

*New Scholars*

**PROMOTING THE UNDERLYING PRINCIPLE  
OF ACCEPTANCE: THE EFFECTIVENESS OF  
SEXUAL ORIENTATION EMPLOYMENT  
ANTIDISCRIMINATION LEGISLATION**

**LAURA G. BARRON**

*University of Wisconsin–Stout*

**ABSTRACT**

Although previous research finds less perceived sexual orientation discrimination in areas with employment antidiscrimination legislation than in areas without such legislation, it remains unclear whether such findings hold for (a) quantitative hiring evaluations made by organizational decision makers and (b) privately held attitudes of prejudice. In a between-subjects design, human resource professionals in locales with or without sexual orientation antidiscrimination laws evaluated matched resumes of openly gay or presumably non-gay male applicants. Without antidiscrimination laws, gay applicants were rated as less hireable than non-gay applicants; with antidiscrimination laws, gay and non-gay applicants were rated equivalently. Further, antidiscrimination legislation was found to be related to decreased prejudice toward gay men, even after controlling for factors previously shown to impact community adoption of legislation (e.g., political and religious views). Analyses of hireability ratings lacked sufficient statistical power to discern this effect.

Because of the long-established legal doctrine of employment at will, most employers in the United States may choose whom to hire, retain, and promote at their own discretion, even when these decisions are unmotivated by a concern for

employee merit or bottom-line profit. However, a patchwork of federal, state, and local legislation protects U.S. workers of some groups or classes from employment discrimination. While the discrimination protections provided by federal legislation must be adhered to in all states and localities within the United States, state or local legislation may provide additional protections that are not addressed in federal legislation.

Although U.S. federal legislation does provide national protection against employment discrimination on such bases as race, gender, and religion (i.e., under Title VII of the Civil Rights Act), national protection on the basis of sexual orientation is absent. However, despite the absence of national-level protection, 20 of the 50 states have outlawed sexual orientation employment discrimination, and some local jurisdictions offer legal protection within 15 of the 30 states without statewide protection.

Legislative efforts have sought to extend protection to the national level in the form of the proposed Employment Non-Discrimination Act (ENDA), which would protect gay, lesbian, bisexual, and transgendered individuals from employment discrimination with disparate treatment provisions similar to those found in Title VII of the Civil Rights Act. State and local governments have often served as “laboratories” for the evaluation of new policies before their implementation at the federal level (Inman & Rubinfeld, 1997), and sexual orientation antidiscrimination policy is no exception to this. Given the currently pending status of the national ENDA, we believe researchers have a unique and timely opportunity to compare the level of discrimination in areas with and without local protections, in order to begin to speak to the likely effectiveness of national legislation.

Empirical evidence for a relationship between state and local sexual orientation antidiscrimination laws and employment discrimination has thus far been limited to a single study of perceived workplace discrimination among employed gays and lesbians in the United States (Ragins & Cornwell, 2001). While this research showed a relationship between legislation and perceived discrimination even after controlling for coworker and supervisor sexual orientation and for organizational policies and practices, it may be limited by its analysis of differences in perception.

Research assessing perceptual differences rather than quantitative differences in workplace decisions leaves open the possibility that individuals in areas with and without antidiscrimination laws apply different standards in determining whether or not discrimination has occurred. Many gays and lesbians may be knowledgeable about their legal protections and view the lack of antidiscrimination law as indicative of a greater likelihood of discrimination. Interpersonal slights at work are often subtle and ambiguous (e.g., “Is my boss being rude because he found out I’m gay or because I botched a work assignment?”), and individuals may perceive discrimination more readily when they know there is no legal mandate preventing employers from discriminating. In order to build on previous research, the present study assesses discrimination

using a between-subjects design in which human resource managers evaluate job applicants matched on all qualifications and characteristics except for sexual orientation.

This study additionally provides the first empirical test of whether sexual orientation employment antidiscrimination law relates to the broader construct of prejudice. In providing this test, we aim to respond to legislators who have questioned the ability of legal mandates to promote broader principles of acceptance toward gay individuals. The 2002 Senate Committee testimony of Susan Collins (R-Maine), a moderate who may play a key role in the decision as to whether the national ENDA bill becomes law, best illustrates this (Committee on Health, Education, Labor, and Pensions, 2002):

To me, the key issue before us is how we can best promote acceptance, true acceptance, of the underlying principle . . . of nondiscrimination. . . . So the question to me and the question I want to ask all of you is if we impose a Federal law which some may view as an unwanted edict . . . is that really going to promote acceptance and compliance with the underlying principle that we all want to see?

Most importantly, the present study provides empirical evidence to suggest that antidiscrimination legislation *causes* decreased prejudice. That is, there may be less prejudice in locales that legislate against discrimination for two reasons: (a) areas that are more accepting of gays and lesbians may simply be more likely to enact antidiscrimination laws (reduced prejudice causes legislation); and/or (b) legislation causes a reduction in prejudice. By controlling for community factors shown in previous research to relate to the passage of such laws, we aim to better isolate the effect of antidiscrimination legislation on prejudice.

### **PROMOTING THE UNDERLYING PRINCIPLE OF ACCEPTANCE**

Even absent any possibility of tangible punishment, legislation authoritatively describes moral rules of conduct (Robinson & Darley, 1995). As such, sexual orientation antidiscrimination legislation may create a clear social norm prescribing that gay individuals ought to be societally accepted. Thus, sexual orientation antidiscrimination legislation may alter underlying attitudes of prejudice because it changes views of the morality and social acceptability of mistreating gay individuals.

This is supported in broader research on attitude change and community norms. Simply learning the stance of one's community has been shown to impact the extent of prejudice one expresses, even when attitudes are indicated privately, absent any real possibility of conflict or criticism (Stangor, Sechrist, & Jost, 2001; Wittenbrink & Henly, 1996). This effect is strong enough that even

learning the opinion of a single community member (a stranger) has been shown to change a person's attitudes toward out-group members (Blanchard, Crandall, Brigham, & Vaughn, 1994; Blanchard, Lilly, & Vaughn, 1991; Monteith, Deneen, & Tooman, 1996; Zitek & Hebl, 2007). Further, resulting attitude change has been shown to last beyond the short term, outside the context in which the community norms were expressed (Stangor et al., 2001; Zitek & Hebl, 2007).

Notably, research suggests that given the lack of public consensus on the acceptability of homosexuality in the United States, sexual orientation antidiscrimination legislation may be particularly effective. The extent to which society accepts or rejects homosexuality remains unclear across much of the United States, with approximately 40% of the U.S. population being of the opinion that homosexuality should not be accepted by society (Pew Global Attitudes Project, 2007). In research that manipulates community attitudes of acceptance toward multiple groups, more attitude change has been shown toward gays than toward other groups: racists, for example, toward whom prejudice is more clearly socially accepted; or blacks, toward whom prejudice is more clearly unacceptable (Zitek & Hebl, 2007).

Additionally, to the extent that gay individuals are more likely to "come out" and disclose their sexual orientation if they perceive community acceptance, increased contact with individuals who are (known to be) gay has been shown to relate to decreases in sexual orientation prejudice (Smith, Axleton, & Saucier, 2009).

### **ISOLATING THE EFFECTS OF LEGISLATION ON PREJUDICE**

Given that the adoption of local gay rights ordinances has been shown to relate positively to the presence of the gay and lesbian community and negatively to the presence of conservative political and religious groups (Haeberle, 1996; Wald, Button, & Rienzo, 1996), it is a fairly safe assumption that the level of prejudice is already lower in areas that adopt gay rights laws than in areas that do not adopt such laws—even before the laws take effect. However, this does not preclude the possibility that the legislation itself also has a major effect on prejudice reduction. This simply means that research on the efficacy of legislation has the difficult task of controlling for those factors that may impact both (a) the adoption of antidiscrimination legislation and (b) the extent of community prejudice at baseline. As such, in our present research we control for the substantive factors shown to relate to both (a) community adoption of sexual orientation employment antidiscrimination laws and (b) level of sexual orientation prejudice and discrimination: religious and political views, the presence of gays, and private organizational support for gays (Haeberle, 1996; Ragins & Cornwell, 2001; Wald et al., 1996).

### **Legal Awareness**

For employment legislation to have an impact, at a minimum, individuals in organizations need to be aware of the existence of such legislation. While small business and line managers who make hiring (or wage) decisions may have less than uniform knowledge of such laws, this present study recruited human resource managers as participants, as these individuals are in a unique position, which requires that they educate themselves on employment antidiscrimination law as it applies to the local jurisdictions of their organization.

### **Disclosure**

Put simply, employers cannot discriminate with regard to group membership that they do not know. Thus, unlike the visible stigmas of race and gender, for which anti-discrimination legislation has generally been accepted as having had an effect on discrimination reduction (Burstein, 1985; Donohue & Heckman, 1991; Gunderson, 1989), gays may have the option of hiding their sexual orientation from employers, at least during the initial application process. Nevertheless, many gay individuals may have worked or volunteered for gay-affiliated organizations. As such, a gay applicant may indirectly disclose his sexual orientation even during the initial application process by including on his resume substantial job-relevant experience of working or volunteering for an organization focused on gay issues. Not to do so may put the applicant at a disadvantage in other ways by omitting important job-relevant skills (e.g., graphic design and Web development skills gained through volunteering to create announcements for a local gay, lesbian, bisexual, and transgender [GLBT] group). Further, if an applicant has worked full-time for a gay-affiliated organization, omitting this information may leave gaps in employment history that reflect poorly on the applicant. Once the applicant is in the interviewing stage of the selection process, even if sexual orientation is never disclosed even indirectly, others are often able to accurately infer sexual orientation on the basis of brief exposure to cues such as body shape, movement, and other nonverbal behavior that may not be easily altered (Ambady, Hallahan, & Conner, 1999; Johnson et al., 2007; Rule et al., 2008). Thus, in this current research, a gay individual's sexual orientation is indirectly disclosed—in the same manner—to human resource professionals in areas with and without legal protection.

## **HYPOTHESES**

The present study first addresses the possible limitations of previous survey research (Ragins & Cornwell, 2001) by assessing discrimination in locales with or without antidiscrimination laws using quantitative hiring evaluations made by organizational decision makers:

Hypothesis 1: The presence of sexual orientation antidiscrimination law has a negative relationship to discrimination toward gay men in the process of hiring.

We then provide the first empirical test of whether sexual orientation employment antidiscrimination law relates to the broader construct of prejudice, to address Senator Collins' question of whether antidiscrimination laws can promote the underlying principle of acceptance:

Hypothesis 2: The presence of sexual orientation antidiscrimination law has a negative relationship to prejudice toward gay men.

Most importantly, to test whether antidiscrimination laws can have an impact on prejudice, we control for those factors previously shown to relate to both the adoption of sexual orientation antidiscrimination law and community acceptance of gays:

Hypothesis 3: Sexual orientation antidiscrimination law has a negative relationship to prejudice toward gay men, even after controlling for the individual's sexual orientation, religious views, political views, and gay-friendly practices within the individual's organization.

## METHOD

### Data and Sample

#### *Participants*

Two hundred fifty-five human resource managers (mean age = 44.4 years;  $SD = 10.5$ ; mean professional human resource experience = 14.4 years,  $SD = 8.3$ ) volunteered to participate. Individuals were recruited online through their local chapters of a U.S. professional association, the Society for Human Resource Management (SHRM). Of the local chapters contacted, 22% agreed to distribute the study invitation to their members, with individuals from a total of 32 chapters in 28 states ultimately participating. The participants were relatively homogeneous in terms of gender (77.3% female), race (89.8% white), and sexual orientation (97.1% heterosexual), but they were diverse in terms of geographical region (44.3% South, 21.6% Northeast, 20.0% Midwest, and 14.1% West).

#### *Context and Cover Story*

So as not to create suspicions as to our true interest in prejudice and discrimination with regard to sexual orientation, the study was presented as an examination of differences in how human resource professionals and undergraduate students evaluate the work and academic experiences of job candidates. Human resource managers were presented with a total of four resumes, each

presenting the academic and work experiences of a hypothetical graduating college senior. Of these four resumes, only the second was of interest; the remaining three served to bolster the credibility of our cover story and to provide filler content before we presented questions about background values and beliefs.

After viewing each resume, human resource managers were asked to evaluate the applicant's suitability for a typical entry-level management position. Entry-level management positions were chosen because (a) most of the human resource professionals in our study had substantial experience in management themselves ( $M = 11.1$  years of experience in a management position;  $SD = 8.7$  years), and (b) the human resource professionals in our study worked in a wide range of organizational settings, and we sought to choose a job type that would have broad applicability across organizations. The resumes were designed to portray applicants who would be of moderate suitability for entry-level management positions. In the control condition, in which no information would give the impression that the second candidate was gay, mean hireability ratings were 4.6 ( $SD = 1.2$ ) on a 7-point scale, with 4 as a midpoint.

### **Independent and Predictor Variables**

#### *Applicant Sexual Orientation*

The independent variable of candidate sexual orientation was manipulated by presenting the candidate ("James Peterson") as either (a) recipient of the university's "Alumni Scholarship" and president of the "Student Activities Association" (control condition) or (b) recipient of the university's "Gay and Lesbian Alumni Scholarship" and president of the "GLBT Student Activities Association" (gay condition). This information was made highly salient by positioning it first under the "Management and Leadership" heading of the resume, directly following the section on educational experience. The described experiences as president of the GLBT Student Activities Association or as president of the Student Activities Association were identical (e.g., redesigned networking program to increase turnout at student-alumni events), and none were political or activist in nature. A similar manipulation of applicant sexual orientation was used previously (i.e., resume that did or did not include participation in the "Gay Men's Alliance"; Horvath & Ryan, 2003), although in that previous study, the hiring ratings were made by undergraduate students rather than by human resource professionals, for a position (i.e., technical writer) that may have had less broad applicability across organizations. The end of the survey included a manipulation check to identify participant recognition of applicant sexual orientation.

#### *Legislation*

Sexual orientation employment antidiscrimination legislation was coded by the researcher based on the local SHRM chapter to which each participant belonged.

Although participants were asked to provide both the city and state of their local SHRM branch, because many human resource professionals belong to SHRM branches that are outside the city or town limits in which they work (e.g., individuals who are members of the Dallas SHRM branch may work in Texas suburbs outside Dallas that, unlike Dallas, do not have city antidiscrimination laws), we did not believe it was reliable to assess the presence of city antidiscrimination legislation on the basis of the SHRM branch city. Because it would be extremely rare for SHRM members to attend meetings in a state other than that in which they worked, we coded for the presence or absence of state employment antidiscrimination legislation on the basis of the SHRM branch. This strategy has the additional advantage that state antidiscrimination laws are typically backed by more resources for enforcement than are city laws (Rubenstein, 2001), which may make legal awareness more likely. Of the 255 participants in our sample, 104 participants worked in a state with a sexual orientation employment antidiscrimination law covering both private and public employment; 98 participants worked in a state without legal protection for either public or private employment.

## **Dependent Measures**

### *Hireability*

We adapted an index of hireability used previously in resume studies of hiring discrimination (Rudman & Glick, 2001;  $\alpha = .87$ ) to apply specifically to entry-level management positions ( $\alpha = .85$ ). Participants indicated on three scales ranging from 1 (*not at all likely*) to 7 (*extremely likely*) the probability that (1) they would interview the applicant, (2) they would personally hire the applicant, and (3) the applicant would be hired.

### *Prejudice toward Gays*

We used Herek's (1984, 1994, 1998) 10-item, 7-point Likert-type scale of Attitudes toward Gay men (ATG) ( $\alpha = .94$ ). The statements tap affective responses to homosexuality and to gay men (e.g., "Homosexual behavior between two men is just plain wrong").

## **Control Variables**

We additionally measured several variables that had been shown in previous research to relate to prejudice or discrimination toward gays and gay employees. Among these, sexual orientation, organizational support, and religious and political views were of the utmost importance because they had been shown to also relate to whether communities are likely to adopt sexual orientation antidiscrimination laws (Haeberle, 1996; Ragins & Cornwell, 2001; Wald et al., 1996).



*Religious Beliefs*

The community presence of Evangelical Protestants had previously been shown to be negatively related to the adoption of state and local sexual orientation antidiscrimination laws (Haeberle, 1996; Wald et al., 1996). Given the tendency of those who condemn homosexuality to cite biblical scripture, we used a measure of biblical belief culled from a previous large-scale national survey of U.S. religiosity (Baylor University, 2005). The participants were asked to indicate which one of four statements best described their personal beliefs about the Bible: (a) it means exactly what it says/should be taken literally; (b) it is perfectly true, should not be taken literally; (c) it contains some human error; or (d) it is an ancient book of history and legends. A fifth option, “don’t know,” was also available. Endorsement of the first two options has been shown to relate strongly to Evangelical identification (Baylor University, 2005). In subsequent analyses, we classified dichotomized participants’ religious views based on whether they endorsed a belief in the Bible as perfect truth; 43.5% of our participants endorsed this belief.

*Political Beliefs*

Participants indicated one of seven degrees of political belief along a liberal-conservative spectrum, ranging from “very liberal” to “moderate” to “very conservative,” or as “none, unaffiliated.” In the analyses, political beliefs were collapsed into three categories: liberal (31.2%), moderate or no affiliation (33.0%), and conservative (35.8%).

*Sexual Orientation*

Participants indicated sexual orientation by choosing among four responses: heterosexual (97.1%), homosexual, bisexual, or other.

*Organizational Support for Gay Employees*

Ragins and Cornwell (2001) had found that the presence of community legislation was positively related to the presence of organizational antidiscrimination policies and same-sex partner benefits. Hence to help ensure that we were capturing the effects of legislation, we additionally controlled for these organizational policies and practices that were relevant to gay employees (Button, 2001; Griffith & Hebl, 2002; Ragins & Cornwell, 2001). After the resume ratings, we queried participants as to whether their organization offered (a) an official sexual orientation antidiscrimination company policy (79.3%), and (b) one or more same-sex partner benefits (health insurance, bereavement leave, sick care leave) (54.8%). These questions were embedded within questions asking about diversity training and company policy for numerous groups (race, religion, age, disability, etc.).

### *Additional Demographic Control Variables*

We additionally measured participant gender and age. Though these have not been shown to relate to the adoption of antidiscrimination legislation, they have each been shown to relate to prejudice toward gay men (Herek & Glunt, 1993).

## RESULTS

### **Manipulation Check**

At the conclusion of the study, following both the evaluation of the four resumes and the questions about participant demographics and background values and beliefs, participants were asked to indicate whether any of the four applicants were gay. To minimize demand characteristics, this question was embedded in a set of recognition questions about multiple, unrelated characteristics of the four applicants (were any of the applicants Jewish, Hispanic, gay, blind, deaf, named Natalie, named George, or none of the above?). Because we recognized that noticing the sexual orientation of an applicant was necessary for antidiscrimination legislation to impact hireability evaluations, we excluded from our analyses of hiring discrimination those participants (20.2%) who failed to identify the manipulated applicant sexual orientation.

### **Hiring Discrimination With and Without Antidiscrimination Legislation**

Hypothesis 1 proposes that sexual orientation hiring discrimination is less in jurisdictions with relevant employment antidiscrimination legislation than in jurisdictions without such legislation. In confirmation of Hypothesis 1, we found a significant interaction effect [ $F(1, 145) = 3.92, p < .05, \eta^2 = .03$ ], such that human resource managers in areas without antidiscrimination laws evaluated the applicant as less hireable when presented as gay relative to when he was presented as non-gay [ $t(66) = 3.05, p < .01; d = .75$ ]; in contrast, no hireability differences between the gay and the non-gay applicant were found in areas with antidiscrimination laws [ $t(79) = -0.40, ns; d = -.10$ ]. See Figure 1.

To control for demographic and organizational differences that had previously been shown to relate to prejudice and discrimination against gays, we used a linear regression model with hireability ratings as the dependent variable, and applicant sexual orientation and antidiscrimination law as predictors. In this model, an interaction effect between applicant sexual orientation and antidiscrimination law indicates reduced discrimination toward gay men in areas with antidiscrimination laws. Although the pattern of findings was not altered, after controlling for age, gender, political conservatism, biblical belief, organizational same-sex partner benefits, and company antidiscrimination policy, the evidence of less

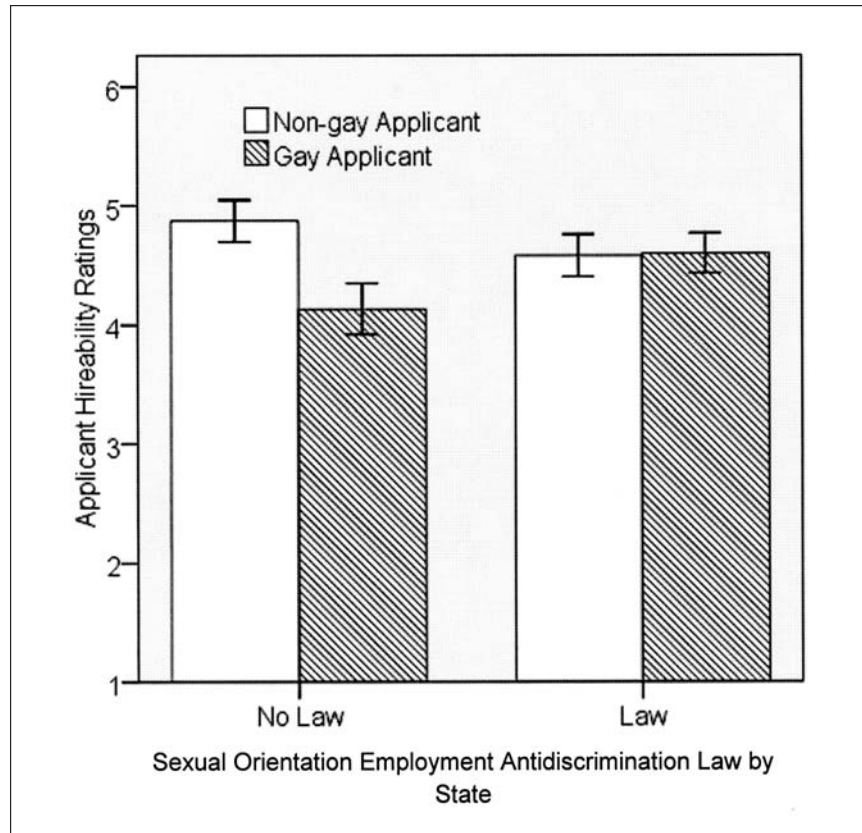


Figure 1. Mean hireability ratings (+SE) of gay and non-gay applicants, by human resource professionals in states with ( $n = 81$ ) and without ( $n = 68$ ) sexual orientation employment antidiscrimination legislation.

discrimination in areas with antidiscrimination employment legislation than in areas without was not statistically significant. See Table 1.

### **Broader Sexual Orientation Prejudice With and Without Antidiscrimination Legislation**

Hypothesis 2 proposes that broader sexual orientation prejudice is less in areas with antidiscrimination laws than in those without such laws. While it is one thing for employment antidiscrimination laws to reduce the specific behavioral outcome that they impose penalties against (i.e., formal hiring discrimination), it is quite another for these laws to also cause a reduction in attitudes—which cannot

Table 1. Regression Analysis for Variables Predicting Hireability Ratings ( $N = 118$ )

Variable	B	SE B	$\beta$
Applicant sexual orientation	-.87	.33	-.35*
Antidiscrimination employment law	-.18	.31	-.08
Applicant sexual orientation $\times$ law	.57	.46	.18
Gender	.17	.29	.06
Age	.00	.01	.02
Political conservatism	-.15	.15	-.11
Biblical belief	.01	.25	.01
Same-sex benefits	.22	.25	.09
Company antidiscrimination policy	-.43	.31	-.14

**Note:** Model  $R^2 = .10$ . Individuals who missed the manipulation check have been excluded. Applicant sexual orientation is coded 0 = non-gay, 1 = gay. Antidiscrimination law, company antidiscrimination policy, and same-sex partner benefits are coded 0 = absence, 1 = presence. Gender is coded 0 = male, 1 = female.

\* $p < .05$

be legally mandated—particularly attitudes that do not pertain directly to the employment sphere. In support of Hypothesis 2, we indeed found that prejudice toward gay men was substantially lower in areas with antidiscrimination laws than in areas without them [ $t(167) = 5.54, p < .001; d = .85$ ].

Hypothesis 3 proposes that sexual orientation prejudice is less in jurisdictions with relevant employment antidiscrimination legislation, even after controlling for one's sexual orientation, religious views, political views, and gay-friendly practices within one's organization. That is, we acknowledged that human resource professionals in areas without antidiscrimination laws tended to be more politically and religiously conservative, and were less likely to work for organizations with company antidiscrimination policies and same-sex partner benefits. To control for these demographic and organizational differences, we used a linear regression model, with gay prejudice as a dependent variable, and entered the presence or absence of employment antidiscrimination law, as well as age, gender, political conservatism, biblical belief, organizational same-sex partner benefits, and company antidiscrimination policy as predictors. In strong support of Hypothesis 3, even with over 40% of the variance in gay prejudice already explained, antidiscrimination legislation still explains additional incremental variance. While political conservatism [ $\beta = .36, p < .001$ ] and biblical belief [ $\beta = .37, p < .001$ ] contribute to the prediction of prejudice toward gays,

Table 2. Regression Analysis for Variables Predicting Prejudice toward Gay Men ( $N = 150$ )

Variable	B	SE B	$\beta$
Gender	-.12	.22	-.03
Age	.01	.01	.10
Political conservatism	.61	.11	.36*
Biblical belief	1.09	.19	.37*
Same-sex benefits	-.20	.19	-.07
Company antidiscrimination policy	-.33	.23	-.09
Antidiscrimination employment law	-.44	.19	-.15*

**Note:** Model  $R^2 = .53$ . Only heterosexual respondents are included. Antidiscrimination law, same-sex benefits, and company antidiscrimination policy are coded 0 = absence, 1 = presence. Gender is coded 0 = male, 1 = female.

\* $p < .05$

antidiscrimination legislation contributes significantly to the prediction of gay prejudice beyond that explained by factors previously shown to relate to gay prejudice and community legal adoption alone [ $\beta = -.15, p < .05$ ]. See Table 2. Hence, these findings offer initial support for the idea that sexual orientation antidiscrimination employment laws may in fact be successful in causing a reduction in broader attitudes of prejudice toward gays.

## DISCUSSION

In this study we began by addressing the possible limitations of previous perceptual discrimination research (i.e., Ragins & Cornwell, 2001) by assessing the extent of discrimination using quantitative hiring evaluations made by organizational decision makers. Using a between-subjects design, human resource managers evaluated job applicants who were matched on all qualifications and characteristics except for sexual orientation. In so doing, we demonstrate that the relationship between sexual orientation employment antidiscrimination laws and employment discrimination is no mere perception. We find that gay applicants are in fact subject to less discrimination from hiring professionals in jurisdictions with antidiscrimination laws than in jurisdictions without legal protection, even when sexual orientation is systematically manipulated such that applicant qualifications and job type are held constant.

We additionally extend the literature by providing the first empirical test of whether sexual orientation employment antidiscrimination law relates to the

broader construct of prejudice. Our findings clearly show that antidiscrimination legislation relates to attitudes of prejudice. Further, and most importantly, in the present study we provide empirical evidence suggestive of causal effects of legislation on prejudice. We note that there may be less prejudice in locales that legislate against discrimination for two reasons: (a) areas that are more accepting of gays and lesbians are simply more likely to enact antidiscrimination laws (reduced prejudice causes legislation), and/or (b) legislation causes a reduction in prejudice. To offer preliminary support for the idea that employment laws may in fact have a causal impact, we controlled for variables previously shown to relate to the adoption of antidiscrimination laws (Haeberle, 1996; Ragins & Cornwell, 2001; Wald et al., 1996). If employment laws were related to lesser prejudice and discrimination even after controlling for (a) sexual orientation and the religious and political beliefs of those with hiring authority, and (b) organizational practices in support of gay employees, this would provide initial evidence in support of a causal impact of legislation.

Our data indeed provide strong support with regard to antidiscrimination law and corresponding prejudice. Antidiscrimination legislation was found to be substantially related to decreased prejudice toward gays, even after controlling for those factors previously shown to impact community adoption of legislation. That is, our findings suggest that employment antidiscrimination legislation goes beyond affecting the specific behaviors that are outlawed (i.e., hiring discrimination) to affecting the underlying principles of acceptance and tolerance toward gays that extend to domains outside the employment sphere. Even privately held attitudes of prejudice toward gays—which are not and cannot be legally enforced—appear to be affected by antidiscrimination legislation. This provides theoretical support for the idea that the effects of antidiscrimination legislation are not simply based on the tangible threat of lawsuits but are symbolic, authoritatively prescribing societal norms of acceptance.

### **Limitations and Future Research Directions**

Though antidiscrimination laws were shown to correspond to decreased attitudes of prejudice after controlling for all variables previously shown to relate to the adoption of legislation, we did not show this same finding with regard to discrimination. That is, the relationship between antidiscrimination legislation and discrimination did not reach levels of statistical significance after we had controlled for religious beliefs. A larger sample size might have led to similar results for both prejudice and discrimination. The sample size was limited by the focus on human resource managers, and it would be interesting to replicate the study at a future date with other managers who make hiring decisions. In testing for hiring discrimination, in contrast to our testing for prejudice, we needed to test for an interaction effect. That is, we did not simply compare the hireability

of a gay candidate in areas with and without legislation. Doing so might have wrongly capitalized on any number of judgments that vary regionally yet are unrelated to sexual orientation (e.g., regional differences in the reputation of the college and past employers of our applicant). Instead, we compared the extent of preference toward a gay applicant versus preference toward a non-gay applicant who was matched in all other respects, in areas with and without legislation. This requirement of four conditions rather than two lowered our statistical power to detect an effect. Additionally, although we recruited participants apt to be knowledgeable about antidiscrimination legislation, it is possible that even some human resource managers are unaware of sexual orientation employment legislation. Future research ought to measure knowledge of legislation directly.

Beyond this, state and local sexual orientation laws continue to spread to new jurisdictions. Research designs that use pre- and posttest designs, such as those used in the 1960s to document the efficacy of Title VII of the Civil Rights Act in reducing employment discrimination toward Southern blacks (e.g., Heckman & Payner, 1989), could further examine the effects of sexual orientation antidiscrimination legislation. In particular, the combination of experimental control and greater ecological validity afforded by resume correspondence testing in the real-world labor market (e.g., Adams, 1981; Weichselbaumer, 2003) ought to be extended to comparisons of jurisdictions with and without sexual orientation antidiscrimination legislation.

## CONCLUSION

Given the currently pending status of the national Employment Non-Discrimination Act (ENDA), we have a unique and timely opportunity to test the effectiveness of state and local legislation. In comparing the level of discrimination in areas with and without local protections under controlled conditions, we can begin to speak to the likely effectiveness of national legislation. This is particularly important given that some politicians who will likely play a key role in whether ENDA becomes law (e.g., moderate Republican Senator Collins) attempt to oppose sexual orientation antidiscrimination legislation by characterizing the likely efficacy of such legislation as questionable.

Clearly, as researchers we do not have the power to experimentally manipulate the presence or absence of legislation in a given community. However, this study goes far in statistically controlling for those factors previously shown to influence whether legislation is adopted in a given community, so as to otherwise equalize jurisdictions. As such, this study goes a long way toward responding to Senator Collins' claims that employment sexual orientation antidiscrimination laws may not "promote true acceptance, of the underlying principle" of nondiscrimination. Our findings provide evidence that such laws do reduce

true, underlying principles of prejudice, even principles extending outside the sphere of work.

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Direct reprint requests to:

Laura G. Barron  
University of Wisconsin–Stout  
Department of Psychology  
323 McCalmont Hall  
Menomonie, WI 54751  
e-mail: barronl@uwstout.edu