

WHAT YOUR COMPANY NEEDS TO KNOW

# LGBTQ Employees and the COVID-19 Pandemic



As businesses across the globe collectively race to adapt in the new age of COVID-19, they cannot afford to deprioritize their efforts to advance LGBTQ inclusion. When compared to the general population, LGBTQ individuals experience distinct disparities in health, income, employment, and access to critical resources like housing and medical care, all of which leave the community particularly vulnerable to COVID-19. Furthermore, they continue to lack federal protections from anti-LGBTQ discrimination and encounter daily risks of experiencing discrimination.

Employers play a pivotal role in shaping the lives and well-being of LGBTQ employees and their families, especially in times of crisis. LGBTQ inclusion work is more important than ever before, and employers should consider their most vulnerable workers in their COVID-19 response efforts. In addition, employers will come out of this crisis stronger and better positioned for longevity if they retain their commitments to their own employees.

As the COVID-19 pandemic continues to reshape day-to-day business operations, companies should ensure they are sustaining inclusive response efforts and year-long plans to support the LGBTQ community by implementing the following considerations and action items. Note that some of these can be implemented with relative swiftness and others are more complex.

# 1. COVID-19 Presents New Challenges to Employees Living with HIV or AIDS

## OVERVIEW

According to the CDC, individuals with underlying medical conditions or who are immunocompromised are at a **higher risk of contracting COVID-19** and more likely to have serious symptoms. Individuals living with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) have a weakened immune system and have a harder time fighting off infections, which makes people living with HIV or AIDS more vulnerable to a coronavirus infection. Additionally, COVID-19's disruption to everyday life can affect treatment plans for people living with HIV and AIDS including doctor appointments or check-ins, readily available medication or necessary medical supplies, and their ability to maintain social networks and support groups.

## WHAT TO CONSIDER

Overall, the LGBTQ population exhibits higher rates of HIV, while **transgender people are five times more likely to live with HIV** than the general population. Because of the serious complications and risks COVID-19 presents to employees living with HIV or AIDS, many may experience anxiety about commuting to work, performing job functions that require them to meet with others, interact with clients or spend time in public outside of their homes.

Additionally, employees living with HIV or AIDS might feel pressure to prematurely disclose their status in order to protect themselves from COVID-19, even if they are not ready to disclose this information to their employer.

## WHAT YOU CAN DO

- **Make Reasonable Accommodations:** Employees living with autoimmune issues such as HIV or AIDS—or employees who reside with, or provide care to, immunocompromised individuals—may need to take additional precautions to avoid infection. As companies navigate changes in operations, employers should demonstrate flexibility and reasonableness in accommodating individual requests to work remotely to reduce exposure (if an employer is not already compelled to be remote by government mandate), in addition to taking these concerns and risks to immunocompromised individuals seriously.
- **Build Cultures of Support and Respect:** To deepen a sense of inclusion and belonging in this time of crisis, companies should ensure employees living with underlying medical conditions feel supported in bringing their concerns and needs to light. Companies **should communicate to staff that those needing certain accommodations** as a result of COVID-19 will not be judged or reprimanded. Furthermore, employers and HR staff members should be prepared to provide additional reassurance to employees who are concerned about confidentiality surrounding the disclosure of their medical status. It is particularly important for HR staff members to demonstrate an awareness of the increased risks that COVID-19 poses to those with autoimmune disorders or other underlying conditions.
- **Learn More:** To learn more about those living with and affected by HIV and AIDS, utilize the following Out & Equal resource, **How Employers Can Support Those Living with and Affected by HIV and AIDS**.

## 2. The LGBTQ Community is Particularly Vulnerable to the Effects of COVID-19

### OVERVIEW

Because the LGBTQ community faces **unique health challenges**, they may be “particularly vulnerable” to the effects of COVID-19. Overall, LGBTQ individuals are more likely to have cancer and HIV, both of which contribute to weakened immune systems. Furthermore, **LGBTQ individuals have higher rates of asthma** when compared to the general population. Chronic health issues and respiratory risks are proven to exacerbate the complications associated with COVID-19. Furthermore, LGBTQ individuals—particularly those who are transgender or gender non-conforming—regularly experience discrimination in the healthcare system, leading many to avoid seeking medical care when needed, while others simply cannot afford treatment.

### WHAT TO CONSIDER

Because LGBTQ individuals already experience disparities in health when compared to the general population, COVID-19 will likely adversely impact LGBTQ employees. As a result, LGBTQ employees may have an increased need to take time off work to care for themselves, partners or loved ones. Furthermore, LGBTQ individuals may need to take additional precautions to limit exposure to COVID-19.

### WHAT YOU CAN DO

- **Offer Domestic Partner Benefits:** The 2015 Supreme Court decision in *Obergefell vs. Hodges* granted marriage equality across the nation and, as a result, many companies unfortunately did away with necessary domestic partner benefits. While same-sex marriage is the law of the land, **offering domestic partner benefits is still vitally important**. Domestic partner benefits that are inclusive of both same and different sex partners ensure that LGBTQ employees have the time they need to care for their partners if they fall sick—especially as LGBTQ individuals have a heightened risk of experiencing complications from COVID-19. Additionally, employers should be aware of the unique family dynamics within the LGBTQ community and accommodate family leave for chosen or diverse family units.
- **Learn More:** Out & Equal’s [Post-Marriage Equality: Why Your Company Should Continue to Provide Domestic Partner Benefits](#) provides more information on why offering domestic partner benefits continues to be important.



# 3. LGBTQ Individuals are Particularly Affected by a Lack of Access to Paid Leave

## OVERVIEW

Unlike other countries, the United States does not have national standards for **paid family or sick leave**. To curb the increasing case rate of COVID-19, the CDC has recommended that persons should stay home if they feel sick or have been exposed to an individual testing positive. While this is a critical step to take in preventing additional cases of COVID-19, it can result in tremendous financial hardship for employees who do not have adequate paid sick leave at their place of work.

## WHAT TO CONSIDER

In the face of this pandemic, inadequate paid family and sick leave policies also disproportionately affect LGBTQ employees who are **more likely to live in poverty and to work in lower wage or hourly wage jobs**. Just last week **292,000 LGBT adults filed for unemployment benefits**—a figure that is likely much higher given that LGBTQ workers tend to be overrepresented in industries that are most impacted by COVID-19. Furthermore, LGBTQ individuals are more likely to experience food insecurity and participate in the Supplemental Nutrition Assistance Program (SNAP). 1.9 million LGBTQ adults participate in SNAP while **3.1 million experience food insecurity**. Even more staggering is the number of LGBTQ individuals who experience housing stability, as 2.9 million LGBTQ adults who live below 200% of the federal poverty level rent homes rather than own. While **the Coronavirus Aid Relief and Economic Security Act (CARES Act)** provides some support in these areas, long-term financial instability can still have a deep impact. For LGBTQ people—especially those who are already on the margins—losing one’s job or having to take unpaid leave could be **financially devastating and lead to debt, extreme poverty or even homelessness**. **The 2018 LGBTQ Paid Leave Survey** revealed that only 29% of LGBTQ respondents worked at companies that provided paid medical leave while less than half of LGBTQ respondents (45%) worked at companies with LGBTQ-inclusive leave policies. Furthermore, 1 in 5 respondents were fearful that requesting time off for certain issues, including caring for a loved one, might reveal their LGBTQ identity.

## WHAT YOU CAN DO

- **Amend your Paid Family and Sick Leave Policies:** **The Family First Coronavirus Response Act** was recently signed into law to offer temporary paid sick leave benefits and longer-term family leave, however, it is not universal and includes numerous exclusions. Thus, many companies are amending their paid family and sick leave policies so employees can stay home if they are feeling sick, needing to care for a family member, or working in locations with mandatory quarantines. For example, **Walmart—the nation’s largest employer—recently implemented an emergency paid leave policy** that would provide two weeks of pay for workers who are quarantined or at a location with mandatory quarantine. Policy changes like these are crucial for many LGBTQ workers needing to take time off work during COVID-19. **Confirm that your paid and unpaid leave policies are inclusive of LGBTQ individuals and equitably applied**, including ensuring domestic partnerships are covered in your paid leave policies. Not all family care, medical and parental leave is inclusive of LGBTQ individuals: for example, family care may be restricted to legal guardians or spouses, failing to include domestic partners and other close family members.
- **Don’t Require A Doctor’s Note:** The CDC has advised businesses to demonstrate leniency with employees who need to use sick time due to respiratory illness by **forgoing requirements to provide a doctor’s note to validate their absence**. Due the overload of COVID-19 cases, medical care providers may not be able to provide these documents in a prompt manner.

# 4. COVID-19 and the Impact for Transgender and Gender Non-Conforming Employees

## OVERVIEW

As the world has been upended by the COVID-19 pandemic, hospitals and medical care facilities everywhere have become constrained in their abilities to provide critical care. To contend with the flood of COVID-19 hospital patients, surgeries considered “non-essential” have been postponed indefinitely or cancelled in many cases. Among the surgeries deemed “non-essential” or “elective” are **gender-affirming surgeries for transgender and gender non-conforming individuals**.

## WHAT TO CONSIDER

For many trans/GNC individuals, gender-affirming surgery is a lifesaving surgery. It can lead to a **decrease in anxiety, depression and suicidal behavior**. A delay or cancellation in surgery can deepen existing gender dysphoria and lead to an increase in anxiety, depression and even suicidal ideation. Transgender and gender non-conforming employees who have received surgery delays or cancellations are likely experiencing some—if not all—of the reactions listed above, compounded by the mental health effects associated with COVID-19 and social isolation. In the meantime, these reactions and other mental health effects associated with COVID-19 may make it more difficult for trans/GNC employees to be fully engaged in the workplace or perform essential job functions.

## WHAT YOU CAN DO

- **Leverage ERGs as Support Systems:** It is important to support the mental health and wellbeing of trans/GNC employees as they are forced to move forward indefinitely without gender-affirming treatment. Your LGBTQ ERG can serve as a critical foundation for LGBTQ individuals facing compounded obstacles as a result of COVID-19. In fact, **a recent survey revealed that ERGs in 37% of companies** are aiding in “surfacing” of the needs and concerns of certain employee populations. Support and encourage ERGs leaders to provide virtual programming and remote check-ins to build a safe space for trans/GNC employees to share concerns, voice struggles, and gain assistance from peers.
- **Provide Reasonable Accommodations and Support:** Companies should be prepared to provide additional assistance and support as trans/GNC employees cope with surgery cancellations and delays. This includes both supporting and offering paid leave for mental health, accommodating remote work, and approving future leave once surgeries are rescheduled. Companies should ensure that trans/GNC employees have access to and are aware of their Employee Assistance Program (EAP), which can be beneficial in providing a range of services, like short-term counseling, to employees coping with these major life changes and issues.
- **Learn More:** To learn more about how COVID-19 affects transgender and gender non-conforming individuals, The National Center for Transgender Equality **offers a useful resource here**.

# 5. The LGBTQ Community Faces Disproportionate Risks of Experiencing Mental Health Challenges in the Face of COVID-19

## OVERVIEW

The national call for social distancing is a critical and lifesaving measure in the fight to contain COVID-19. However, it can also have significant adverse effects on mental health. Significant changes in day-to-day life due to COVID-19 can contribute to major disruptions in social support systems and intensify feelings of isolation, loneliness, anxiety and depression. As the country grapples with the mental health issues associated with social isolation and the viral outbreak as a whole, the LGBTQ community is particularly vulnerable.

## WHAT TO CONSIDER

Because of existing stigma, discrimination and a lack of access to critical resources, many LGBTQ individuals already struggle with mental health. LGBTQ people are significantly **more likely to experience mental health issues**, like anxiety and depression, than the general population. Furthermore, they are at a much higher risk of suicidal ideation, as **nearly half of transgender adults have reported suicidal ideation in the last 12 months** compared to just 4% of the general population. Employers should understand the unique mental health challenges facing the LGBTQ community and respond accordingly to ensure employees are healthy, safe and feel supported by their companies.

## WHAT YOU CAN DO

- **Monitor and Support Well-Being Through ERG Engagement:** ERG leaders are emerging as key players in monitoring the emotional well-being of ERG members during the COVID-19 crisis. As employees experience personal losses or significant changes in daily life, ERGs can serve as important mechanisms for employees to virtually connect and cope with the pandemic and subsequent isolation. Companies should encourage ERGs to facilitate regular virtual check-ins with their member base to assess well-being, connect on shared coping skills and identify needs and concerns.
- **Provide LGBTQ specific mental health resources:** As LGBTQ individuals experience disparate impacts in both physical and mental health during the COVID-19 crisis, share the following LGBTQ-specific mental health resources with your employees:

**TrevorLifeline:** An LGBTQ-specific crisis intervention and suicide prevention phone service conducted by The Trevor Project, available 24 hours a day, 7 days a week: **1-866-488-7386**

**SAGE LGBT Elder Hotline:** A 24-hour hotline dedicated to LGBTQ older people needing support or dealing with crisis: **877-360-5428**

**Trans Lifeline:** a peer support service line for transgender people in crisis, run by trans-identified individuals: **877-565-8860**