Lesbian, Gay and Bisexual Issues

This represents a revision of the 1996 Gay, Lesbian, and Bisexual Issues Policy.

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Abstract:

NASW believes that same-gender sexual orientation should be afforded the same respect and rights as other-gender sexual orientation. NASW is committed to working toward the elimination of prejudice and discrimination based on sexual orientation, both inside and outside of the profession.

In social work education and the professional environment, NASW expects schools of social work to address the issue of discrimination. NASW encourages continuing education programs on practice and policy issues relevant to lesbian, gay, and bisexual people and cultures, as well as education about human sexuality. NASW believes all social work organizations and associations should use inclusive, gender-neutral language and social work licensure exams should include questions specific to lesbian, gay, and bisexual.

In coalition with other mental health and human services professions, NASW supports antidiscrimination legislation at the national, state, and local levels. NASW opposes laws that allow discrimination against lesbian, gay, and bisexual people, including in immigration, employment, housing, professional credentialing, licensing, public accommodation, child custody, and the right to marry. NASW encourages the adoption of laws that recognize inheritance, insurance, same-sex marriage, child custody, property, and other relationship rights for lesbian, gay, and bisexual people.
BACKGROUND

In U.S. society, lesbian, gay, bisexual, transgender and intersex people are still considered by some to be immoral, unnatural, and/or dysfunctional. Until 1973, homosexuality was defined as mental illness by the American Psychiatric Association’s (APA) Diagnostic and Statistical manual (DSM) (APA, 1952). Lesbian, gay, bisexual, transgender and intersex people do not have civil and statutory protection under the law (Title VII of the Civil Rights Act) (Herek & Berrill, 1992). In fact, the government takes a leading role in the subjugation of lesbians and gay men by denying legal recognition of same sex marriage. There is much violence and social injustice that must be overcome before sexual minority people are able to enjoy the full benefits of our society (Sloan & Gustavsson). It is important that NASW take a strong stance on behalf of LGBTI people and work to end the prejudice, oppression, and discrimination that confront LGBTI people on a daily basis. Although LGBTI persons share many of the same discrimination and concerns, NASW has a separate policy statement on transgender and gender identity issues, therefore, this policy primarily addresses lesbian, gay and bisexual people (LGB).

Discrimination against LGB people has a long history in the United States. Following World War II, President Eisenhower banned gay men and lesbians from all federal jobs; many state and local governments and private companies followed suit (Garraty & Foner, 1991). Until 1961, sodomy and homosexuality were illegal in all 50 states. Sodomy laws were used in many states to deny lesbians and gay men custody of their children, employment, and the opportunity to foster or adopt children in state care (National Gay and Lesbian Task Force [NGLTF], 2004). Throughout the 1950’s and 60’s, police frequently raided gay bars, arresting employees and patrons.
By the late 1950’s, the gay rights movement was beginning to grow and reject the discrimination faced by LGB people. On June 27, 1969, when New York City police raided a Greenwich Village gay bar, the LGB community was ready to fight back. As police arrested employees and patrons of the Stonewall Inn, a fight ensued and soon there were hundreds of people protesting and rioting. Over the next three days, the crowd of protesters grew to over 1000. Although not the beginning of the gay rights movement, the Stonewall riots were an important milestone in the gay rights movement. Over the next decades, changes would spread across the country. In 1973, the American Psychiatric Association removed homosexuality from its list of mental disorders. By 1975, the federal government had lifted the employment ban on lesbians and gay men (in most jobs) (Garraty & Foner, 1991). On June 26, 2003, the Supreme Court ruled sodomy laws unconstitutional (Lawrence v. Texas). Later in 2003, the Massachusetts Supreme Court ruled that banning lesbians and gay men from marrying was a violation of the state’s constitution, opening the way for same sex couples to legally marry in the state.

Internationally, other countries were also beginning to fight against discrimination of LGB people. In 1994, the United Nations ruled that discrimination based on sexual orientation violates the International Covenant on Civil and Political Rights (1994). In 1996, post-apartheid South Africa became the first country to include non-discrimination based on sexual orientation in its constitution (Human Rights Watch [HRW], 2004). From 1981-2003, the European Court of Human Rights overturned sodomy, recognized gay and lesbian partnerships, condemned discriminatory age-of-consent laws (i.e., differing age of consent to engage in sex for heterosexual versus LGB youth), and gave transgender people the right to legally change their identity and to marry (HRW). In 1998, Denmark legalized same-sex partnerships; within two years, Norway, Sweden, Iceland, and France followed. In 2001, the Netherlands legalized same-
sex marriages, followed in 2003 by Belgium and the Canadian provinces of Ontario and British Columbia. In 2004, Quebec, the Yukon, Manitoba, Nova Scotia, and Saskatchewan legalized same sex marriage.

**ISSUE STATEMENT**

Despite the successes of the gay rights movement, there continues to be discrimination against LGB people. Thirty-five states do not protect LGB people from discrimination in employment, education, credit, housing, and other public accommodation. Six states do not allow lesbians or gay men to adopt (Florida & Mississippi), or foster children (North Dakota, Utah, Arkansas and Oklahoma) (NGLTF, 2004b). Thirteen states passed state constitutional amendments that prohibit same sex marriage (although the courts in Louisiana struck down their amendment). Alabama, Arizona, Mississippi, South Carolina, and Texas prohibit any discussion of homosexuality in school or “mandate that any references to homosexuality be exclusively negative” (NGLTF, 2004a, p. 1).

The federal government has also failed to support non-discrimination against LGB people. The 1994 Employment Non-Discrimination Act (ENDA), which would protect LGB people from workplace discrimination, has failed to pass Congress. In 1996, the federal government passed the Defense of Marriage Act (DOMA) allowing states to not recognize gay marriages sanctioned in other states or countries. Currently, President Bush proposed a constitutional amendment to define marriage as between one man and one woman.

The impact of discrimination, homophobia, heterosexism, and biphobia have a serious impact on LGB people. Homophobia and heterosexism inhibit effective and appropriate service delivery for sexual minority people. Hate crimes based on sexual orientation account for 16% of all hate crimes reported to law enforcement (FBI, 2004). Research suggests that harassment and
hatred of LGB people is related to higher rates of depression, suicide, high school drop out, and
teen homelessness (HRW, 2001). Gay men earn 20% less than heterosexual men, and due to the
inequity in women’s salaries compared to men, lesbian couples earn less than heterosexual
couples (Baggett, 1998).

Discrimination within the LGB community must be also acknowledged. LGB people
represent all of the diversity of our society—people of color, people who are disabled, people
who are elderly, people who are immigrants and refugees, and people of all religious and
political beliefs. LGB people facing multiple forms of oppression also face discrimination from
LGB people. In addition, bisexual identity is often dismissed by lesbians and gay men as a
means to avoid the full brunt of homophobia, and not a true sexual orientation. Bisexuals are
frequently told that bisexuality is just a phase, and they will either eventually identify as
heterosexual or homosexual. The complexities of multiple forms of oppression can not be
ignored.

Homophobic or heterosexist views also reduce the effectiveness of support, services and
treatment social workers offer to gay and lesbian clients. Homophobia and/or heterosexism may
cause social workers to minimize or exaggerate the importance of sexual orientation in the gay,
lesbian, or bisexual individual’s life; perpetuate self hatred experienced by some gay and lesbian
clients (Brown, 1996; McHenry & Johnson, 1993; Peterson, 1996). Taken to the extreme,
homophobia in social workers and other practitioners can lead to the use of conversion or
reparative therapies, which are explicitly condemned by the NASW, the American Psychological
Association (APA), the American Counseling Association (ACA), and the American Psychiatric
Association (American Academy of Pediatrics et al., n.d.; American Psychiatric Association,
1998; NASW, 2000b).
POLICY STATEMENT

It is the position of the NASW that same-gender sexual orientation should be afforded the same
respect and rights as other-gender orientation. Discrimination and prejudice directed against any
group is damaging to the social, emotional, and economic well-being of the affected group and
of society as a whole. NASW is committed to advancing policies and practices that will improve
the status and well-being of all lesbian, gay, and bisexual people. NASW reaffirms its support of
the Transgender and Gender Identity Issues policy statement, recognizing the intersection of
oppression among lesbian, gay, bisexual, transgender, and intersex people.

Non-Discrimination

- NASW supports all social agencies, universities, professional associations, and funding
  organizations in their efforts to broaden statements of nondiscrimination to include sexual
  orientation.

- NASW supports the adoption of local, state, federal and international policies/legislation that
  ban all forms of discrimination based on sexual orientation. LGB people must be granted all
  rights, privileges and responsibilities that are granted to heterosexual people, including but
  not limited to inheritance rights, insurance, marriage, child custody, employment, credit, and
  immigration.

- NASW supports the adoption of local, state, federal and international policies/legislation that
  protect the rights and well-being of the children of lesbian, gay, and bisexual people.

- NASW supports efforts to end discrimination and harassment of lesbian, gay, and bisexual
  youth in public schools. NASW also supports the rights of LGB youth and allies to organize
  and operate in schools.

- NASW is committed to working toward the elimination of prejudice, social injustice,
violence and discrimination of LGB people in all aspects of society.

Social Work Profession and Education

- NASW encourages curriculum policies in schools of social work that eliminate discrimination against lesbian, gay, and bisexual people. Schools of social work are expected to articulate the NASW position in curriculum policy and standards; to require content on lesbian, gay, and bisexual people throughout the curriculum, in field instruction, and in continuing education programs; and to provide training for classroom instructors, field supervisors, and field advisors regarding lesbian, gay, and bisexual issues.

- NASW encourages social workers to increase their awareness of oppression, heterosexism, homophobia and the intersection of multiple forms of oppression.

- NASW encourages all social work organizations and associations to use inclusive, gender-neutral language, non-homophobic, non-heterosexist language in all materials.

- NASW encourages licensing bodies to include questions specific to lesbian, gay, and bisexual sex issues.

- NASW strives for full representation and establishment of means to affirm the presence of lesbian, gay, and bisexual people at all levels of leadership and employment in social work and in NASW and its chapters.

Education and Public Awareness

- NASW encourages the development of programs to increase public awareness of the violence and social injustice experienced by lesbian, gay, and bisexual people. Public awareness and education in schools should include information on the contributions made to society by lesbian, gay, and bisexual people.

- NASW encourages the development of programs, training, and information that promote
proactive efforts to end the violence perpetrated against lesbian, gay, and bisexual people.

- NASW applauds organizations that fund, develop, and provide programming that portrays the lesbian, gay, and bisexual communities compassionately and accurately.

**Health and Mental Health Services**

- NASW supports the right of the individual to self-disclose, or not to disclose, sexual orientation and encourages the development of supportive practice environments for lesbian, gay, and bisexual clients and colleagues.
- NASW reaffirms its stance against reparative therapies and treatments designed to change sexual orientation or to refer practitioners or programs that claim to do so (NASW, 2000).
- NASW strongly advocates for the availability of culturally appropriate comprehensive health and mental health services for LGB people across the life span, including HIV prevention and treatment; substance abuse treatment; psychological stress and dysfunction prevention and treatment; and suicide prevention.
- NASW recognizes the increasing number of lesbian, gay, and bisexual people who are making reproductive choices, and encourages the establishment of legal, medical, and psychological supports for these families.

**Political Action**

It is important for NASW and its chapters to develop and participate in coalition with other human rights, social action and professional associations to lobby for the rights of lesbian, gay, and bisexual people; to defeat efforts to limit the rights of lesbian, gay, and bisexual people; to advocate for increased funding for programs designed to eliminate hate crimes and antigay violence; to advocate for increased funding for programs designed to provide education, health and mental health services; and to advocate for increased funding for research that increases our
understanding of issues affecting lesbian, gay, and bisexual people.

REFERENCES


