partner Violence, Sexual Violence, and Stalking," accessed February 20, 2015, <http://www.cdc.gov/violenceprevention/pdf/nisvs-fact-sheet-2014.pdf>.
- ¹¹ Gary J. Gates, "LGBT Demographics: Comparisons among population-based surveys," The Williams Institute, October 2014, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgbt-demogs-sep-2014.pdf>.
- ¹² *Ibid.*
- ¹³ In a review of nine surveys, bisexual women comprised more than half of LGB women in eight, according to Gary J. Gates, "How many people are lesbian, gay, bisexual, and transgender?" The Williams Institute, April 2011, accessed January 30, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>.
- ¹⁴ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ¹⁵ The difference in partnership rates between lesbians and non-LGB women are not statistically significant. Gary J. Gates, "LGB Families and Relationships: Analyses of the 2013 National Health Interview Survey," The Williams Institute, October 2014, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgb-families-nhis-sep-2014.pdf>.
- ¹⁶ Gary J. Gates, "LGBT Parenting in the United States," The Williams Institute, February 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf>.
- ¹⁷ Gary J. Gates and Frank Newport, "Special Report: 3.4% of U.S. Adults Identify as LGBT," Gallup Politics, October 18, 2012, accessed February 20, 2015, <http://www.gallup.com/poll/158066/special-report-adults-identify-lgbt.aspx>.
- ¹⁸ Gary J. Gates, "Demographics of Married and Unmarried Same-Sex Couples: Analyses of the 2013 American Community Survey," The Williams Institute, March 2015, accessed March 6, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Demographics-Same-Sex-Couples-ACS2013-March-2015.pdf>.
- ¹⁹ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ²⁰ Gary J. Gates, "LGBT Demographics: Comparisons among population-based surveys," The Williams Institute, October 2014, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgbt-demogs-sep-2014.pdf>.
- ²¹ Gary J. Gates, "LGB Families and Relationships: Analyses of the 2013 National Health Interview Survey," The Williams Institute, October 2014, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgb-families-nhis-sep-2014.pdf>.
- ²² Gary J. Gates, "LGBT Adult Immigrants in the United States," The Williams Institute, March 2013, accessed March 2, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTImmigrants-Gates-Mar-2013.pdf>.
- ²³ Gary J. Gates, "LGBT Americans Report Lower Well-Being," Gallup, August 25, 2014, accessed February 20, 2015, <http://www.gallup.com/poll/175418/lgbt-americans-report-lower.aspx>.
- ²⁴ M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.
- ²⁵ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ²⁶ M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.
- ²⁷ *Ibid.*
- ²⁸ *Ibid.*
- ²⁹ *Ibid.*
- ³⁰ Robert Espinoza, "Out & Visible: The Experiences and Attitudes of Lesbian, Gay, Bisexual and Transgender Older Adults, Ages 45-75," Services and Advocacy for GLBT Elders, 2014, accessed February 20, 2015, http://www.sageusa.org/files/LGBT_OAMarketResearch_Rpt.pdf.
- ³¹ M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.
- ³² Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, "National Data on Intimate Partner Violence, Sexual Violence, and Stalking," accessed February 20, 2015, <http://www.cdc.gov/violenceprevention/pdf/nisvs-fact-sheet-2014.pdf>.
- ³³ M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>; Gary J. Gates and Frank Newport, "Special Report: 3.4% of U.S. Adults Identify as LGBT," Gallup Politics, October 18, 2012, accessed February 20, 2015, <http://www.gallup.com/poll/158066/special-report-adults-identify-lgbt.aspx>; Amira Hasenbush, Andrew R. Flores, Angeliki Kastanis, Brad Sears, and Gary J. Gates, "The LGBT Divide: A Data Portrait of the South, Midwest & Mountain States," The Williams Institute, December 2014, <http://williamsinstitute.law.ucla.edu/research/lgbt-divide-dec-2014>.
- ³⁴ M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.
- ³⁵ Wendy Wang, Kim Parker and Paul Taylor, "Breadwinner Moms," Pew Research Center, May 29, 2013, accessed February 20, 2015, <http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms>.
- ³⁶ Gregor Aisch, Josh Katz and David Leonhardt, "Where Working Women Are Most Common," *The New York Times*, January 6, 2015, accessed February 20, 2015, <http://www.nytimes.com/interactive/2015/01/06/upshot/where-working-women-are-most-common.html?abt=0002&abg=0>; Executive Office of the President of the United States, Council of Economic Advisers, "Women's Participation in Education and the Workforce," March 12, 2014, accessed February 20, 2015, http://www.whitehouse.gov/sites/default/files/docs/council_economic_advisors_slides.pdf.
- ³⁷ U.S. Equal Employment Opportunity Commission, "Sex-Based Charges: FY 1997 - FY 2014," accessed February 20, 2015, <http://www.eeoc.gov/eeoc/statistics/enforcement/sex.cfm>.
- ³⁸ U.S. Equal Employment Opportunity Commission, "Charges Alleging Sexual Harassment: FY 2010 - FY 2014," accessed February 20, 2015, http://www.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment_new.cfm.
- ³⁹ Brad Sears and Christy Mallory, "Documented Evidence of Employment Discrimination & Its Effects on LGBT People," The Williams Institute, July 2011, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf>.
- ⁴⁰ Ariane Hegewisch and Brigid O'Farrell, "Women in Construction and the Economic Recovery: Results from 2013 IWPR Tradeswomen Survey," Institute for Women's Policy Research, August 2014, accessed March 6, 2015, <http://www.iwpr.org/publications/pubs/women-in-construction-and-the-economic-recovery-results-from-2013-iwpr-tradeswomen-survey>.
- ⁴¹ Deena Fidas and Liz Cooper, "The Cost of the Closet and the Rewards of Inclusion: Why the Workplace Environment for LGBT People Matters to Employers," Human Rights Campaign Foundation, May 2014, accessed February 20, 2015, http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Cost_of_the_Closet_May2014.pdf.
- ⁴² Ann E. Tweedy and Karen Yescavage, "Employment Discrimination against Bisexuals: An Empirical Study," *William & Mary Journal of Women and the Law*, July 24, 2013 (forthcoming), accessed July 30, 2014, <http://ssrn.com/abstract=2297924>.

- ⁴³ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ⁴⁴ M.V. Lee Badgett, Holning Lau, Brad Sears, and Deborah Ho, "Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination," The Williams Institute, June 2007, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Badgett-Sears-Lau-Ho-Bias-in-the-Workplace-Jun-2007.pdf>.
- ⁴⁵ *Ibid.*
- ⁴⁶ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ⁴⁷ Jessica Jeanty and Harper Jean Tobin, "Our Moment for Reform: Immigration and Transgender People," National Center for Transgender Equality, 2013, accessed March 3, 2015, http://transequality.org/sites/default/files/docs/resources/OurMoment_CIR_en.pdf.
- ⁴⁸ U.S. Equal Employment Opportunity Commission, "Title VII of the Civil Rights Act of 1964," accessed February 20, 2015, <http://www.eeoc.gov/laws/statutes/titlevii.cfm>.
- ⁴⁹ U.S. Equal Employment Opportunity Commission, "The Pregnancy Discrimination Act of 1978," accessed February 20, 2015, <http://www.eeoc.gov/laws/statutes/pregnancy.cfm>.
- ⁵⁰ U.S. Equal Employment Opportunity Commission, "The Equal Pay Act of 1963," accessed February 20, 2015, <http://www.eeoc.gov/laws/statutes/epa.cfm>.
- ⁵¹ U.S. Equal Employment Opportunity Commission, "Sex-Based Charges: FY 1997 - FY 2014," accessed February 20, 2015, <http://www.eeoc.gov/eeoc/statistics/enforcement/sex.cfm>.
- ⁵² Movement Advancement Project, "LGBT Equality Maps: Non-Discrimination Laws," accessed February 20, 2015, http://www.lgbtmap.org/equality-maps/non_discrimination_laws.
- ⁵³ U.S. Equal Employment Opportunity Commission, "Processing Complaints of Discrimination by Lesbian, Gay, Bisexual, and Transgender (LGBT) Federal Employees," accessed February 20, 2015, http://www.eeoc.gov/federal/directives/lgbt_complaint_processing.cfm.
- ⁵⁴ U.S. Department of Labor, Office of Federal Contract Compliance Programs, "Directive (DIR) 2014-02," August 19, 2014, accessed March 2, 2015, http://www.dol.gov/ofcpc/regs/compliance/directives/dir2014_02.html.
- ⁵⁵ U.S. Equal Employment Opportunity Commission, "What You Should Know about EEOC and the Enforcement Protections for LGBT Workers," accessed March 3, 2015, http://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm.
- ⁵⁶ Angeliki Kastanis and Bianca D.M. Wilson, "Race/Ethnicity, Gender and Socioeconomic Wellbeing of Individuals in Same-sex Couples," The Williams Institute, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-Compare-Feb-2014.pdf>.
- ⁵⁷ John M. Blandford, "The Nexus of Sexual Orientation and Gender in the Determination of Earnings," *Industrial and Labor Relations Review*, Vol. 56, No. 4, July 2003, accessed March 6, 2015, <http://ilr.sagepub.com/content/56/4/622.short>.
- ⁵⁸ Gary J. Gates, "LGBT Parenting in the United States," The Williams Institute, February 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf>.
- ⁵⁹ Alyssa Schneebaum, "Motherhood and the Lesbian Wage Premium," University of Massachusetts-Amherst, Working Paper, March 2013, accessed March 6, 2015, <https://www.umass.edu/economics/publications/2013-04.pdf>.
- ⁶⁰ Michelle J. Budig, "The Fatherhood Bonus & the Motherhood Penalty: Parenthood and the Gender Gap in Pay," *Third Way*, accessed February 20, 2015, http://content.thirdway.org/publications/853/NEXT_-_Fatherhood_Motherhood.pdf.
- ⁶¹ U.S. Census Bureau, "Same-Sex Couple Households: 2013 American Community Survey," accessed February 20, 2015, <http://www.census.gov/hhes/samesex/files/sssex-tables-2013.xlsx>.
- ⁶² Angeliki Kastanis and Gary J. Gates, "LGBT Asian and Pacific Islander Individuals and Same-Sex Couples," The Williams Institute, September 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-API-Final.pdf>.
- ⁶³ Angeliki Kastanis and Gary J. Gates, "LGBT African-American Individuals and African-American Same-Sex Couples," The Williams Institute, October 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-AFAMER-Oct-2013.pdf>.
- ⁶⁴ Angeliki Kastanis and Gary J. Gates, "LGBT Latino/a Individuals and Latino/a Same-Sex Couples," The Williams Institute, October 2013, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-Latino-Final.pdf>.
- ⁶⁵ Kristen Schilt and Matthew Wiswall, "Before and After: Gender Transitions, Human Capital, and Workplace Experiences," *The B.E. Journal of Economic Analysis & Policy* 8 (2008): 1-28.
- ⁶⁶ National Employment Law Project, "Data Brief: The Low-Wage Recovery and Growing Inequality," August 2012, accessed February 20, 2015, http://www.nelp.org/page/-/Job_Creation/LowWageRecovery2012.pdf?nocdn=1.
- ⁶⁷ U.S. Department of Labor, Wage and Hour Division, "Minimum Wage," accessed February 20, 2015, <http://www.dol.gov/whd/minimumwage.htm>.
- ⁶⁸ University of California Davis, Center for Poverty Research, "What are the annual earnings for a full-time minimum wage worker?" accessed February 20, 2015, <http://poverty.ucdavis.edu/faq/what-are-annual-earnings-full-time-minimum-wage-worker>.
- ⁶⁹ Drew DeSilver, "Minimum wage hasn't been enough to lift most out of poverty for decades," Pew Research Center, February 18, 2014, accessed February 20, 2015, <http://www.pewresearch.org/fact-tank/2014/02/18/minimum-wage-hasnt-been-enough-to-lift-most-out-of-poverty-for-decades>.
- ⁷⁰ Wider Opportunities for Women, Basic Economic Security Tables-Families," accessed February 20, 2015, <http://www.basiceconomicsecurity.org/best/families.aspx>.
- ⁷¹ National Employment Law Project, "Data Brief: The Low-Wage Recovery and Growing Inequality," August 2012, accessed February 20, 2015, http://www.nelp.org/page/-/Job_Creation/LowWageRecovery2012.pdf?nocdn=1.
- ⁷² Farah Ahmad and Sarah Iverson, "The State of Women of Color in the United States," Center for American Progress, October 2013, accessed February 20, 2015, <http://cdn.americanprogress.org/wp-content/uploads/2013/10/StateOfWomenColor-1.pdf>.
- ⁷³ Katherine Gallagher Robbins, Julie Vogtman, and Joan Entmacher, "States with Equal Minimum Wages for Tipped Workers Have Smaller Wage Gaps for Women Overall and Lower Poverty Rates for Tipped Workers," National Women's Law Center, September 2014, accessed February 20, 2015, http://www.nwlc.org/sites/default/files/pdfs/tipped_minimum_wage_worker_wage_gap.pdf.
- ⁷⁴ U.S. Department of Labor, Wage and Hour Division, "Minimum Wages for Tipped Employees," January 1, 2015, accessed February 26, 2015, <http://www.dol.gov/whd/state/tipped.htm>.
- ⁷⁵ M.V. Lee Badgett and Alyssa Schneebaum, "The Impact of a Higher Minimum Wage on Poverty Among Same-Sex Couples," The Williams Institute, April 2014, accessed February 20, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/min-wage-simulation-april-2014.pdf>.
- ⁷⁶ Gary J. Gates, "LGBT Adult Immigrants in the United States," The Williams Institute, March 2013, accessed March 2, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTImmigrants-Gates-Mar-2013.pdf>.
- ⁷⁷ *Ibid.*
- ⁷⁸ Center for American Progress, "The Facts on Immigration Today," October 23, 2014, accessed March 10, 2015, <https://www.americanprogress.org/issues/immigration/report/2014/10/23/59040/the-facts-on-immigration-today-3>.
- ⁷⁹ Sharita Gruberg, "Dignity Denied: LGBT Immigrants in U.S. Immigration Detention," Center for American Progress, November 2013, accessed March 10, 2015, <https://cdn.americanprogress.org/wp-content/uploads/2013/11/ImmigrationEnforcement.pdf>.
- ⁸⁰ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ⁸¹ Movement Advancement Project, "LGBT Equality Maps: Birth Certificate Laws," accessed February 20, 2015, http://www.lgbtmap.org/equality-maps/birth_certificate_laws.
- ⁸² Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ⁸³ Sarah McBride, Laura E. Durso, Hannah Hussey, Sharita Gruberg, and Bishop Gene Robinson, "We the People: Why Congress and the U.S. States Must Pass Comprehensive LGBT Nondiscrimination Protections," Center for American Progress, December 2014, accessed February 20, 2015, <https://cdn.americanprogress.org/wp-content/uploads/2014/12/LGBT-WeThePeople-report-12.10.14.pdf>.
- ⁸⁴ Mitch Kellaway, "Miama: Seventh Trans Women Murdered in the U.S. in 2015," *The Advocate*, February 20, 2015, accessed March 2, 2015, <http://www.advocate.com/politics/transgender/2015/02/20/miami-seventh-trans-woman-murdered-us-2015>.
- ⁸⁵ New York City Anti-Violence Project, "2013 Report on Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence," May 29, 2014, accessed February 20, 2015, <http://www.avp.org/resources/avp-resources/315>.
- ⁸⁶ Sandy Baum, Jennifer Ma, and Kathleen Payea, "Education Pays 2013: The Benefits of Higher Education for Individuals and Society," The College Board, 2013, accessed March 3, 2015, <http://trends.collegeboard.org/sites/default/files/education-pays-2013-full-report.pdf>.
- ⁸⁷ Joseph G. Kosciw, Emily A. Greytak, Neal A. Palmer, and Madelyn J. Boesen, "The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools," GLSEN, 2014, accessed October 27, 2014, <http://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report.pdf>.

- ⁸⁸ Carmen Hernandez-Ojeda, "Are We Really Moving Forward? The Sexualization of Young Lesbians and Bisexual Females in the Media" (paper presented at the Graduate Research/Creativity Symposium of University of Hartford, West Hartford, Connecticut, Apr 30, 2014), accessed February 20, 2015, http://www.academia.edu/7024993/Poster_Are_We_Really_Moving_Forward_The_Sexualization_of_Young_Lesbians_and_Bisexual_Females_in_the_Media.
- ⁸⁹ Mikel L. Walters, Jieru Chen, and Matthew J. Breiding, "The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation," National Center for Injury Prevention and Control and Centers for Disease Control and Prevention, January 2013, accessed March 2, 2015, http://www.cdc.gov/ViolencePrevention/pdf/NISVS_S0findings.pdf.
- ⁹⁰ Joseph G. Kosciw, Emily A. Greytak, Neal A. Palmer, and Madelyn J. Boesen, "The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools," GLSEN, 2014, accessed October 27, 2014, <http://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report.pdf>.
- ⁹¹ *Ibid.*
- ⁹² *Ibid.*
- ⁹³ Holly Kearn, "Unsafe and Harassed in Public Spaces: A National Street Harassment Report," Stop Street Harassment, 2014, accessed February 20, 2015, <http://www.stopstreetharassment.org/wp-content/uploads/2012/08/2014-National-SSH-Street-Harassment-Report.pdf>.
- ⁹⁴ Jerome Hunt and Aisha Moodie-Mills, "The Unfair Criminalization of Gay and Transgender Youth: An Overview of the Experiences of LGBT Youth in the Juvenile Justice System." Center for American Progress, June 29, 2012, accessed February 20, 2015, http://cdn.americanprogress.org/wp-content/uploads/issues/2012/06/pdf/juvenile_justice.pdf.
- ⁹⁵ Leticia Smith-Evans, Janel George, Fatima Goss Graves, Lara S. Kaufmann, and Lauren Frohlich, "Unlocking Opportunity for African-American Girls: A Call to Action for Educational Equity," NAACP Legal Defense and Educational Fund and National Women's Law Center, 2014, accessed February 20, 2015, http://www.naacpldf.org/files/publications/Unlocking%20Opportunity%20for%20African%20American%20Girls_0.pdf.
- ⁹⁶ Kathryn E. W. Himmelstein and Hannah Brückner, "Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study," Pediatrics, December 6, 2010 (forthcoming), accessed February 20, 2015, doi:10.1542/peds.2009-2306.
- ⁹⁷ Lambda Legal, "Protected and Served? Survey of LGBT/HIV Contact with Police, Courts and Prisons," accessed February 20, 2015, <http://www.lambdalegal.org/protected-and-served>.
- ⁹⁸ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ⁹⁹ Alliance for Excellent Education, "Issue Brief: The High Cost of High School Dropouts: What the Nation Pays for Inadequate High Schools," November 2011, accessed February 20, 2015, <http://www.all4ed.org/files/HighCost.pdf>.
- ¹⁰⁰ Michael F. Thompson, "Earnings of a Lifetime: Comparing Women and Men With College and Graduate Degrees," In Context, March-April 2009, Vol. 10, No. 2, accessed March 2, 2015, <http://www.incontext.indiana.edu/2009/mar-apr/article1.asp>.
- ¹⁰¹ U.S. Department of Housing and Urban Development, Office of Policy Development and Research, "An Estimate of Housing Discrimination Against Same-Sex Couples," June 2013, accessed February 20, 2015, http://www.huduser.org/portal/Publications/pdf/Hsg_Disc_against_SameSexCpls_v3.pdf.
- ¹⁰² Equal Rights Center, "Opening Doors: Investigation of Barriers to Senior Housing for Same-Sex Couples," 2014, accessed February 20, 2015, http://www.equalrightscenter.org/site/DocServer/Senior_Housing_Report.pdf?docID=2361.
- ¹⁰³ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ¹⁰⁴ *Ibid.*
- ¹⁰⁵ *Ibid.*
- ¹⁰⁶ *Ibid.*
- ¹⁰⁷ U.S. Department of Housing and Urban Development, "Notice CPD-15-02: Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities," February 2015, accessed February 23, 2015, <https://www.hudexchange.info/resource/4428/notice-cpd-15-02-appropriate-placement-for-transgender-persons-in-single-sex-emergency-shelters-and-other-facilities>.
- ¹⁰⁸ Gary J. Gates, "LGBT Americans Report Lower Well-Being," Gallup, August 25, 2014, accessed February 20, 2015, <http://www.gallup.com/poll/175418/lgbt-americans-report-lower.aspx>.
- ¹⁰⁹ Brain W. Ward, James M. Dahlhamer, Adena M. Galinsky, and Sarah S. Joesti, "Sexual Orientation and Health Among U.S. Adults: National Health Interview Survey, 2013," National Health Statistics Reports; no. 77, National Center for Health Statistics, 2014, accessed February 20, 2015, <http://www.cdc.gov/nchs/data/nhsr/nhsr077.pdf>.
- ¹¹⁰ Lambda Legal, "When Health Care Isn't Caring: Lambda Legal's Survey of Discrimination Against LGBT People and People with HIV," 2010, accessed February 20, 2015, http://www.lambdalegal.org/sites/default/files/publications/downloads/whcic-report_when-health-care-isnt-caring.pdf.
- ¹¹¹ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ¹¹² Gary J. Gates, "In U.S., LGBT More Likely Than Non-LGBT to Be Uninsured," Gallup, August 26, 2014, accessed February 20, 2015, <http://www.gallup.com/poll/175445/lgbt-likely-non-lgbt-uninsured.aspx>.
- ¹¹³ Brain W. Ward, James M. Dahlhamer, Adena M. Galinsky, and Sarah S. Joesti, "Sexual Orientation and Health Among U.S. Adults: National Health Interview Survey, 2013," National Health Statistics Reports; no. 77, National Center for Health Statistics, 2014, accessed February 20, 2015, <http://www.cdc.gov/nchs/data/nhsr/nhsr077.pdf>.
- ¹¹⁴ U.S. Department of Justice, Civil Rights Division, "Title II of the Civil Rights Act (Public Accommodations)," accessed February 20, 2015, <http://www.justice.gov/crt/about/hce/title2.php>.
- ¹¹⁵ Movement Advancement Project, "LGBT Equality Maps: Non-Discrimination Laws-Public Accommodations," accessed February 20, 2015, <http://www.lgbtmap.org/equality-maps/non-discrimination-laws>.
- ¹¹⁶ Andrew Cray and Kellan Baker, "The Affordable Care Act: Progress Toward Eliminating Insurance Discrimination Against Transgender People," Center for American Progress, May 30, 2013, accessed March 2, 2015, <https://www.americanprogress.org/wp-content/uploads/2013/05/CrayNonDiscrimIns-facts.pdf>.
- ¹¹⁷ National Asian Pacific American Women's Forum, National Latina Institute for Reproductive Health, and Black Women's Health Imperative, "Health Reform Imperatives for Women and Communities of Color," November 2009, accessed February 20, 2015, <http://napawf.org/wp-content/uploads/2009/11/Health-Reform-Imperatives-for-Women-of-Color-final.pdf>.
- ¹¹⁸ Farah Ahmad and Sarah Iverson, "The State of Women of Color in the United States," Center for American Progress, October 2013, accessed February 20, 2015, <http://cdn.americanprogress.org/wp-content/uploads/2013/10/StateOfWomenColor-1.pdf>.
- ¹¹⁹ National Immigration Law Center, "Immigrants and the Affordable Care Act," January 2014, accessed March 3, 2015, <http://www.nilc.org/immigrantschr.html>.
- ¹²⁰ Kellan Baker, Laura E. Durso, and Andrew Cray, "Moving the Needle: The Impact of the Affordable Care Act on LGBT Communities," Center for American Progress, 2014, accessed February 3, 2015, <https://cdn.americanprogress.org/wp-content/uploads/2014/11/LGBTandACA-report.pdf>; FamiliesUSA, "Federal Poverty Guidelines," February 2015, accessed March 2, 2015, <http://familiesusa.org/product/federal-poverty-guidelines>.
- ¹²¹ Kevin Quealy and Margot Sanger-Katz, "Obama's Health Law: Who Was Helped Most?" *The New York Times*, October 29, 2014, February 20, 2015, <http://www.nytimes.com/interactive/2014/10/29/upshot/obamacare-who-was-helped-most.html?abt=0002&abg=0>.
- ¹²² Gary J. Gates, "In U.S., LGBT More Likely Than Non-LGBT to Be Uninsured," Gallup, August 26, 2014, accessed February 20, 2015, <http://www.gallup.com/poll/175445/lgbt-likely-non-lgbt-uninsured.aspx>.
- ¹²³ Brian W. Ward, James M. Dahlhamer, Adena M. Galinsky, and Sarah S. Joesti, "Sexual Orientation and Health Among U.S. Adults: National Health Interview Survey, 2013," National Health Statistics Reports; no. 77, National Center for Health Statistics, 2014, accessed February 20, 2015, <http://www.cdc.gov/nchs/data/nhsr/nhsr077.pdf>.
- ¹²⁴ "Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers, Final Rule," *Federal Register* 77 (March 27, 2012): 18310-18475, accessed March 2, 2015, <http://www.gpo.gov/fdsys/pkg/FR-2012-03-27/pdf/2012-6125.pdf>.
- ¹²⁵ Movement Advancement Project, "LGBT Equality Maps: Non-Discrimination Laws-Insurance," accessed February 20, 2015, <http://www.lgbtmap.org/equality-maps/non-discrimination-laws>.
- ¹²⁶ Brian W. Ward, James M. Dahlhamer, Adena M. Galinsky, and Sarah S. Joesti, "Sexual Orientation and Health Among U.S. Adults: National Health Interview Survey, 2013," National Health Statistics Reports; no. 77, National Center for Health Statistics, 2014, accessed February 20, 2015, <http://www.cdc.gov/nchs/data/nhsr/nhsr077.pdf>.
- ¹²⁷ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ¹²⁸ Farah Z. Ahmad and Christian E. Weller, "Reading Between the Data: The Incomplete Story of Asian Americans, Native Hawaiians, and Pacific Islanders," The Center for American Progress, March 2014, accessed February 23, 2015, <https://cdn.americanprogress.org/wp-content/uploads/2014/03/AAPL-report.pdf>; Applied Research Center and National Council of Asian Pacific Americans, "Best Practices: Researching Asian American, Native Hawaiian and Pacific Islanders," 2013, accessed March 2, 2015, <http://ncapaonline.org/wp-content/uploads/2014/09/Best-Practices-AANHPI.pdf>; Nadia S. Islam, Suhaila Khan, Simona Kwon, and Deana Jang, "Methodological Issues in the Collection, Analysis, and Reporting of Granular Data in Asian American Populations: Historical Challenges and Potential Solutions," *Journal of Health Care for the Poor and Underserved*; Volume 21, Number 4, 2010.
- ¹²⁹ U.S. Centers for Disease Control and Prevention, "HIV Among Transgender People in the United States," November 2013, accessed March 2, 2015, http://www.cdc.gov/hiv/pdf/risk_transgender.pdf.
- ¹³⁰ Avinder K. Deol and Alicia Heath-Toby, "HIV Risk for Lesbians, Bisexuals & Other Women Who Have Sex With Women," Women's Institute at Gay Men's Health Crisis, June 2009, accessed February 20, 2015, http://www.gmhc.org/files/editor/file/GMHC_lap_whitepaper_0609.pdf.

- ¹³¹ *Ibid.*
- ¹³² Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- ¹³³ The White House Office of National AIDS Policy, "National HIV/AIDS Strategy for the United States," July 2010, accessed February 20, 2015, <http://www.whitehouse.gov/sites/default/files/uploads/NHAS.pdf>.
- ¹³⁴ Centers for Disease Control and Prevention, "HIV-Specific Criminal Laws," last modified June 30, 2014, accessed February 20, 2015, <http://www.cdc.gov/hiv/policies/law/states/exposure.html>.
- ¹³⁵ Vanessa Johnson, Naina Khanna, Shari Margolese, Cristina Jade Pena, "Unspoken: Sexuality, Romance, and Reproductive Freedom for Women Living with HIV in the United States," Positive Women's Network - United States of America, November 2013, accessed March 2, 2015, <http://www.hivlawandpolicy.org/sites/www.hivlawandpolicy.org/files/Unspoken%20-%20Sexuality%2C%20Romance%2C%20and%20Reproductive%20Freedom%20for%20Women%20Living%20with%20HIV%20in%20the%20United%20States%20%28PWN-USA%29.pdf>.
- ¹³⁶ IMPACT LGBT Health and Development Program at Northwestern University, "Higher Pregnancy Rate for LGBT Youth," June 7, 2012, accessed February 20, 2015, <http://www.impactprogram.org/youth-blog/higher-pregnancy-rate-for-lgbt-youth/#sthash.6u1molM.dpbb>.
- ¹³⁷ *Ibid.*
- ¹³⁸ Sally Steenland and Jessica Arons, "Contraception Is an Economic Issue: Family Planning and the Economy Are Closely Connected," Center for American Progress, April 2, 2012, accessed February 20, 2015, <https://www.americanprogress.org/issues/women/news/2012/04/02/11387/contraception-is-an-economic-issue>.
- ¹³⁹ Martha J. Bailey, Brad Hershbein, and Amalia R. Miller, "The Opt-in Revolution? Contraception and the Gender Gap in Wages," Working Paper No. 17922, National Bureau of Economic Research, 2012, accessed February 20, 2015, <http://www.nber.org/papers/w17922.pdf>.
- ¹⁴⁰ Center for Young Women's Health, "Medical Uses of the Birth Control Pill," March 26, 2014, accessed February 20, 2015, <http://youngwomenshealth.org/2011/10/18/medical-uses-of-the-birth-control-pill>.
- ¹⁴¹ Guttmacher Institute, "State Policies in Brief: Insurance Coverage of Contraceptives," February 1, 2015, accessed February 20, 2015, http://www.guttmacher.org/statecenter/spibs/spib_ICC.pdf; Guttmacher Institute, "State Policies in Brief: State Family Planning Funding Restrictions," February 1, 2015, accessed February 20, 2015, http://www.guttmacher.org/statecenter/spibs/spib_SFFPR.pdf.
- ¹⁴² *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. ____ (2014).
- ¹⁴³ For example, Aetna insurance states that fertility treatments are covered for an individual "if he or she is unable to conceive or produce conception after 1 year of frequent, unprotected heterosexual intercourse, or 6 months of frequent, unprotected sexual intercourse if the female partner is over the age 35 years. Alternatively, a woman without a male partner may be considered infertile if she unable to conceive or produce conception after at least 12 cycles of donor insemination (6 cycles for women aged 35 or older)." Aetna, "Clinical Policy Bulletin: Infertility," Effective: May 20, 1999; reviewed: February 7, 2014, accessed May 5, 2014, http://www.aetna.com/cpb/medical/data/300_399/0327.html.
- ¹⁴⁴ Lauren Paulk, "Abortion Access Is an LGBT Issue," National Center for Lesbian Rights, October 1, 2013, accessed February 20, 2015, <http://www.nclrights.org/abortion-access-is-an-lgbt-issue>.
- ¹⁴⁵ <http://www.bu.edu/today/2011/lesbians-gays-bisexuals-at-increased-risk-for-sexual-assault>.
- ¹⁴⁶ *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998*, Public Law No. 105-119, § 617, 111 Stat. 2440, 2519 (1998), (codified as amended at 18 U.S.C. § 3006A (2000)).
- ¹⁴⁷ Kinsey Hasstedt, "Abortion Coverage Under the Affordable Care Act: The Laws Tell Only Half the Story," Guttmacher Policy Review, Volume 17, Number 1, 2014, accessed February 20, 2015, <http://www.guttmacher.org/pubs/gpr/17/1/gpr170115.html>.
- ¹⁴⁸ Guttmacher Institute, "State Policies in Brief: An Overview of Abortion Laws," February 1, 2015, accessed February 20, 2015, http://www.guttmacher.org/statecenter/spibs/spib_OAL.pdf.
- ¹⁴⁹ Guttmacher Institute, "State Policies in Brief: Restricting Insurance Coverage of Abortion," February 1, 2015, accessed February 20, 2015, http://www.guttmacher.org/statecenter/spibs/spib_RICA.pdf.
- ¹⁵⁰ Guttmacher Institute, "State Policies in Brief: An Overview of Abortion Laws," February 1, 2015, accessed February 20, 2015, http://www.guttmacher.org/statecenter/spibs/spib_OAL.pdf.
- ¹⁵¹ Adam Sonfield, Kinawy Hasstedt, Megan L. Kavanaugh, and Ragnar Anderson, "The Social and Economic Benefits of Women's Ability to Determine Whether and When To Have Children," Guttmacher Institute, March 2013, accessed February 20, 2015, <http://www.guttmacher.org/pubs/social-economic-benefits.pdf>.
- ¹⁵² *Ibid.*
- ¹⁵³ Movement Advancement Project, "LGBT Equality Maps: Marriage & Relationship Recognition Laws," accessed February 20, 2015, http://www.lgbtmap.org/equality-maps/marriage_relationship_laws.
- ¹⁵⁴ Movement Advancement Project, "LGBT Equality Maps: Family Leave Laws," accessed February 20, 2015, http://www.lgbtmap.org/equality-maps/fmla_laws.
- ¹⁵⁵ U.S. Department of Justice, Office of the Attorney General, "Memorandum to the President re: Implementation of *United States v. Windsor*," June 20, 2014, accessed February 20, 2015, <http://www.washingtonblade.com/content/files/2014/06/AG-Memo-to-the-President-re-Windsor-6-20-14-1.pdf>.
- ¹⁵⁶ The Kaiser Family Foundation and Health Research & Educational Trust, "Employer Health Benefits: 2012 Annual Survey," 2012, accessed February 20, 2015, <http://kaiserfamilyfoundation.files.wordpress.com/2013/03/8345-employer-health-benefits-annual-survey-full-report-0912.pdf>.
- ¹⁵⁷ Ninez A. Ponce, Susan D. Cochran, Jennifer C. Pizer, and Vickie M. Mays, "The Effects of Unequal Access to Health Insurance For Same-Sex Couples In California," *Health Affairs*, 29 (2010): 1539-48.
- ¹⁵⁸ Laura E. Durso, Kellan Baker, and Andrew Cray, "LGBT Communities and the Affordable Care Act," Center for American Progress, October 10, 2013, accessed February 20, 2015, <http://www.americanprogress.org/wp-content/uploads/2013/10/LGBT-ACA-survey-brief1.pdf>.
- ¹⁵⁹ For more information, see pages 40-41 of Unfair Price full report.
- ¹⁶⁰ HealthCare.Gov, "Health coverage for same-sex couples," accessed February 20, 2015, <https://www.healthcare.gov/married-same-sex-couples-and-the-marketplace>.
- ¹⁶¹ Tom Caiazza, "RELEASE: CAP Report Shows ACA Has Lowered Rate of Uninsured LGBT People," Center for American Progress, November 17, 2014, accessed February 20, 2015, <https://www.americanprogress.org/press/release/2014/11/17/101620/release-cap-report-shows-aca-has-lowered-rate-of-uninsured-lgbt-people>.
- ¹⁶² The Henry J. Kaiser Family Foundation, "Women's Health Insurance Coverage," Dec 10, 2014, accessed February 20, 2015, <http://kff.org/womens-health-policy/fact-sheet/womens-health-insurance-coverage-fact-sheet>.
- ¹⁶³ Analysis by the Center for American Progress, August 22, 2014.
- ¹⁶⁴ The Kaiser Commission on Medicaid and the Uninsured, "Medicaid: A Primer," March 2013, accessed May 8, 2014, <http://kaiserfamilyfoundation.files.wordpress.com/2010/06/7334-05.pdf>.
- ¹⁶⁵ *Ibid.*
- ¹⁶⁶ The Henry J. Kaiser Family Foundation, "Medicare's Role for Older Women," May 16, 2013, accessed February 20, 2015, <http://kff.org/womens-health-policy/fact-sheet/medicares-role-for-older-women>.
- ¹⁶⁷ *Ibid.*
- ¹⁶⁸ *Ibid.*
- ¹⁶⁹ John R. Blosnich and Robert M. Bossarte, "Comparisons of Intimate Partner Violence Among Partners in Same-Sex and Opposite-Sex Relationships in the United States," *American Journal of Public Health* 99 (2009): 2182-2184, doi:10.2105/AJPH.2008.139535.
- ¹⁷⁰ Mikel L. Walters, Jieru Chen, and Matthew J. Breiding, "The National Intimate Partner and Sexual Violence Survey: 2010 Findings on Victimization by Sexual Orientation," Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, January 2013, accessed February 20, 2015, http://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf.
- ¹⁷¹ Rebecca L. Stotzer, "Violence Against Transgender People: A review of United States data," *Aggression and Violent Behavior*, Vol. 14, No. 3, 2009; Gretchen P. Kenagy, "The health and social service needs of transgender people in Philadelphia," *International Journal of Transgenderism*, Vol. 8, No. 2/3, 2005; Gretchen P. Kenagy and Wendy B. Bostwick, "Health and social service needs of transgender people in Chicago," *International Journal of Transgenderism*, Vol. 8, No. 2/3, 2005; Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, accessed February 20, 2015, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf; Michael Munson and Loree Cook-Daniels, "Transgender Individual's Knowledge of and Willingness to Use Sexual Assault Programs," unpublished manuscript, 2011.
- ¹⁷² Joanna Bunker Rohrbaugh, "Domestic Violence in Same-Gender Relationships," *Family Court Review* 44 (2006): 287-299, accessed February 20, 2015, http://www.rohrbaughassociates.net/pdfs/same_sex.pdf.
- ¹⁷³ Kim Parker, "Among LGBT Americans, bisexuals stand out when it comes to identity, acceptance," Pew Research Center, February 20, 2015, accessed March 3, 2015, <http://www.pewresearch.org/fact-tank/2015/02/20/among-lgbt-americans-bisexuals-stand-out-when-it-comes-to-identity-acceptance>.
- ¹⁷⁴ Center for American Progress, "Domestic Violence in the LGBT Community," June 14, 2011, accessed February 20, 2015, <https://www.americanprogress.org/issues/lgbt/news/2011/06/14/9850/domestic-violence-in-the-lgbt-community>.
- ¹⁷⁵ Mary Allen, Patricia Lima Velame Branco, DeeDee Burnett, Ana Hernández, and Jackie List-Warrilow, "Lesbian, Gay, Bisexual and Trans (LGBT) Communities and Domestic Violence: Information and Resources," National Resource Center on Domestic Violence, 2007, accessed February 20, 2015, http://www.vawnet.org/Assoc_Files_VAWnet/NRC_LGBTDV-Full.pdf.
- ¹⁷⁶ *Ibid.*
- ¹⁷⁷ Katherine Gallagher Robbins, Joan Entmacher, and Julie Vogtman, "Two-Thirds of Benefits from Improved Tax Credits for Working Families Go to Women and Their Families," National Women's Law Center, updated December 2014, accessed February 20, 2015, http://www.nwlc.org/sites/default/files/pdfs/two-thirds_of_benefits_from_improved_tax_credits_for_working_families_go_to_women_and_children_dec_2014changed_boxes.pdf.

- ¹⁷⁸ Julie Vogtman and Katherine Gallagher Robbins, "The Minimum Wage and the EITC: Complementary Strategies Helping Women Lift Their Families Out of Poverty," National Women's Law Center, updated December 2014, accessed February 20, 2015, <http://www.nwlc.org/sites/default/files/pdfs/minimumwageandeitcdec2014.pdf>.
- ¹⁷⁹ U.S. Social Security Administration, "Fast Facts & Figures About Social Security, 2013," Publication No. 13-11785, August 2013, accessed February 20, 2015, http://www.ssa.gov/policy/docs/chartbooks/fast_facts/2013/fast_facts13.pdf.
- ¹⁸⁰ Total child beneficiaries receiving retirement benefits, survivor benefits, and disability insurance benefits. U.S. Social Security Administration, "Monthly Statistical Snapshot, February 2014. Table 2. Social Security benefits, February 2014," March 2014, accessed April 7, 2014, http://www.ssa.gov/policy/docs/quickfacts/stat_snapshot/2014-02.pdf.
- ¹⁸¹ U.S. Social Security Administration, "Social Security Is Important To Women," accessed February 20, 2015, <http://www.ssa.gov/people/women>.
- ¹⁸² Paul N. Van de Water, Arloc Sherman, and Kathy A. Ruffing, "Social Security Keeps 22 Million Americans Out of Poverty: A State-By-State Analysis," Center on Budget and Policy Priorities, October 25, 2013, accessed February 20, 2015, <http://www.cbpp.org/files/10-25-13ss.pdf>.
- ¹⁸³ *Ibid.*
- ¹⁸⁴ U.S. Social Security Administration, "Social Security Is Important to Women," accessed February 20, 2015, <http://www.ssa.gov/news/press/factsheets/women.htm>.
- ¹⁸⁵ *Ibid.*
- ¹⁸⁶ Naomi G. Goldberg, "The Impact of Inequality for Same-Sex Couples in Employer-Sponsored Retirement Plans," The Williams Institute, October 2009, accessed March 6, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Goldberg-Retirement-Plans-Report-Oct-2009.pdf>.
- ¹⁸⁷ *Ibid.*
- ¹⁸⁸ U.S. Department of Labor, Employee Benefits Security Administration, "Women And Retirement Savings," accessed February 20, 2015, <http://www.dol.gov/ebsa/publications/women.html>.
- ¹⁸⁹ *Ibid.*
- ¹⁹⁰ U.S. Census Bureau, "Current Population Survey, 2012 Annual Social and Economic Supplement: PINC-08. Source of Income in 2011," accessed February 20, 2015, http://www.census.gov/hhes/www/cpstables/032012/perinc/pinc08_64.xls.
- ¹⁹¹ U.S. Department of Labor, "Technical Release No. 2013-04. Guidance to Employee Benefit Plans on the Definition of "Spouse" and "Marriage" Under ERISA and the Supreme Court's Decision in *United States v. Windsor*," September 18, 2013, accessed May 12, 2014, <http://www.dol.gov/ebsa/newsroom/tr13-04.html>.
- ¹⁹² *Pregnancy Discrimination Act* ("PDA"), 42 U.S.C. § 2000(e) et seq.
- ¹⁹³ Childbirth Connection and National Partnership for Women & Families, "Listening to Mothers: The Experiences of Expecting and New Mothers in the Workplace," January 2014, accessed March 2, 2015, <http://www.nationalpartnership.org/research-library/workplace-fairness/pregnancy-discrimination/listening-to-mothers-experiences-of-expecting-and-new-mothers.pdf>; National Women's Law Center and A Better Balance, "It Shouldn't Be A Heavy Lift: Fair Treatment for Pregnant Workers," June 18, 2013, accessed March 2, 2015, http://www.nwlc.org/sites/default/files/pdfs/pregnant_workers.pdf.
- ¹⁹⁴ A Better Balance, "State and Local Laws Protecting Pregnant Workers," accessed March 2, 2015, <http://www.abetterbalance.org/web/ourissues/fairness-for-pregnant-workers/310>.
- ¹⁹⁵ Amy Traub, "Retail's Choice: How raising wages and improving schedules for women in the retail industry would benefit America," Demos, accessed February 20, 2015, http://www.demos.org/sites/default/files/publications/RetailsChoice_0.pdf.
- ¹⁹⁶ National Women's Law Center and A Better Balance, "It Shouldn't Be A Heavy Lift: Fair Treatment for Pregnant Workers," June 18, 2013, accessed March 2, 2015, http://www.nwlc.org/sites/default/files/pdfs/pregnant_workers.pdf.
- ¹⁹⁷ U.S. Equal Employment Opportunity Commission, "Pregnancy Discrimination Charges FY 2010 - FY 2014," accessed February 20, 2015, http://www.eeoc.gov/eeoc/statistics/enforcement/pregnancy_new.cfm.
- ¹⁹⁸ National Partnership for Women & Families, "The Pregnancy Discrimination Act: Where We Stand 30 Years Later," October 2008, accessed February 20, 2015, http://go.nationalpartnership.org/site/DocServer/Pregnancy_Discrimination_Act_-_Where_We_Stand_30_Years_L.pdf?docID=4281.
- ¹⁹⁹ *Ibid.*
- ²⁰⁰ *Young v. United Parcel Service, Inc.*, 707 F.3d 437 (4th Cir.2013) cert. granted, 83 U.S.L.W. 3010 (U.S. July 1, 2014) (No. 12-1226).
- ²⁰¹ Nina Totenberg, "Pregnancy Discrimination Act In The Spotlight At Supreme Court," All Things Considered, *National Public Radio*, December 03, 2014, accessed February 21, 2015, <http://www.npr.org/2014/12/03/368282883/supreme-court-case-puts-focus-on-pregnancy-discrimination-act>.
- ²⁰² Lawrence B. Finer and Mia R. Zolna, "Unintended pregnancy in the United States: incidence and disparities, 2006," *Contraception* 84 (2011): 478-485, accessed February 20, 2015, doi: 10.1016/j.contraception.2011.07.013.
- ²⁰³ Truven Health Analytics, "The Cost of Having a Baby in the United States," Childbirth Connection, Catalyst for Payment Reform, and Center for Healthcare Quality and Payment Reform, January 2013, accessed February 20, 2015, <http://transform.childbirthconnection.org/wp-content/uploads/2013/01/Cost-of-Having-a-Baby1.pdf>.
- ²⁰⁴ *Ibid.*
- ²⁰⁵ Eugene R. Declercq, Carol Sakala, Maureen P. Corry, Sandra Applebaum, and Ariel Herrlich, "Listening to Mothers SM III: Pregnancy and Birth," Childbirth Connection, May 2013, accessed February 20, 2015, http://transform.childbirthconnection.org/wp-content/uploads/2013/06/LTM-III_Pregnancy-and-Birth.pdf.
- ²⁰⁶ Truven Health Analytics, "The Cost of Having a Baby in the United States," Childbirth Connection, Catalyst for Payment Reform, and Center for Healthcare Quality and Payment Reform, January 2013, accessed February 20, 2015, <http://transform.childbirthconnection.org/wp-content/uploads/2013/01/Cost-of-Having-a-Baby1.pdf>.
- ²⁰⁷ Sally C. Curtin, Joyce C. Abma, Stephanie J. Ventura, and Stanley K. Henshaw, "Pregnancy rates for U.S. women continue to drop," NCHS data brief, no. 136, National Center for Health Statistics, 2013, accessed February 20, 2015, <http://www.cdc.gov/nchs/data/databriefs/db136.htm>.
- ²⁰⁸ *Ibid.*
- ²⁰⁹ Linda Houser and Thomas P. Vartanian, "Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Businesses and the Public," Center for Women and Work, Rutgers, The State University of New Jersey, January 2012, accessed March 2, 2015, http://news.rutgers.edu/news-releases/2012/01/rutgers-study-finds-20120118#.V038vLPF_Ao; A Better Balance, "Investing in Our Families: The Case for Family Leave Insurance in New York and the Nation," September 2013, accessed March 2, 2015, <http://abetterbalance.org/web/images/stories/Documents/familyleave/FLI2013.pdf>; Maya Rossin-Slater, Christopher J. Ruhm, Jane Waldfogel, "The Effects of California's Paid Family Leave Program on Mothers' Leave-Taking and Subsequent Labor Market Outcomes," Working Paper No. 17715, National Bureau of Economic Research, 2011, accessed February 20, 2015, <http://www.nber.org/papers/w17715>.
- ²¹⁰ Jacob Alex Klerman, Kelly Daley, and Alyssa Pozniak, "Family and Medical Leave in 2012: Technical Report," U.S. Department of Labor, April 18, 2014, accessed March 2, 2015, <http://www.dol.gov/asp/evaluation/fmla/FMLA-2012-Technical-Report.pdf>.
- ²¹¹ Linda Houser and Thomas P. Vartanian, "Policy Matters: Public Policy, Paid Leave for New Parents, and Economic Security for U.S. Workers," Center for Women and Work, Rutgers, The State University of New Jersey, April 2012, accessed February 20, 2015, http://go.nationalpartnership.org/site/DocServer/RutgersCWW_Policy_Matters_April2012.pdf?docID=10241; A Better Balance, "Investing in Our Families: The Case for Family Leave Insurance in New York and the Nation," September 2013, accessed March 2, 2015, <http://abetterbalance.org/web/images/stories/Documents/familyleave/FLI2013.pdf>.
- ²¹² Emily Baxter, Judith Warner, and Sarah Jane Glynn, "Infographic: To Promote Women's Leadership, We Need Public Policy," Center for American Progress, December 11, 2014, accessed March 2, 2015, <https://www.americanprogress.org/issues/women/news/2014/12/11/102957/infographic-to-promote-womens-leadership-we-need-public-policy>.
- ²¹³ Movement Advancement Project, "LGBT Equality Maps: Family Leave Laws," accessed February 20, 2015, http://www.lgbtmap.org/equality-maps/fmla_laws.
- ²¹⁴ Rachel O'Connor, Jeff Hayes, and Barbara Gault, "Paid Sick Days Access Varies by Race/Ethnicity, Sexual Orientation, and Job Characteristics," Institute for Women's Policy Research, July 2014, accessed March 2, 2015, <http://www.iwpr.org/publications/pubs/paid-sick-days-access-varies-by-race-ethnicity-sexual-orientation-and-job-characteristics>.
- ²¹⁵ Emily Baxter, Judith Warner, and Sarah Jane Glynn, "Infographic: To Promote Women's Leadership, We Need Public Policy," Center for American Progress, December 11, 2014, accessed March 2, 2015, <https://www.americanprogress.org/issues/women/news/2014/12/11/102957/infographic-to-promote-womens-leadership-we-need-public-policy>.
- ²¹⁶ Oxfam America, "Hard Work, Hard Lives," 2013, accessed March 2, 2015, <http://www.oxfamamerica.org/static/oa4/low-wage-worker-report-oxfam-america.pdf>.
- ²¹⁷ A Better Balance, "Time for a Change: The Case for LGBT-Inclusive Workplace Leave Laws and Nondiscrimination Protections," November 2013, accessed March 2, 2015, <http://abetterbalance.org/web/images/stories/Documents/general/reports/TimeforaChangeFullReport.pdf>.
- ²¹⁸ *Ibid.*
- ²¹⁹ Movement Advancement Project, Center for American Progress, and Human Rights Campaign, "An Impossible Choice: LGBT Workers and Family Leave Laws," November 2013, accessed February 20, 2015, <http://lgbtmap.org/file/family-leave-brief.pdf>; A Better Balance, "Time for a Change: The Case for LGBT-Inclusive Workplace Leave Laws and Nondiscrimination Protections," November 2013, accessed March 2, 2015, <http://abetterbalance.org/web/images/stories/Documents/general/reports/TimeforaChangeFullReport.pdf>.
- ²²⁰ A Better Balance, "Overview of Paid Sick Time Laws in the United States," February 12, 2015, accessed March 2, 2015, <http://abetterbalance.org/web/images/stories/Documents/sickdays/factsheet/PSDchart.pdf>.
- ²²¹ U.S. Department of Agriculture, "The Cost of Raising a Child," August 2014, accessed February 20, 2015, http://www.cnpp.usda.gov/sites/default/files/expenditures_on_children_by_families/CRC2013InfoGraphic.pdf.

- ²²² *Ibid.*
- ²²³ Child Care Aware® of America, "Parents and the High Cost of Child Care: 2014 Report," accessed February 20, 2015, <http://usa.childcareaware.org/costofcare>.
- ²²⁴ *Ibid.*
- ²²⁵ U.S. Census Bureau, "Child Care: an Important Part of American Life," accessed February 20, 2015, http://www.census.gov/how/pdf/child_care.pdf.
- ²²⁶ Child Care Aware of America, "Parents and the High Cost of Child Care: 2014 Report," accessed February 20, 2015, <http://usa.childcareaware.org/costofcare>.
- ²²⁷ *Ibid.* "Head Start programs currently serve approximately 40 percent of income-eligible children, and Early Head Start serves less than four percent of income-eligible children. About 1.7 million children receive assistance through CCDBG, supporting approximately one out of every six eligible children."
- ²²⁸ Mark Lino, "Expenditures on Children by Families, 2013," U.S. Department of Agriculture, Center for Nutrition Policy and Promotion, August 2014, accessed February 20, 2015, http://www.cnpp.usda.gov/sites/default/files/expenditures_on_children_by_families/crc2013.pdf.
- ²²⁹ *Ibid.*
- ²³⁰ Nancy K. Cauthen, "Scheduling Hourly Workers: How Last Minute, "Just-In-Time" Scheduling Practices Are Bad for Workers, Families and Business," Dēmos, accessed February 20, 2015, http://www.demos.org/sites/default/files/publications/Scheduling_Hourly_Workers_Demos.pdf.
- ²³¹ Stephanie Luce and Naoki Fujita, "Discounted Jobs: How Retailers Sell Workers Short," The Murphy Institute of the City University of New York and Retail Action Project, accessed February 20, 2015, http://retailactionproject.org/wp-content/uploads/2012/01/FINAL_RAP.pdf.
- ²³² *Ibid.*; Nancy K. Cauthen, "Scheduling Hourly Workers: How Last Minute, "Just-In-Time" Scheduling Practices Are Bad for Workers, Families and Business," Dēmos, accessed February 20, 2015, http://www.demos.org/sites/default/files/publications/Scheduling_Hourly_Workers_Demos.pdf.

PARTNER ORGANIZATIONS' DESCRIPTIONS

9to5

With forty-one years' experience in winning justice for working women, 9to5 leads the way to create a powerful force for change on issues affecting low-wage women and their families. For more information, visit www.9to5.org.

A Better Balance

A Better Balance works to promote equality and expand choices for men and women at all income levels so they may care for their families without sacrificing their economic security. We employ a range of legal strategies to promote flexible workplace policies, end discrimination against caregivers and value the work of caring for families. We lead the charge for policies that help families, such as sick leave, flex time, pay equity, antidiscrimination, and other issues that value family care. For more information, visit www.abetterbalance.org.

Center for Community Change

The Center for Community Change's mission is to build the power and capacity of low-income people, especially low-income people of color, to change their communities and public policies for the better. Its focus areas include jobs and wages, immigration, retirement security, affordable housing, racial justice and barriers to employment for formerly incarcerated individuals. The Center empowers the people most affected by injustice to lead movements to improve the policies that affect their lives. For more information, visit www.communitychange.org.

Center for Popular Democracy

The Center for Popular Democracy (CPD) works to create equity, opportunity and a dynamic democracy in partnership with high-impact base-building organizations, organizing alliances, and progressive unions. CPD strengthens our collective capacity to envision and win an innovative pro-worker, pro-immigrant, racial and economic justice agenda. For more information, visit www.populardemocracy.org.

Family Values @ Work

Formed in 2003, Family Values @ Work is a national network of coalitions representing more than 1,000 grassroots organizations in 21 states building the growing movement for family-friendly workplace policies such as paid sick days and family leave insurance. Family Values @ Work coalitions are active in California, Colorado, Connecticut, Florida, Georgia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Washington, D.C., and Wisconsin. We've helped to win new laws in almost two dozen cities and states, bringing new rights and protections to more than 26 million workers and their loved ones. For more information, visit www.familyvaluesatwork.org.

Forward Together

Forward Together is a multi-racial organization that works with community leaders and organizations to transform culture and policy to catalyze social change. Our mission is to ensure that women, youth and families have the power and resources they need to reach their full potential. Forward Together leads and staffs Strong Families, a national network changing policy and culture so that all families can thrive. By developing strong leaders, building networks across communities, and implementing innovative campaigns, we are making our mission a reality. For more information, visit www.forwardtogether.org.

Legal Momentum

Legal Momentum is a national nonprofit organization that leads action for the legal rights of women. Our mission is to ensure economic and personal security for all women and girls by advancing equity in education, the workplace, and the courts. We provide an expert legal voice to seek justice for women in law and government policy. Our targeted litigation, education, policy advocacy, and research help to shape the laws and policies that affect gender equality and ensure that they are properly implemented and enforced. For more information, visit www.legalmomentum.org.

National Asian Pacific American Women's Forum

The National Asian Pacific American Women's Forum (NAPAWF) is the only national, multi-issue Asian American and Pacific Islander (AAPI) women's organization in the country. NAPAWF's mission is to build a movement to advance social justice and human rights for AAPI women and girls. For more information, visit www.napawf.org.

National Association of Social Workers

The National Association of Social Workers (NASW) is the largest membership organization of professional social workers in the world, with 132,000 members with 55 chapters in the United States and internationally. NASW works to enhance the professional growth and development of its members, to create and maintain professional standards, and to advance sound social policies. For more information, visit www.socialworkers.org.

National Center for Transgender Equality

The National Center for Transgender Equality (NCTE) is the nation's leading social justice advocacy organization winning life saving change for transgender people. NCTE was founded in 2003 by transgender activists who recognized the urgent need for policy change to advance transgender equality. For more information, visit www.transequality.org.

National Education Association

The National Education Association (NEA), the nation's largest professional employee organization, is committed to advancing the cause of public education. NEA's 3 million members work at every level of education—from pre-school to university graduate programs. NEA has affiliate organizations in every state and in more than 14,000 communities across the United States. For more information, visit www.nea.org.

National LGBTQ Task Force

The National LGBTQ Task Force advances full freedom, justice and equality for all LGBTQ people. We are building a future where everyone can be free to be their entire selves in every aspect of their lives. Today, despite all the progress we've made to end discrimination, millions of LGBTQ people face barriers in every aspect of their lives: in housing, employment, healthcare, retirement, and basic human rights; these barriers must go. They also face persecution, harassment and violence for simply being themselves; this must change. That's why the Task Force is training and mobilizing millions of activists across our nation to deliver a world where you can be you. For more information, visit www.thetaskforce.org.

National Partnership for Women & Families

The National Partnership for Women & Families works to promote fairness in the workplace, reproductive health and rights, access to quality affordable health care, and policies that help women and men meet the dual demands of work and family. For more information, visit www.nationalpartnership.org.

National Women's Law Center

Since 1972, the National Women's Law Center has worked to remove barriers based on gender; open opportunities; and help women and their families lead economically secure, healthy, and fulfilled lives, with a focus on the needs of low-income women and their families. The Center uses a range of tools to achieve progress across the major areas of family economic security, education, employment, and health and reproductive rights—including policy and legal research and analysis, litigation, advocacy, coalition-building, technical assistance and public education. For more information, visit www.nwlc.org.

Re:Gender

Re:Gender works to end gender inequity and discrimination against girls and women by exposing root causes and advancing research-informed action. Working with multiple sectors and disciplines, we are shaping a world that demands fairness across difference. For more information, visit www.regender.org.

Transgender Law Center

Transgender Law Center (TLC) changes law, policy and attitudes so that all people can live safely, authentically, and free from discrimination regardless of their gender identity or expression. Founded in 2002, TLC employs an integrated multidisciplinary approach—including impact litigation, policy advocacy, public education, and movement building—to protect and advance the rights of transgender and gender nonconforming people from coast to coast. For more information, visit www.transgenderlawcenter.org.

UltraViolet

UltraViolet is an online community of over 600,000 people who want to take collective action to expose and fight sexism in the public sector, private sector and the media. For more information, visit www.WeAreUltraViolet.org.

This page intentionally left blank

This page intentionally left blank



1333 H Street NW, 10th Floor • Washington, DC 20005
202-682-1611
www.americanprogress.org



movement advancement project ▶

2215 Market Street • Denver, CO 80205
720-274-3263
www.lgbtmap.org

Partners

