

The Force of Law: The Effects of Sexual Orientation Antidiscrimination Legislation on Interpersonal Discrimination in Employment

Laura G. Barron

U.S. Air Force, Force Management Policy Division,
Washington, D.C.

Michelle Hebl

Rice University

Except for some U.S. states and localities, gay men and lesbians are largely unprotected from employment discrimination. In debate over national legislation (Employment Non-Discrimination Act), some legislators have questioned the efficacy of antidiscrimination legislation. To address this issue, we conducted three studies. In Study 1, we documented public awareness of sexual orientation employment antidiscrimination laws by contacting 111 households in areas that do and do not offer city-wide protective laws. In Study 2, we examined the discrimination directed toward applicants who portrayed themselves as gay (lesbian) or nongay while applying for 295 retail jobs in neighboring cities with or without legislation. In Study 3, we conducted a lab experiment in which prior to interviewing a gay or lesbian confederate applicant for a management position, 229 participants were led to believe that their area either does or does not have sexual orientation antidiscrimination legislation. Our results, taken as a whole, reveal that public awareness of sexual orientation laws is heightened in communities with (vs. without) legislation (Study 1), that gay/lesbian applicants experience decreased discrimination when they have protective legislation (Study 2), and that reduced discrimination still occurs when legal awareness is randomly assigned and manipulated in a laboratory setting (Study 3). We discuss the theory behind these findings and aim to inform legislative debate with some of the first-known empirically based research estimates for the likely efficacy of pending national legislation (i.e., Employment Non-Discrimination Act).

Keywords: discrimination, sexual orientation, gay, lesbian, prejudice

While Title VII of the historic Civil Rights Act provides national-level U.S. protection against employment discrimination on the basis of race, color, national origin, gender, and religion, national protection on the basis of sexual orientation is absent. Despite the absence of national-level protection, 20 of the 50 states offer state-wide protection and some local jurisdictions offer legal protection within 15 of the 30 states without state-wide protection (www.thetaskforce.org).

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, and bisexual individuals from employment discrimination with disparate treatment provisions similar to those found in Title VII of the Civil Rights Act. Yet civil rights for gays and lesbians remains a controversial issue, with more than 30% of the U.S. population still of the opinion that homosexuality should not be accepted by society (Pew Global Attitudes, 2011). Faced with an electorate in

which most direct voter referendums have opposed such legislation (Haider-Markel, Querze, & Lindaman, 2007; Gamble, 1997), even politicians who may privately support such rights may find themselves speaking against protective laws to avoid angering their constituents.

In the absence of conclusive evidence for the efficacy of such legislation, politicians have been afforded a unique face-saving opportunity. Rather than having to oppose legislation by claiming that discrimination toward gays and lesbians does not exist, or should in fact be allowed to exist, politicians can oppose such legislation by stating that, despite their support for the goals of the legislation, such legislation would not work. The testimony of Susan Collins (R-Maine), a moderate who may play a key role in whether ENDA becomes law, before the Senate Committee best illustrates this tactic (The Employment Non-Discrimination Act, 2002):

To me, the key issue before us is how we can best promote acceptance, true acceptance, of the underlying principle that we all endorse . . . of nondiscrimination. And the question for me is how best to achieve that goal 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? (p. 13)

Although there admittedly may be differences in how individuals respond to federal versus local laws, local governments often have served as “laboratories” for evaluating new policies before their implementation at the federal level (Inman & Rubinfield, 1997), and sexual orientation antidiscrimination policy is no ex-

This article was published Online First May 28, 2012.

Laura G. Barron, U.S. Air Force, Force Management Policy Division, Washington, D.C.; Michelle Hebl, Department of Psychology, Rice University.

The authors gratefully acknowledge grants from the Williams Institute, University of California, Los Angeles, School of Law and the Society for the Psychological Study of Social Issues, and the assistance of student members of the Hebl lab.

Correspondence concerning this article should be addressed to Michelle Hebl, Department of Psychology, Rice University, 6100 Main Street, MS 25, Houston, TX 77005. E-mail: hebl@rice.edu

ception. Hence, the current patchwork of local legal protection and nonprotection presents a much-needed opportunity for empirical scholarship on the efficacy of sexual orientation antidiscrimination laws. The current research seizes this opportunity to investigate the causal effectiveness of antidiscrimination legislation. We distinguish between (a) formal and (b) interpersonal discrimination and focus on the impact of antidiscrimination legislation on interpersonal discrimination. This focus is important because it allows us to test the contention that antidiscrimination legislation may reduce not only those actions that are directly punishable by law, but may also indirectly reduce prejudicial attitudes and interpersonal behaviors that are not apt to be directly punishable by law.

As defined in Hebl, Foster, Mannix, & Dovidio. (2002), *formal discrimination* refers to the most overt types of discrimination, including discrimination in hiring and promotion, access, and distribution of resources. It is this type of discrimination that can be tracked and exposed most directly and, where antidiscrimination legislation does exist, can be most unambiguously proven in a court of law. In contrast, *interpersonal discrimination* refers to more subtle nonverbal and indirect verbal behaviors that occur during interactions with others—for instance, whether members of a given group are more likely to be met with glares or scowls or less likely to be greeted with friendliness and enthusiasm—relative to members of other groups (e.g., Hebl, King, Glick, Singletary, & Kazama, 2007). Although employment antidiscrimination legislation (such as Title VII of the Civil Rights Act) is written broadly (i.e., to outlaw discrimination that would tend to deprive opportunities or to limit terms, conditions, or privileges of employment), we suspect it would be difficult if not impossible to prove that a pattern of subtle nonverbal negativity toward an individual of a particular group was illegal under antidiscrimination legislation. As Hebl et al. (2002, p. 816) state, “A person cannot be arrested or formally reprimanded for glaring at a homosexual individual. Similarly there are no mandates on the number of words one must speak or the amount of smiling one must do on the basis of sexual orientation.”

Less Discrimination With Legal Protection: Correlation Does Not Imply Causality

Existing research has documented decreases in perceived discrimination among gay and lesbian employees in U.S. areas with state or local sexual orientation antidiscrimination legislation compared with areas without such legal protection (Ragins & Cornwell, 2001). This finding is further bolstered by strong complementary evidence at the organizational level: gay and lesbian employees also perceive less discrimination when organizational sexual orientation nondiscrimination policies are in place relative to when they are not (Button, 2001; Griffith & Hebl, 2002; Ragins & Cornwell, 2001).

Nevertheless, extant research falls short of addressing the directionality of the relationship between discrimination and legislation. There may be less discrimination in locales that legislate against discrimination because of two reasons: (a) areas that are more accepting of gays and lesbians are simply more likely to enact antidiscrimination laws (reduced discrimination causes legislation), and/or (b) legislation causes a reduction in discrimination. The far from random adoption of state and local gay rights ordinances certainly appears to support the first reason. 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 traditionalist religious groups (Haeberle, 1996; Wald, Button, & Rienzo, 1996), it is a fairly safe assumption that the level of discrimination 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 legislation itself also has a major effect on discrimination reduction. This simply means that research on the efficacy of legislation has the difficult task of controlling for those factors on which areas with and without legislation differ.

In this article, we begin by reviewing the evidence of formal and interpersonal discrimination toward gay and lesbians, drawing on both economic studies of wage disparities and psychological field experiments. With that background, we then address the theoretical basis for sexual orientation antidiscrimination legislation to effectively reduce discrimination. Then, we present three studies that test the knowledge about and efficacy of such laws.

Empirical Evidence of Sexual Orientation Discrimination

In the past, sexual orientation discrimination has been investigated using two major types of studies: (a) correlational studies of wage disparities, in which wage differences that remain after controlling for numerous relevant variables are presumed to be attributable to formal discrimination, and (b) experimental field studies, in which individuals are equated except for overt indication of sexual orientation and interpersonal discrimination is assessed. We review both of these two bodies of literature in turn. When reviewing wage discrimination evidence, we address gay men and lesbians separately, reflecting the fact that these findings diverge substantially based on gender.

Formal Discrimination: Wage Studies

Gay/bisexual men are estimated to earn up to 30% less than similarly situated heterosexual men (Blandford, 2003, see also Badgett, 1995; Berg & Lien, 2002; Clain & Leppel, 2001). In fact, raw wages of gay men tend to be lower than those of heterosexual men despite the fact that gay men (a) tend to be more highly educated (i.e., nationally representative surveys find that 23.7% of gay men to have college degrees, compared to 17% of married men) and (b) live disproportionately in urban areas in which average wages (even within the same profession) are higher than in other parts of the country (e.g., New York City, Los Angeles, San Francisco) (Black, Gates, Sanders, & Taylor, 2000; Klawitter & Flatt, 1998). Some, but not all, of the wage disparity between gay and heterosexual men can be explained by disproportionately higher representation of gay men in more female-identified professions, which generally pay less well than male-identified professions (Carmichael, 1996; Ellis & Riggle, 1996). However, discrimination toward gay men is significantly greater in traditionally male-dominated fields such as management, construction, and production than in more female-dominated fields (Elmslie & Tebaldi, 2007).

Wage discrimination toward lesbian women relative to heterosexual women is less clear, and wage gaps are not always

found. Nationally representative surveys have found that lesbian women earn more than heterosexual women, with partnered lesbians earning more than both single and heterosexually partnered women (Black et al., 2000; Black, Makar, Sanders, & Taylor, 1998). However, even more so than for gay men, lesbian women tend to be more likely than their heterosexual counterparts to be highly educated. Nationally representative data show that 25% of same-sex partnered women have college degrees (13.9% have postcollege education), whereas only 16% of married women have college degrees (6.1% have postcollege education). Also, like gay men, if to a somewhat lesser extent, lesbian women are more likely than their heterosexual counterparts to live in major urban areas in which average wages are higher than in other parts of the country (Black et al., 2000). Research that has controlled for covariates such as education, age, race, marital status, region, and occupation (e.g., Badgett, 1995) has generally not found evidence of either a wage advantage or wage disadvantage for lesbian women relative to heterosexual women.

Interpersonal Discrimination: Field Experiments

Although the economic wage-based studies seem to suggest that lesbians may not be subject to formal discrimination, substantial psychological evidence appears to show that both gay men and lesbians are treated with interpersonal discrimination.

Although it may seem that interpersonal discrimination is of less importance, substantial studies show that the consequences of interpersonal discrimination are far from trivial. From the perspective of organizations' bottom-line profits, interpersonal discrimination ought to be a source of concern because stigmatized individuals pay substantial attention to such subtle forms of discrimination and respond to it (Valian, 1998). Notably, it is the nonverbal behaviors of interaction partners—rather than direct verbal behaviors—that stigmatized group members have been shown to most base their perceptions of whether bias has occurred (Dovidio, Kawakami, & Gaertner, 2002). As such, interpersonal discrimination toward stigmatized customers has been linked to decreases in purchases, return visits, and referrals (King, Shapiro, Hebl, Singletary, & Turner, 2006), and interpersonal discrimination toward stigmatized employees has been linked to decreases in organizational helping behaviors and increases in intentions to leave (King, Hebl, George, & Matusik, 2010).

Furthermore, evidence suggests that, within the employment interview, interpersonal discrimination from prospective employers may diminish the interview performance of stigmatized applicants. That is, even nonverbal behaviors of prospective employers affect both nonverbal and verbal behavior of applicants. When interviewees are exposed to a “warmer” interviewer (i.e., who smiles, makes eye contact, and leans toward the applicants), the subsequent verbal responses of interviewees are rated more positively by independent raters (blind to interviewer behavior) than applicants exposed to an interviewer who uses less positive nonverbal behavior (Liden, Martin, & Parsons, 1993). Word, Zanna, and Cooper's (1974) study in which some interviewers sat farther away from targets, had more speech dysfluencies and conducted shorter interviews also shows applicants subject to “colder” interviewers to be rated more poorly (by independent judges). Most recently, Singletary and Hebl (2012) manipulated formal and in-

terpersonal discrimination and measured subjects' performance on a series of in-basket performance tasks. They found evidence that interpersonal discrimination was significantly more likely to negatively influence performance than was formal discrimination and that this relation was partially mediated by cognitive depletion. That is, trying to assess the ambiguity in interpersonal discrimination may be cognitively taxing and lead people to perform worse in subsequent tasks. Hence, there is reason to expect interpersonal employment discrimination to ultimately translate into formal discrimination, even if the effects on the more distal hiring outcome may be relatively small.

To date, there have been only two field studies of interpersonal employment discrimination toward gay and lesbian applicants. In these studies (Hebl et al., 2002; Singletary & Hebl, 2009) male and female confederates were sent to apply for retail jobs in the Houston area (where no private employment sexual orientation antidiscrimination legislation exists), with each confederate applying in some stores wearing a hat identifying them as “Gay and Proud,” whereas in others wearing a hat identifying them as (presumably nonstigmatized) “Texan and Proud.” This is a particularly rigorous methodology in that it allows confederates to be kept blind to their condition (i.e., applicants are specifically instructed not to look at the hat and to avoid looking in mirrors or other reflective surfaces) and prevents expectancies of discrimination from altering confederate behavior. Although no evidence of significant formal discrimination (i.e., proportion of applicants invited to interview) was found, store managers interacted with confederates who were visibly identifiable as gay or lesbian for less time and were less likely to respond to presumably gay or lesbian applicants with friendliness and positivity. No differences in extent of interpersonal discrimination were found for gay male relative to lesbian applicants.

Similar findings regarding interpersonal discrimination toward gays and lesbians have been documented across multiple domains, including general helping (request for phone call: Ellis & Fox, 2001; Gabriel et al., 2001; Gabriel & Banse, 2006; Gore, Tobiasen, & Kayson, 1997; Shaw, Borough, & Fink, 1994; request for change: Gray, Russel, & Blockley, 1991; Tsang, 1994), customer service treatment in retail establishments (Walters & Curran, 1996), and hotel reservation policies (Jones, 1996). Thus, interpersonal discrimination is consistently expressed across a variety of different situations and has implications for both the target and organization to which the target belongs. Now, we move toward trying to understand reasons why legislation might potentially curtail interpersonal discrimination.

Legislation as a Cause of Lesser Prejudice: Theoretical Considerations of Deterrence Theory and Symbolic Effects

Deterrence theory (e.g., Becker, 1968) posits that outlawing a given behavior reduces that behavior to the extent that punishment is certain and severe as a result of rational cost–benefit analysis. When applied to antidiscrimination laws specifically, prejudiced employers are said to discriminate less because such laws create an “expected cost” of a magnitude that equals the cost of law violation if caught (e.g., attorney's fees, fines) times the probability of being caught (Landes, 1968).

If legislation only impacted behavior to the extent that punishment were expected, antidiscrimination laws would likely have little effect. Fundamentally, the probability of an employer facing legal consequences for engaging in employment discrimination is very small. Although 42% of gays and lesbians report experiencing employment discrimination (Sears & Mallory, 2011), in those areas where relevant antidiscrimination laws exist, the likelihood of a gay or lesbian employee filing a legal complaint is estimated at only 0.01% to 0.08% annually (Rubenstein, 2002). It is even less likely that gay and lesbian employees would file complaints based on interpersonal discrimination. As we have noted, unlike overt acts of discrimination, such as blatant refusal to hire gays or lesbians or the use of hostile or derogatory language, interpersonal discrimination is difficult for a target to prove and hence, almost impossible to take legal action against.

Thus, a consideration of instrumental effects alone is incomplete. Despite the fact that the likelihood of a gay or lesbian employee in areas with sexual orientation antidiscrimination laws would file a legal complaint is estimated at only 0.01% to 0.08% annually (which is no less likely than the proportion of women and minorities who file legal complaints of discrimination), antidiscrimination legislation has largely been accepted as having had a causal impact on reducing discrimination (Blacks: Burstein, 1985; Donohue & Heckman, 1991; women: Gunderson, 1989).

Much of the effects of laws likely derive from symbolic rather than purely instrumental effects (e.g., Tapp & Kohlberg, 1971; Zimring & Hawkins, 1971). The symbolic effects of legislation are such that, even absent any possibility of tangible punishment, legislation may reduce a given act (discrimination) simply by designating it as illegal, criminal, or deviant. In line with this, empirical work shows that the extent to which a law is seen as morally valid correlates with the extent to which the law is obeyed (Grasmick & Green, 1980; Meier & Johnson, 1977; Sarat, 1977). Thus, the force of law is not simply a fear of punishment; people fear violating the law because it authoritatively describes moral rules of conduct (Robinson & Darley, 1995). As such, antidiscrimination legislation may create a clear social norm that discrimination is societally unacceptable.

Thus, legislation may deter discrimination toward a given group because it changes attitudes about the morality of such discrimination. 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 has been shown to change one's attitudes toward out-group members (Blanchard, Crandall, Brigham, & Vaughn, 1994; Blanchard, Lilly, & Vaughn, 1991; Monteith, Deneen, & Tooman, 1996; Zitek & Hebl, 2007), and resulting attitude change has been shown to last beyond the short term (Stangor et al., 2001; Zitek & Hebl, 2007). Notably, more attitude change has been shown toward gays and other groups for whom there is more ambiguity about the social acceptability of prejudice than toward groups toward whom prejudice is more clearly socially accepted (racists) or unacceptable (Blacks) (Zitek & Hebl, 2007).

Before testing the efficacy of legislation directly, we begin by addressing conditions, or prerequisites, that must be met in order for sexual orientation antidiscrimination legislation to have an

impact. That is, although we do not believe that legislation will necessarily have an impact in all contexts in which sexual orientation discrimination is present, we do believe that legislation has the potential to affect positive change under certain conditions. We discuss two such prerequisites: (a) overt disclosure or more indirect cues leading to inference of one's sexual orientation and (b) knowledge among employers of the existence of antidiscrimination legislation.

Prerequisites of Legal Efficacy

Identification of gay and lesbian employees. Put simply, employers cannot discriminate based on group membership that they do not know—or at least do not suspect. Thus, unlike the visible stigmata of race and gender, for which antidiscrimination legislation has generally been accepted as having had a causal effect on discrimination reduction (Burstein, 1985; Donohue & Heckman, 1991; Gunderson, 1989), previous researchers have written that “gays and lesbians have had the option to hide their sexual orientation from employers and coworkers” (Klawitter & Flatt, 1998, p. 677). Indeed, the majority of gay and lesbian individuals are not “out” at work (Griffith & Hebl, 2002; Ragins et al., 2007).

Although one “solution” to workplace discrimination might be to discourage gays from disclosing their orientation, substantial evidence shows that not disclosing one's identity is related to a number of negative outcomes, both for the individual (diminished personal well-being) and the organization (diminished cognitive processing) (review: Ragins, 2008). Furthermore, at least in some limited cases, the decision to disclose may be moot. Even if sexual orientation is never directly indicated, individuals are often able to accurately infer sexual orientation on the basis of cues that may not be easily altered. For instance, heterosexuals' accuracy in inferring sexual orientation on the basis on brief exposure to cues such as body shape, motion, and other nonverbal behavior has shown to be above-chance levels (Ambady, Hallahan, & Conner, 1999; Johnson, Gill, Reichman, & Tassinari, 2007; Rule, Ambady, Adams, & Macrae, 2008). Even when accuracy in judging sexual orientation is limited, to the extent that employers suspect the sexual orientation of an employee who is not “out” at work, antidiscrimination laws may reduce discrimination toward those who are assumed to be gay or lesbian.

Legal awareness. For legislation to have an impact in a given community, at least some members of the public need to be aware of the existence of such legislation. For legislation to have an instrumental effect on a given individual (i.e., such that the individual aims to avoid the concrete penalties named in the law), that particular individual would need to be aware of the law. However, it may be possible for legislation to have an indirect symbolic effect in reducing the prejudice and discrimination of a given individual even if that particular individual is unaware of the legislation. As we have noted, past research shows that individuals can and do positively change their attitudes toward stigmatized groups after hearing other members of their community (i.e., others who *have* become aware of antidiscrimination laws) support previously stigmatized groups (Zitek & Hebl, 2007). As awareness of a sexual orientation antidiscrimination law becomes more widespread, we would suspect that the likelihood of a given individual having witnessed positive support for gays and lesbians in his

community becomes more likely (in part as a result of the anti-discrimination legislation) even if that individual himself is not aware of the legislation *per se*.

Hence, although we do not believe that universal legal awareness is necessary for antidiscrimination laws to have an impact on reducing discrimination, we do believe that legal awareness will moderate the effectiveness of a given antidiscrimination law, such that laws that are more widely known in a community will have a greater impact than laws known by only a small segment of the population. To the extent that this is true, if we can show that local antidiscrimination laws (which are typically less well-publicized than national antidiscrimination laws) are effective in reducing discrimination toward stigmatized groups, this would suggest that the effectiveness of national antidiscrimination laws (e.g., the proposed ENDA) would be even greater.

Present research. To our knowledge, no study to date has documented awareness of sexual orientation antidiscrimination legislation. Hence, we begin by surveying individuals in neighboring cities with and without local sexual orientation antidiscrimination laws as to their level of legal awareness (Study 1). To provide both experimental tightness and external validity, we then use (a) a field study (Study 2) and (b) a lab experiment (Study 3) to test the effectiveness of antidiscrimination legislation in reducing interpersonal discrimination. In the field study, awareness of local antidiscrimination legislation is allowed to vary naturally. Thus, the field study tests the effectiveness of gay rights legislation at the present level of awareness.

Study 1: Legal Awareness

As we have theorized, at least some members of the public must be aware of legislation for it to have an impact, and the effectiveness of legislation will be greater when legal awareness is more widespread. To our knowledge, no study to date has documented awareness of sexual orientation antidiscrimination legislation. Other authors have suggested, particularly at local levels, that much of the public may be unaware of the sexual orientation antidiscrimination laws in their jurisdiction (Rubenstein, 2002). Hence, before proceeding to compare the level of interpersonal discrimination in matched, neighboring areas with and without sexual orientation antidiscrimination laws (Study 2), we sought to test that in those particular communities the status (existence or nonexistence) of sexual orientation antidiscrimination legislation was at least partially recognized and that legal awareness corresponded with more positive community norms regarding the acceptance of gays and lesbians. We made the following hypotheses:

H1: Public awareness of sexual orientation antidiscrimination laws will be greater in cities with versus without such laws.

H2: Community norms of the acceptability of discrimination toward gay and lesbians will be less in cities with sexual orientation antidiscrimination laws than in cities without such laws.

Method

Overview. We focused on legal awareness of sexual orientation antidiscrimination laws within the Dallas–Fort Worth–

Arlington Metroplex. The U.S. Census has designated this as the fourth-largest metropolitan area in the United States by population, and it was chosen as the focus of our present investigation given that it is the largest U.S. metropolitan area in which sexual orientation antidiscrimination laws are not uniformly present. Specifically (and in contrast to the other populous states of New York, California, and Illinois), Texas has no state legislation barring sexual orientation discrimination in employment or other domains. Geographically adjacent cities within the same metropolitan area vary in that some do (Dallas and Fort Worth) and others do not (e.g., Arlington, Plano, Irving) have sexual orientation antidiscrimination legislation.

The Dallas (City code Volume 2, Chapter 46) and Fort Worth (City Code Chapter 17, Article III, Division III) both cover a near extensive list of public and private employment-related actions, including advertising and recruitment, in addition to hiring, compensation, and promotion. The laws enumerate the mechanism for investigation of filed complaints (by the fair housing office or human rights commission) and specify punishable monetary fines (Dallas: \$200–\$500 per violation; Fort Worth: \$500 per day that the violation exists). Both limit protection to actions that have occurred within the past 180 days and exempt religious organizations and companies with 15 or fewer employees.

Background on local laws. The Fort Worth ordinance was controversial when passed in 2000, with the City Council voting in favor 6–1, despite “impassioned” testimony from community members on both sides of the issue, heard before a City Hall “packed” with more than 200 people. Notably, a turning point in the passage of the law came when a Conservative Republican City Council member changed his position after being approached by a Fort Worth man who had lost his job after his employer discovered he was gay (Fox, 2000; Richardson, 2000).

At the time the Fort Worth ordinance was passed, Dallas law only protected city employees from sexual orientation discrimination. In 2002, Dallas followed suit and extended legal protection to the private sector, as had been pledged on the campaign trail by the newly elected mayor. The Dallas City Council voted 13–2, with notables at the hearing including an American Airlines executive speaking in favor of the measure and a leader of a religious antiabortion group speaking against it (Dallas Officials Adopt Measure, 2002).

Procedure. Prospective participants were asked to participate in a 5-min phone survey on awareness of employment laws. Five undergraduate research assistants randomly called individuals residing in the Dallas–Fort Worth–Arlington Metroplex. Individuals’ phone numbers were culled from the publicly available residential phone book listings of the Dallas and Fort Worth metropolitan areas, which include listings of neighboring cities. To place the study in a broader context that might have seemed less threatening to prospective participants, the telephone script introduced the study as focused on “awareness of employment laws generally” (as adapted from a study of antidiscrimination legal awareness conducted by the British government: Meager, Tyers, Perryman, Rick, & Willison, 2002).

Participants. A total of 807 households in the Dallas–Fort Worth Metroplex area were phoned and asked to participate in a survey on “community awareness and acceptance of employment laws.” To participate, individuals had to (a) speak English, (b) be age 18 or over, and (c) have been employed within the past year in

the Metroplex area. The ability to speak English and age and employment criteria left a remaining 673 participants eligible to participate. Of these, 113 participants consented to participate, and 111 participants completed the survey (response rate: 16.5%). Participants included 46 individuals who worked in areas without sexual orientation antidiscrimination laws and 67 individuals in areas with sexual orientation legal protection.

Legal awareness and recognition. Using the procedure of previous studies on legal awareness (Meager et al., 2002), awareness of sexual orientation antidiscrimination law was presented among a list of other groups and was assessed in (a) targeted open-ended response format (legal awareness: asked to freely indicate the groups covered by antidiscrimination law other than racial, gender, and religious groups) and (b) close-ended response format (legal recognition: asked directly whether or not gays are protected from employment discrimination by law).

Community norms. Questions about social norms for the community acceptability of discrimination were adapted from Crandall, Eshleman, and O'Brien (2002), who used a single-item (three-response) measure of the acceptability of prejudice toward multiple potentially stigmatized targets. We adapted this measure into a three-item measure of community norms regarding the acceptability of discrimination specifically "in the community where you work." Participants were asked to indicate whether it is considered acceptable (+1 = *Definitely OK*, 0 = *Maybe OK*, or -1 = *Definitely NOT OK*) to (a) "express negative feelings about gay people" (b) "treat gay people more negatively than other groups," and (c) "treat gay people differently from other groups"; questions were aggregated by taking the mean; $\alpha = .94$. Questions regarding the acceptability of discrimination toward gay individuals were embedded within a list of spoken questions asking about the acceptability of discrimination toward other groups (veterans, pregnant women, fat people, and people with a criminal record).

Results

In support of Hypothesis 1, we found evidence of greater awareness of sexual orientation antidiscrimination legislation in cities with such legislation (Dallas and Fort Worth) than in neighboring cities without such legislation. Of individuals who worked in areas without sexual orientation laws, seven of 46 (15.2%) freely indicated on the open-ended item the existence of sexual orientation antidiscrimination laws when asked about groups protected from

employment discrimination. In contrast, individuals who worked in Dallas and Fort Worth, which do have sexual orientation antidiscrimination laws, were nearly twice as likely (20 of 67; 29.9%) to freely indicate on the open-ended item the existence of sexual orientation laws. When asked directly whether gay people are protected from employment discrimination by law, the difference between individuals in areas with and without legislation was smaller and was not statistically significant. Relative to 47.8% of those who worked in cities without sexual orientation antidiscrimination laws, 56.7% of those who worked in cities with sexual orientation antidiscrimination laws indicated the existence of sexual orientation antidiscrimination laws when asked directly. See Table 1 for descriptive statistics and intercorrelations between study variables.

In support of Hypothesis 2, we found that the presence of sexual orientation antidiscrimination legislation negatively correlated with perceived community norms of the acceptability of discrimination toward gay people ($r = .23, p < .05$). Additionally, participants' recognition of local sexual orientation antidiscrimination laws was negatively correlated with perceived community norms supporting discrimination toward gay people ($r = .21, p < .05$). In sum, the results supported both hypotheses.

Discussion

Within the Dallas-Fort Worth-Arlington Metroplex, in which some local cities bar sexual orientation discrimination but other neighboring cities do not, we found initial support for the idea that the general public is at least partially aware of the presence or absence of antidiscrimination legislation in the areas in which they work. Further, we found that both (a) the existence of legislation itself and (b) community members' recognition of local antidiscrimination laws corresponded to their belief in the reduced acceptability of sexual orientation discrimination in their communities.

Although our focus on individuals in the primary U.S. metropolitan area in which sexual orientation antidiscrimination laws vary from city to city may have accounted for some individuals' mistaken assumption that sexual orientation is a legally protected class in (neighboring) cities in which it is not protected, in the aggregate Metroplex residents correctly show greater legal awareness in areas that actually have such laws compared to neighboring cities which do not. Hence, the boundary condition for antidis-

Table 1
Descriptive Statistics and Intercorrelations Among Sexual Orientation Antidiscrimination Legislation, Legal Awareness, and Community Norms of Sexual Orientation Discrimination (N = 111-113)

	<i>M (SD)</i>	1	2	3
1. City law	.59 (.49)	—		
2. Legal awareness	.24 (.43)	.17 [†]		
3. Legal recognition	.18 (.93)	.08	.14	
4. Community norms of discrimination	.85 (.87)	-.23*	-.12	-.21*

Note. City sexual orientation antidiscrimination law and awareness of this law are coded 0 = *absence*, 1 = *presence*. Legal recognition is coded -1 = *no law*, 0 = *don't know*, 1 = *law*. Community norms of the acceptability of sexual orientation discrimination were rated on a three-point scale coded 2 = *definitely OK*, 1 = *maybe OK*, 0 = *definitely not OK*.

[†] $p < .05$, one-tailed. * $p < .05$, two-tailed.

crimination laws to potentially have an impact on effectively reducing discrimination appears to be met (i.e., our naturally occurring legal “manipulation” appears to have had the intended effect). We do note, of course, there was a relatively small response rate, a small responding sample size, and small numbers of individuals aware of the laws; yet, importantly, there did emerge significant differences in both hypotheses that we proposed. This minimally encouraging result led us to proceed to our main study investigation of whether awareness of antidiscrimination laws and the accompanying change in community norms in fact translate into a reduction in interpersonal discriminatory behaviors in such communities. At the same time, the results also suggest that much of the general public is often unaware of the existence or nonexistence of local antidiscrimination legislation. To the extent that a large portion of the public remains unaware of such laws, the current impact of such legislation (as investigated in Study 2) may be far less than the potential impact of such legislation if accompanied by wide-scale campaigns to educate the public.

Study 2: Field Study

Although sexual orientation employment antidiscrimination laws cannot readily punish interpersonal discrimination (e.g., lesser smiling toward gay applicants than toward straight applicants or shorter interviews with gay applicants than straight applicants), we theorized that such laws can have a symbolic effect in authoritatively prescribing discrimination toward gay individuals as morally wrong and inconsistent with community norms, which may make even subtle legally unenforceable behaviors less common. To test this idea, we extended the methodology initially used by Hebl et al. (2002) to objectively compare differences between the treatment of gay/lesbian applicants with the treatment of presumably heterosexual applicants in interactions with management for entry-level retail jobs to the primary U.S. metropolitan area in which some neighboring cities (Dallas, Fort Worth) have private employment protection, whereas other neighboring cities (e.g., Arlington, Plano, Irving) do not. We made the following hypothesis:

H3: The extent of interpersonal discrimination by retail managers toward gay and lesbian job applicants will be less in cities with sexual orientation antidiscrimination laws than in cities without such laws.

Additionally, because we recognized that, even within a geographically constrained area, those cities that bar sexual orientation discrimination may differ from those cities that do not in their acceptance of gay individuals even before legislation is passed, we further controlled for all variables previously shown to affect both (a) sexual orientation prejudice and discrimination (e.g., Herek, 1988; Herek, 1994; Ragins & Cornwell, 2001) and (b) adoption of sexual orientation antidiscrimination laws (Haerberle, 1996; Wald et al., 1996): sexual orientation, religious and political conservatism, and organizational sexual orientation antidiscrimination policies:

H4: The extent of interpersonal discrimination by retail managers toward gay and lesbian job applicants will be less in cities with sexual orientation antidiscrimination laws than in

cities without, even after controlling for local concentrations of gays and lesbians, local concentrations of religious and political Conservatives, and the existence of organizational antidiscrimination policies.

Method

We used a 2 (gay vs. nongay) \times 2 (law vs. no law) within-applicant (between-store managers) factorial design. Specifically, we extend the methodology used by Hebl et al. (2002) in Houston, which lacks private employment antidiscrimination legislation, to the Dallas–Fort Worth–Arlington metropolitan area in which some neighboring cities have private employment protection, and other neighboring cities do not.

Six male and six female undergraduate students interacted with 252 store managers in applying retail jobs (a) while wearing a visible indicator of their sexual orientation or while wearing no such indicator and (b) in cities in the same metropolitan area that do or do not have local antidiscrimination laws. Sexual orientation was manipulated by wearing a baseball-style cap with a printed message of “Gay and Proud,” or “Texan and Proud” (nonstigmatized control; Hebl et al., 2002). In order to keep applicants blind to condition, an experimenter placed the hats on applicants and specifically instructed applicants not to look at the hats and to avoid looking in mirrors or other reflective surfaces.

All stores were called by phone (using a Dallas-area cell phone number) within a week of visiting the stores to determine if they were currently hiring sales associates. Consistent with previous research (Hebl et al., 2002), only those stores that indicated that they were accepting applications were visited. Applicants followed a standardized script in which they ask about available jobs, request to complete an application, and present themselves truthfully. Interactions with managers were audiotaped and transcribed. As in Hebl et al. (2002), we did not send men to stores that only sold women’s clothing, nor did we send women to stores that only sold men’s clothing.

Dependent measures. Interpersonal ratings were completed by (a) applicants, immediately following the store interactions and (b) two independent coders (based on audiotapes of the interactions). Using a 7-point Likert-type scale anchored by *not at all* (0) and *very much* (6), raters judged the store personnel on (a) rudeness, (b) standoffishness, and (c) attempting to end the interaction prematurely, as well as (reverse-coded) (d) friendliness, and (e) helpfulness (see Hebl et al., 2002; Singletary & Hebl, 2009). Interrater reliability across the three raters ranged from $\alpha = .54$ to $.70$ for each of the five items, consistent with previous research using a similar paradigm (e.g., Singletary & Hebl, 2009). Interpersonal ratings were standardized before averaging to create composite measures collapsing across three raters. Note that we did not track measures of formal discrimination in the field study because the original Hebl et al. study—which was conducted in a city without private employment laws—found no statistically significant evidence of formal discrimination. Hence, because we would expect to find less, not more discrimination in areas with legislation, we did not include formal measures.

Control variables. Relying on findings from previous research, we control for and match on the community variables that have shown to relate to both prejudice toward gays and lesbians as

well as adoption of sexual orientation antidiscrimination laws, to allow for greater confidence that differences in discrimination can be attributed to the existence of legislation. Specifically we controlled for (a) gay and lesbian concentration by Zip Code (same-sex couples, nonfamily households; Gates & Ost, 2004) and (b) concentration of religious and political Conservatives (Wald et al., 1996). As reported in the Census, we included both the proportion of same-sex couples (ranging from 0.4% to 0.8% of households) and nonfamily households (29.7% to 53.8%) to estimate concentrations of gay and lesbians. A composite average of these two standardized variables was used. Because previously used measures of the concentration of religious and political conservatives only reported concentration by metropolitan area, we used as a proxy recent voting data by precinct: percentage of 2008 presidential primary votes for ordained Southern Baptist minister and Republican candidate Mike Huckabee (6% to 21% for the areas in our sample).

Additionally, we controlled for whether the companies have an official nondiscrimination policy toward gays and lesbians (Button, 2001; Ragins & Cornwell, 2001). Nondiscrimination policies were culled directly from the nondiscrimination policies listed on the paper applications given to the applicants. Where no such information was listed or where paper applications were not used, we consulted the Employment section of the company (e.g., Foot Locker, Gap) websites.

We also measured store crowdedness, as judged by the applicants, as well as several store personnel demographic variables (gender, same-sex interaction, age), although these variables did not alter main findings. Most notably, the relations between gay and conservative areas and interpersonal negativity depended on whether or not the applicant was presumed gay. In line with hypotheses, in areas with a more gay population, applicants presumed gay were treated more favorably than nongay applicants ($z = 2.29, p < .05$). Likewise, in areas with a more conservative population, applicants presumed gay were treated less favorably than nongay applicants ($z = 1.97, p < .05$). Area population variables were hence maintained as essential covariates in seeking to isolate the effect of legislation.

Results

Hypothesis 3 concerned whether interpersonal discrimination toward presumed gay and lesbian applicants would be less in cities with sexual orientation antidiscrimination laws than in cities without such laws. We ran a 2 (city law) \times 2 (applicant sexual orientation) MANOVA with the five interpersonal treatment ratings as the dependent variables. As predicted, we found a significant interaction effect between law and applicant sexual orientation, $F(5, 244) = 3.13, p < .01$. That is, store managers were more negative when applicants were gay in areas lacking city antidiscrimination laws than areas with city antidiscrimination laws. Though the laws had the intended effect of ameliorating treatment toward gay and lesbian applicants, store managers actually overcompensated when laws were in place. Follow-up univariate analyses show these findings were driven largely by helpfulness, $F(1, 248) = 5.79, p < .05$, and rudeness, $F(1, 248) = 3.91, p < .05$. The pattern was such that in cities without antidiscrimination laws, gay applicants were treated more rudely and less helpfully ($M = 0.94; 4.04$) than nongay applicants ($M = 0.64; 4.16$), whereas in

cities with antidiscrimination laws, gay applicants were treated less rudely and more helpfully ($M = 0.80; 4.37$) than nongay applicants ($M = 0.86; 4.05$).

Controlling for Community Variables

To Test Hypothesis 4, we used a MANCOVA, adding gay and conservative area population concentrations and company antidiscrimination policies as covariates. Findings were unaltered, with the interaction effect between presumed applicant sexual orientation and city law remaining significant, $F(5, 241) = 3.14, p < .01$. That is, even after controlling for the community variables consistently shown to affect both adoption of laws and prejudice, sexual orientation antidiscrimination laws still ameliorated interpersonal discrimination toward gay and lesbian applicants.

Discussion

Study 2 shows that the presence of sexual orientation antidiscrimination laws corresponds to less interpersonal discrimination toward gay and lesbian job applicants, even when jurisdictions are separated by only a few miles, within the same metropolitan area. Notably, this relationship exists even after controlling for those community variables shown to affect both the adoption of antidiscrimination laws and prejudice in the absence of legislation. Hence, it is not that gay and lesbian applicants were subject to less discrimination in cities with antidiscrimination laws simply because the cities with such laws were less conservative or had a larger gay population. Rather, it appears that even after controlling for these area variables, antidiscrimination legislation still explains additional variability in interpersonal discrimination.

We believe this is all the more notable given our analysis of more subtle, interpersonal measures of discrimination, which unlike formal, more blatant discrimination cannot be readily legally enforced. That is, it is unlikely that store managers fear lawsuits or legal penalties over rudeness or other differences in mundane interpersonal treatment, as they legitimately might fear if they were overtly refusing to hire gay employees. Instead, we argue that the mere fact that discrimination is labeled as illegal (even without the threat of punishable enforcement) may be sufficient to create a symbolic effect in changing the acceptability of prejudice and discrimination toward gays and lesbians.

As such, Study 2 extends findings of the efficacy of legislation to the criterion of interpersonal discrimination, among a population (retail store managers) that, despite responsibility for recruiting and selecting employees, may lack the specialized knowledge of employment laws required of other groups. Further, we extend findings to a field setting in which managers can realistically anticipate that their interpersonal behaviors toward applicants will have real-life consequences (i.e., whether an individual chooses to apply or accept a job offer, or, if hired, the nature of the relationship between the employee and store management).

Although Study 2 offers a more ecologically valid investigation of the efficacy of sexual orientation antidiscrimination laws, because legislation varied naturally, even with statistical controls for variables affecting the adoption of legislation, there remains the possibility of internal validity concerns. Hence we respond to these internal validity concerns in turn in the remaining Study 3, in which knowledge of legislation is manipulated.

Study 3: Lab Experiment

Method

In this study, we manipulate whether or not participants are led to believe that their local city (Houston) has employment legislation that protects gays and lesbians from discrimination by private employers (In reality, Houston has a Mayoral Ordinance offering protection in public but not private employment). Because most individuals are not familiar with employment antidiscrimination legislation, as we describe, we were able to manipulate this knowledge for most participants. We made the following hypothesis:

H5: The extent of interpersonal discrimination toward gay and lesbian job applicants will be less when interviewers are informed that their city has an ordinance that prohibits employment discrimination on the basis of sexual orientation than when interviewers are informed that their city has no such ordinance.

Participants

Two hundred twenty-nine individuals in the Houston area (52.0% men; mean age = 29.4 years, $SD = 11.6$) volunteered to participate in a 1-hr study entitled “Effects of Training Delivery Method on Recall and Skill-Acquisition.” Participants were given \$20 in exchange for their participation. All participants were high school graduates, fluent in English, and comfortable using a computer mouse and keyboard. Forty-four percent had completed a bachelor’s degree, and average full-time work experience was 8.8 years ($SD = 10.2$); diverse occupations such as engineer, clerk, teacher, manager, and student were represented.

In the initial pretest of legal awareness, 92.5% of participants indicated they believed employment discrimination against gay people was currently illegal in Houston. As is described more fully in the sections that follow, participants were randomly assigned to a training condition that indicated either that sexual orientation discrimination was legal or illegal in Houston. In posttraining surveys 92.0% of participants assigned to the Houston sexual orientation discrimination law condition later indicated belief and recall of this “fact”; similarly, 87.1% of those assigned to the no Houston sexual orientation discrimination law condition later indicated belief and recall of the opposing fact. Hence although most participants believed (partially incorrectly) that discrimination against gay people was illegal in their city, when told otherwise, most participants changed their belief. Participants who missed this posttraining legal manipulation check were subsequently excluded from analysis. Additionally, gay, lesbian, and bisexual participants (8.3% of participants) were excluded from analyses.

Design and Procedure

The study was described in accurate terms as involving training on how to conduct a job interview and a practice (mock) job interview. The study differed from the cover story described in that (a) training delivery method was not the focus of the study and in fact all participants received the training via computer and (b) the mock job interview was not with another participant but was instead with a research confederate.

After sitting together in a waiting room for a few minutes, the participant and confederate were led to computers in separate rooms to begin a 20-min online training module. The training contained content on general information about job interviews as well as specific interviewing techniques (i.e., using open-ended and nonleading questions and reflection and reinforcement) and, of primary interest to us, “legal guidelines.” Participants were randomly assigned to receive, as part of the online training module, legal guidelines that indicated either that sexual orientation discrimination is legal or illegal in Houston. In addition, in the legal condition, participants were instructed as to prohibited questions related to sexual orientation during job interview. To help minimize demand characteristics, information regarding the legal status of sexual orientation discrimination was presented along with the legal status and prohibited questions related to several other groups (e.g., protected: race, religion; unprotected: fat people).

Following training, the participant and the other attendee (confederate) were told to apply what they had learned by acting as employer and interviewee in a mock interview. The participant was always assigned to the role of interviewer, and the confederate to the role of interviewee. Because structured interviews have been shown to reduce bias, the interview was unstructured, although all participants read a job description (from the O*NET) of the Office Manager position for which they were interviewing the confederate.

Also prior to the interview, participants were given the applicant’s completed resume information form to review. The form contained information blanks for education (i.e., degree year, GPA, major and minor), work experience, skills, and activities. Handwritten responses on the form had ostensibly been filled out by the other participant (the confederate) and in fact were completed with all of the confederate’s true experiences—with one exception. The university Gay and Lesbian Student Association was always listed on the first line of the Activities section.

To reinforce the presumed sexual orientation of the confederate applicant, confederates additionally wore a 2 × 3-inch rainbow “Gay and Proud” pin on their backpack, which was placed facing the interviewer on the table at which the interview was conducted. As with the resume information sheet, the confederates answered interview questions based on their own true experience (with the exception of occasions in which the interviewer asked questions related to the Gay and Lesbian Student Association).

Participants were instructed that they would have up to 15 min to conduct the interview and that they would be stopped after 15 min. In 25 of 116 interviews (21.6%), the interview was still going and was stopped after 15 min. Mean interview length was 10.5 min ($SD = 3.2$ min). Interview length and word count for the two cases in which the experimenter forgot to give the interviewers time instructions were omitted from analysis. Following the interview, participants returned to their separate room to complete additional questions on the computer. First, applicants completed a posttest on training content, which included questions about legal guidelines for several groups, including a manipulation check of the sexual orientation legal condition. Then participants indicated perceived demographics of the applicant they had interviewed (e.g., gender, age, race), including sexual orientation, which served as a check that participants had noticed and inferred the participant was gay, lesbian, or bisexual (i.e., as based on based on the Gay and Lesbian Student Association listed on the resume and/or the Gay

and Proud button on the applicant's backpack). Forty-two participants (including 24 in the law condition and 18 in the no-law condition; 25.5% overall) were eliminated from analyses of interpersonal discrimination because they did not identify the applicant as gay in the perceived applicant demographics questions.

Measures

Interpersonal language. We transcribed the interviews and used the Linguistic Inquiry and Word Count (LIWC) software program (Pennebaker, Chung, Ireland, Gonzales, & Booth, 2007) to calculate the percentage word count of positive and negative emotion words, as well as nonfluencies (e.g., uh, er, umm) that occur with and imply nervousness, tension, and/or stress (see Borkovec, Wall, & Stone, 1974; MacKinnon, Hall, & MacIntyre, 2007; Vorauer, 2005). For negativity, we focused on the anxiety negative emotion word category (e.g., worried, stressed) given that negative emotion words related to anger and sadness did not occur frequently in the job interview setting. See the Appendix for examples of how interviewer participants used anxiety words.

Interpersonal quantity. Additionally, we used the number of words spoken by the interviewer and length of interview (in minutes) to measure the extent of interpersonal interaction. Word count and length were correlated, $r = .66$. After standardizing these variables, we collapsed them into a single indicator for interpersonal quantity.

Results

Interviewer reference to sexual orientation. Although not rising to the level of statistical significance, in line with legal content on prohibited questions regarding sexual orientation, participants who were instructed that sexual orientation discrimination was illegal (law condition) were less apt to mention sexual orientation (or related Gay and Lesbian Student Association activity) during the interview. Specifically, interviewers mentioned sexual orientation five times in the illegal discrimination condition but nine times in the legal discrimination condition ($\chi^2 = 1.22, ns$). Moreover, interviewers in the legal discrimination (no law) condition who mentioned sexual orientation inquired (in seven out of nine cases) about the extent of the applicant's involvement with the Gay and Lesbian Association or, in one case, directly inquired as to the participant's sexual orientation. Interviewers in the illegal discrimination (law) condition tended to ask more general questions (i.e., "What is the Gay and Lesbian Association?") or asked about dealing with discrimination.

Interpersonal discrimination. Hypothesis 5 concerned the effect of legislation on interpersonal discrimination. We measured interpersonal discrimination in terms of (a) interpersonal language and (b) interpersonal interaction quantity. Consistent with hypotheses, being told that sexual orientation discrimination is illegal (law condition) reduced anxiety-related words, $t(115) = 2.39, p < .05$, two-tailed, and nonfluencies spoken by the interviewer, $t(115) = 2.12, p < .05$, two-tailed, and increased the extent or length of the interview, $t(113) = 1.74, p < .05$, one-tailed (see Table 2). An examination of the interview context in which anxiety-related words (see examples in the Appendix) were used suggests anxiety-related words were typically used to describe negative aspects (i.e., stress) related to the job the applicant was

Table 2
Interpersonal Discrimination as a Function of Law Condition
($N = 115-117$)

	Law		No Law		Effect size (d)
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Anxiety words (%)	.09	.18	.20	.29	-.46*
Positive words (%)	7.13	2.44	6.45	2.03	.31
Nonfluencies (%)	2.70	1.49	3.47	2.35	-.39*
Quantity	.15	.98	-.15	.82	.33 [†]

Note. Quantity and rated negativity measures have been standardized to create composites; descriptives for the other variables are expressed in the original metric. $N = 115$ for quantity; $N = 117$ for all other measures.

[†] $p < .05$, one-tailed. * $p < .05$, two-tailed.

applying for and to correspondingly ask the applicant about experiences that prepared the applicant to handle stress.

Discussion

In the first authentic experiment to ever test the effects of antidiscrimination legislation, we go beyond previous correlational research and show that even when individuals are randomly assigned, (gaining knowledge of) sexual orientation antidiscrimination laws *causally* affect interpersonal discrimination. Specifically, objective measures of (a) interviewing quantity (as determined by word count and length) decreased; and the proportions of (b) negative anxiety-related words, and (c) nonfluencies increased when participants were led to believe that sexual orientation antidiscrimination laws do not exist in their area.

The generalizability of lab experiments to real-world work situations is often suspect. For this reason, we worked to minimize participant suspicions as to the true nature of the study by (a) creating a credible cover story as to the purpose of the study, (b) having participants complete an interactive training module that contained substantial filler (nonlegal) content (i.e., exercises and information about the importance of open-ended and nonleading interview questions and reinforcement and reflection as interviewing techniques), and (c) presenting legal information regarding sexual orientation discrimination within the context of legal information on multiple protected and unprotected groups. Further, even if participants intuited our interest in how individuals interact with a gay or lesbian individual, because interviewers were not given a standardized list of interview questions, the cognitive demands upon them as interviewer were substantial. Even though interviewers may have focused on avoiding most overt references to the negative, stress may be job-related, and so questions and statements regarding stress and anxiety may have gone under the radar of interviewers who were otherwise trying to be on their best behavior.

General Discussion

In a series of three studies (phone survey, field study, and lab experiment) we have documented levels of community awareness of sexual orientation antidiscrimination legislation and shown the relations between such legislation and reduced interpersonal dis-

crimination. We believe the effect of legislation on interpersonal measures of discrimination is particularly notable, because unlike formal, more blatant discrimination, interpersonal discrimination cannot readily be legally enforced. That is, it is unlikely that store managers fear lawsuits or legal penalties over rudeness or other differences in mundane interpersonal treatment, as they legitimately might fear if they were overtly refusing to hire gay employees. Instead, we argue that the mere fact that discrimination is labeled as illegal (without the threat of enforcement) may be sufficient to create a symbolic effect in changing community norms regarding the acceptability of prejudice and discrimination toward gays and lesbians.

Most importantly, we offer more substantial evidence as to the causality of the relationship between sexual orientation antidiscrimination laws and corresponding discrimination. That is, previous findings have shown that sexual orientation antidiscrimination laws are more likely to be adopted in areas with more gay, less politically and religiously conservative populations (Haerberle, 1996; Wald et al., 1996), and more organizations with gay-friendly company policies already in place (Ragins & Cornwell, 2001). Each of these factors has been shown to relate to gay prejudice and/or discrimination (political and religious beliefs, and contact with gays and lesbians: Herek, 1988, 2002; Herek, & Glunt, 1993; organizational policies and the presence of gay and lesbian employees: Button, 2001; Griffith & Hebl, 2002; Ragins & Cornwell, 2001). The study of the efficacy of antidiscrimination law is hence made difficult by the fact that communities are never randomly assigned to implement antidiscrimination law, and individuals, who often choose their communities, are in turn shaped by the communities in which they live. Hence, the relationship between the (nonrandomly assigned) presence of antidiscrimination laws and lesser prejudice and discrimination could be explained by these factors.

However, in evidence from a field study of retail managers in a metropolitan area in which cities vary in whether sexual orientation legal protection, we show that antidiscrimination laws correspond to decreased interpersonal discrimination toward gay and lesbian job applicants—even after controlling for those factors (political and religious beliefs, sexual orientation, and organizational gay-friendly policies) related to whether communities adopt such legislation.

Further, because we recognize that measurement of control variables is imperfect and because it is possible that other differences between communities with and without antidiscrimination legislation, which have not been documented in previous research, may exist, we also conducted a lab experiment in which we randomly assigned participants to legal condition. Hence in addition to statistically controlled data from managers in the field setting, we also show that even when individuals are randomly assigned to receive information as to the presence (rather than absence of) sexual orientation antidiscrimination laws, this still results in less interpersonal discrimination toward gay and lesbian applicants. This was found using purely objective measures of interpersonal discrimination: interviewing quantity and standardized word counts of negative anxiety-related words and nonfluencies.

It is important to note that data from any one of the three studies that we conducted, on its own, shows substantiation of our claim that laws have the power to reduce interpersonal discrimination.

Recent studies have suggested the power that triangulation of findings across data sets and methodologies can have for supporting hypotheses (see Hebl & Avery, in press; Leslie, King, Bradley, & Hebl, 2008), and the current set of three studies does just this. That is, the triangulated findings are particularly strong in that they rely on (a) very different sorts of methodologies (i.e., telephone survey data, behaviors exhibited in a job applicant field setting, behaviors in a controlled laboratory study) and (b) diverse set of individuals (i.e., a random sample of individuals within comparable Texas Zip Codes, store personnel within retail stores, and adult and college-age participants in the Houston area). Thus, we argue that any weakness of one particular study (see also Leslie et al., 2008) is strengthened by the overall finding, across studies, that laws are impacting interpersonal behaviors. More specifically, we consistently find evidence that laws really do have the ability to reduce the type of discrimination that is more subtle and interpersonal in nature. There are both important theoretical and applied implications from such findings.

Theoretically, the current results extend extant stigma research on effective ways to reduce stigmatization (for summary, see Dipboye & Collela, 2005; see also Dixon et al., 2010). Such research has focused primarily at reduction through measures that targets or allies can enact (individual-level strategies) or through measures that human resource departments and top management can adopt and instill in their organizations (organizational-level strategies; see Avery & McKay, 2010; Ruggs, Martinez, & Hebl, 2011). However, the current research extends these approaches by examining how laws, beyond individual and organizational actions, have the ability to reduce behaviors. Certainly such a premise is not a new idea as many previous laws (e.g., Civil Rights Act of 1964) have been passed in an attempt, and a relatively successful one, at preventing displays and the ill-repercussions of discriminatory behavior. Yet, the current research is one of the first sets of data to examine how laws might reduce less blatant types of discrimination—discrimination that is still legal to display in our society.

Theoretically, the current results also begin to speculate on how and why laws governing people's formal actions actually impact their less formal ones. We propose that deterrence theory (Becker, 1968) is powerful in influencing behaviors but that it is *not* a sufficient explanation for describing why laws successfully reduce interpersonal discrimination. Deterrence theory cannot explain reductions because interpersonal discrimination is legal and people do not face repercussions for smiling too little, terminating interactions too quickly, or engaging in other behaviors that seem to simply embody rudeness and incivility. However, we argue that the symbolic effects (Grasmick & Green, 1980; Tapp & Kohlberg, 1971) of the law do have the ability to reduce interpersonal discrimination—these effects occur because antidiscrimination legislation can create social norms that govern what is acceptable and unacceptable behaviors to display toward stigmatized individuals. Thus, we posit that individuals are guided by community-normed behaviors or organizational cultures (see Zitek & Hebl, 2007) when they interact both formally and interpersonally with stigmatized, in this case gay and lesbian, others. We strongly encourage researchers to extend the current results by conducting future research that more strongly demonstrates the precise ways in which symbolic effects alter displays of interpersonal discrimination. Future studies might investigate whether legal effective-

ness is impacted by the severity of fines and penalties imposed for infractions or by the required burden of proof in showing intent to discriminate.

The applied implications for the current research are also significant. Although we have already addressed many of these, we reiterate that to those who argue that “you cannot legislate morality” (see Eberling, 1992), the current data suggest that, at the very least, laws have the ability to reduce incivilities and rudeness that are directed at individuals who belong to stigmatized groups. This is particularly significant given that those incivilities and other interpersonal measures of discrimination have been shown to result in reduced performance for individuals who experience them and the organizations who have employees displaying them (e.g., King et al., 2006; Singletary & Hebl, 2009). The current research also potentially has implications for the national ENDA. The existing patchwork of legal protection and nonprotection for LGBT (lesbian, gay, bisexual, and transgender) employees may be personally or morally loathed by advocates on both sides of the issue, but such controversy presents a much needed opportunity for empirical scholarship on the efficacy of sexual orientation antidiscrimination laws. The current research adds unique and timely data to the almost nonexistent body of empirical evidence demonstrating the potential efficacy of such laws.

Until these laws are passed, the current data also inform organizations as to how they can also act. That is, we advocate that organizations enact their own sexual orientation antidiscrimination policies. Research suggests that organizational antidiscrimination policies too, like legislative mandates, are linked to employee perceptions of lesser sexual orientation discrimination (see Button, 2001; Griffith & Hebl, 2002; Ragins & Cornwell, 2001). A recent article by King and Cortina (2010) nicely outlines both the moral and financial imperatives of offering such supportive LGBT organizational policies. Coupled with our findings, such policies (i.e., zero tolerance) would likely have similar efficacy at reducing interpersonal discrimination and building climates of tolerance and respect. We encourage future research that further shows how such policies enact changes in subtle, but powerful ways within organizational settings.

Conclusion

Though we can manipulate awareness of legislation, as researchers, we do not have the power to experimentally manipulate the presence or absence of legislation in a given community. As such, the converging results from this series of three studies go far in both statistically controlling and randomly assigning individuals so as to help equate those factors previously shown to influence whether legislation is adopted in a given community. In doing so, we go 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. Although it remains possible that individuals may respond to federal legislation less positively than to legislation passed within one’s own local community, we suspect that federal legislation may ultimately have a greater impact because of the likelihood of greater media coverage and corresponding public awareness afforded federal legislation. Our research findings provide evidence that such laws do affect true, underlying principles of community acceptance, and corresponding interpersonal behav-

iors in the employment sphere. We can only hope that legislators decide that these are, in fact, desired community outcomes.

References

- Ambady, N., Hallahan, M., & Conner, B. (1999). Accuracy of judgments of sexual orientation from thin slices of behavior. *Journal of Personality and Social Psychology, 77*, 538–547. doi:10.1037/0022-3514.77.3.538
- Avery, D. R., & McKay, P. F. (2010). Doing diversity right: An empirically based approach to effective diversity management. *International Review of Industrial and Organizational Psychology, 25*, 227–252. doi:10.1002/9780470661628.ch6
- Badgett, M. V. L. (1995). The wage effects of sexual orientation discrimination. *Industrial and Labor Relations Review, 48*, 726–739. doi:10.2307/2524353
- Becker, G. S. (1968). Crime and punishment: An economic approach. *Journal of Political Economy, 76*, 169–217.
- Berg, N., & Lien, D. (2002). Measuring the effect of sexual orientation on income: Evidence of discrimination? *Contemporary Economic Policy, 20*, 394–414. doi:10.1093/cep/20.4.394
- Black, D., Gates, G., Sanders, S., & Taylor, L. (2000). Demographics of the gay and lesbian population in the United States: Evidence from available systematic data sources. *Demography, 37*, 139–154. doi:10.2307/2648117
- Black, D. A., Makar, H., Sanders, S., & Taylor, L. (1998). *The effects of sexual orientation on earnings* (Working Paper). Pittsburgh, PA: Heinz School, Carnegie Mellon University.
- Blanchard, F. A., Crandall, C. S., Brigham, J. C., & Vaughn, L. A. (1994). Condemning and condoning racism: A social context approach to interracial settings. *Journal of Applied Psychology, 79*, 993–997. doi:10.1037/0021-9010.79.6.993
- Blanchard, F. A., Lilly, T., & Vaughn, L. A. (1991). Reducing the expression of racial prejudice. *Psychological Science, 2*, 101–105. doi:10.1111/j.1467-9280.1991.tb00108.x
- Blandford, J. M. (2003). The nexus of sexual orientation and gender in the determination of earnings. *Industrial and Labor Relations Review, 56*, 622–642. doi:10.2307/3590960
- Borkovec, T. D., Wall, R., L., & Stone, N. M. (1974). False physiological feedback and the maintenance of speech anxiety. *Journal of Abnormal Psychology, 83*, 164–168. doi:10.1037/h0036472
- Burstein, P. (1985). *Discrimination, jobs, and politics: The struggle for equal opportunity in the United States since the New Deal*. Chicago, IL: University of Chicago.
- Button, S. B. (2001). Organizational efforts to affirm sexual diversity: A cross-level examination. *Journal of Applied Psychology, 86*, 17–28. doi:10.1037/0021-9010.86.1.17
- Carmichael, J. V. (1996). The gay librarian: A comparative analysis of attitudes toward professional gender issues. *Journal of Homosexuality, 30*, 11–57. doi:10.1300/J082v30n02_02
- Clain, S. H., & Leppel, K. (2001). An investigation into sexual orientation discrimination as an explanation for wage differences. *Applied Economics, 33*, 37–47. doi:10.1080/00036840122961
- Crandall, C. S., Eshleman, A., & O’Brien, L. (2002). Social norms and the expression and suppression of prejudice: The struggle for internalization. *Journal of Personality and Social Psychology, 82*, 359–378. doi:10.1037/0022-3514.82.3.359
- Dallas city officials adopt measure prohibiting discrimination against gays. (2002, May 9). *Houston Chronicle*, p. A40.
- Dipboye, R. L., & Collela, A. (2005). *Discrimination at work: Psychological and organizational bases*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Dixon, J., Durrheim, K., Tredoux, C., Tropp, L., Clack, B., & Eaton, L. (2010). A paradox of integration? Interracial contact, prejudice, and perceptions of racial discrimination. *Journal of Social Issues, 66*, 401–416. doi:10.1111/j.1540-4560.2010.01652.x

- Donohue, J. J., III, & Heckman, J. (1991). Continuous versus episodic change: The impact of civil rights policy on the economic status of Blacks. *Journal of Economic Literature*, 29, 1603–1643.
- Dovidio, J. F., Kawakami, K., & Gaertner, S. L. (2002). Implicit and explicit prejudice and interracial interaction. *Journal of Personality and Social Psychology*, 82, 62–68. doi:10.1037/0022-3514.82.1.62
- Eberling, R. M. (1992, November). [334]Review of the book *Forbidden grounds: The case against employment discrimination law*. by R. A. Epstein[335] *Freedom Daily*. Retrieved from <http://www.fff.org/freedom/1192e.asp> Cambridge, MA: Harvard University Press.
- Ellis, A. L., & Riggle, E. D. B. (1996). The relation of job satisfaction and degree of openness about one's sexual orientation for lesbians and gay men. *Journal of Homosexuality*, 30, 75–85. doi:10.1300/J082v30n02_04
- Ellis, J., & Fox, P. (2001). The effect of self-identified sexual orientation on helping behavior in a British sample: Are lesbians and gay men treated differently? *Journal of Applied Social Psychology*, 31, 1238–1247. doi:10.1111/j.1559-1816.2001.tb02672.x
- Elmslie, B., & Tebaldi, E. (2007). Sexual orientation and labor market discrimination. *Journal of Labor Research*, 28, 436–453. doi:10.1007/s12122-007-9006-1
- Fox, L. (2000, September 26). FW poised to ban discrimination against gays: Anti-discrimination law saw little backing before. *Dallas Morning News*, p. 17A.
- Gabriel, U., & Banse, R. (2006). Helping behavior as a subtle measure of discrimination against lesbians and gay men: German data and a comparison across countries. *Journal of Applied Social Psychology*, 36, 690–707. doi:10.1111/j.0021-9029.2006.00025.x
- Gabriel, U., Beyeler, G., Daniker, N., Fey, W., Gutweniger, K., Lienhart, M., & Gerber, B. L. (2001). Perceived sexual orientation and helping behaviour: The wrong number technique, a Swiss replication. *Journal of Cross-Cultural Psychology*, 32, 743–749. doi:10.1177/0022022101032006008
- Gamble, B. S. (1997). Putting civil rights to a popular vote. *American Journal of Political Science*, 41, 245–269. doi:10.2307/2111715
- Gates, G. J., & Ost, J. (2004). *The gay and lesbian atlas*. Washington, DC: Urban Institute.
- Gore, K. Y., Tobiasen, M., & Kayson, W. (1997). Effects of sex of caller, implied sexual orientation of caller, and urgency on altruistic response using the wrong-number technique. *Psychological Reports*, 80, 927–930. doi:10.2466/pr0.1997.80.3.927
- Grasmick, H. G., & Green, D. E. (1980). Legal punishment, social disapproval, and internalizations as inhibitors of illegal behavior. *Journal of Criminal Law & Criminology*, 71, 325–335. doi:10.2307/1142704
- Gray, C., Russell, P., & Blockley, S. (1991). The effects upon helping behaviour of wearing a pro-gay identification. *British Journal of Social Psychology*, 30, 171–178. doi:10.1111/j.2044-8309.1991.tb00934.x
- Griffith, K. H., & Hebl, M. R. (2002). The disclosure dilemma for gay men and lesbians: “Coming out” at work. *Journal of Applied Psychology*, 87, 1191–1199. doi:10.1037/0021-9010.87.6.1191
- Gundersen, M. (1989). Male-female wage differentials and policy responses. *Journal of Economic Literature*, 27, 46–72.
- Haeberle, S. (1996). Gay men and lesbians at city hall. *Social Science Quarterly*, 77, 190–197.
- Haider-Markel, D. P., Querze, A., & Lindaman, K. (2007). Lose, win, or draw? A reexamination of direct democracy and minority rights. *Political Research Quarterly*, 60, 304–314. doi:10.1177/1065912907301984
- Hebl, M., & Avery, D. R. (in press). Diversity in organizations. In N. Schmitt & S. Highhouse (Eds.), *Handbook of psychology* (2nd ed.). Hoboken, NJ: Wiley.
- Hebl, M. R., Foster, J. M., Mannix, L. M., & Dovidio, J. F. (2002). Formal and interpersonal discrimination: A field study examination of applicant bias. *Personality and Social Psychological Bulletin*, 28, 815–825. doi:10.1177/0146167202289010
- Hebl, M. R., King, E. B., Glick, P., Singletary, S., & Kazama, S. (2007). Hostile and benevolent behaviors toward pregnant women: Complementary interpersonal punishments and rewards that maintain traditional roles. *Journal of Applied Psychology*, 92, 1499–1511. doi:10.1037/0021-9010.92.6.1499
- Herek, G. M. (1988). Heterosexuals' attitudes toward lesbians and gay men: Correlates and gender differences. *Journal of Sex Research*, 25, 451–477. doi:10.1080/00224498809551476
- Herek, G. M. (1994). Assessing heterosexuals' attitudes toward lesbians and gay men: A review of empirical research with the ATLG scale. In B. Greene, & G. M. Herek (Eds.), *Lesbian and gay psychology: Theory, research, and clinical applications* (pp. 206–228). Thousand Oaks, CA: Sage Publications.
- Herek, G. M. (2002). Heterosexuals' attitudes toward bisexual men and women in the United States. *Journal of Sex Research*, 39, 264–274. doi:10.1080/00224490209552150
- Herek, G. M., & Glunt, E. K. (1993). Interpersonal contact and heterosexuals' attitudes toward gay men: Results from a national survey. *Journal of Sex Research*, 30, 239–244. doi:10.1080/00224499309551707
- Inman, R. P., & Rubinfeld, D. L. (1997). Rethinking federalism. *Journal of Economic Perspectives*, 11, 43–64. doi:10.1257/jep.11.4.43
- Johnson, K. L., Gill, S., Reichman, V., & Tassinari, L. G. (2007). Swagger, sway, and sexuality: Judging sexual orientation from body motion and morphology. *Journal of Personality and Social Psychology*, 93, 321–334.
- Jones, D. A. (1996). Discrimination against same-sex couples in hotel reservation policies. *Journal of Homosexuality*, 31, 153–159. doi:10.1300/J082v31n01_09
- King, E. B., & Cortina, J. (2010). The social and economic imperative of lesbian, gay, bisexual, and transgendered supportive organizational policies. *Industrial and Organizational Psychology: Perspectives on Science and Practice*, 3, 69–78. doi:10.1111/j.1754-9434.2009.01201.x
- King, E. B., Hebl, M. R., George, J. M., & Matusik, S. F. (2010). Understanding tokenism: Negative consequences of perceived gender discrimination in male-dominated organizations. *Journal of Management*, 36, 537–554.
- King, E. B., Shapiro, J. L., Hebl, M., Singletary, S., & Turner, S. (2006). The stigma of obesity in customer service: A mechanism of remediation and bottom-line consequences of discrimination. *Journal of Applied Psychology*, 91, 579–593. doi:10.1037/0021-9010.91.3.579
- Klawitter, M. M., & Flatt, V. (1998). The effects of state and local antidiscrimination policies on earnings for gays and lesbians. *Journal of Policy Analysis and Management*, 17, 658–686. doi:10.1002/(SICI)1520-6688(199823)17:4<658::AID-PAM4>3.0.CO;2-P
- Landes, W. M. (1968). The economics of fair employment laws. *Journal of Political Economy*, 76, 507–552. doi:10.1086/259426
- Leslie, L. M., King, E. B., Bradley, J. C., & Hebl, M. (2008). Triangulation across methodologies: All signs point to persistent stereotyping and discrimination in organizations. *Industrial and Organizational Psychology: Perspectives on Science and Practice*, 1, 399–404. doi:10.1111/j.1754-9434.2008.00073.x
- Liden, R. C., Martin, C. L., & Parsons, C. K. (1993). Interviewer and applicant behaviors in employment interviews. *Academy of Management Journal*, 36, 372–386. doi:10.2307/256527
- MacKinnon, S. P., Hall, S., & MacIntyre, P. D. (2007). Origins of the stuttering stereotype: Stereotype formation through anchoring-adjustment. *Journal of Fluency Disorders*, 32, 297–309. doi:10.1016/j.jfludis.2007.03.003
- Meager, N., Tyers, C., Perryman, S., Rick, J., & Willison, R. (2002). Awareness, knowledge, and exercise of individual employment rights (Employment Relations Research Series No. 15). London, UK: Department of Trade and Industry. Retrieved from <http://www.dti.gov.uk/er/emar/ies.pdf>
- Meier, R. F., & Johnson, W. T. (1977). Deterrence as social control: The

- legal and extralegal production of conformity. *American Sociological Review*, 42, 292–304. doi:10.2307/2094606
- Monteith, M. J., Deneen, N. E., & Tooman, G. D. (1996). The effect of social norm activation on the expression of opinions concerning gay men and blacks. *Basic and Applied Social Psychology*, 18, 267–288. doi:10.1207/s15324834basp1803_2
- Moore, D. W. (1993). Public polarized on gay issue. *Gallup Poll Monthly*, 331, 31–34.
- Pennebaker, J. W., Chung, C. K., Ireland, M., Gonzales, A., & Booth, R. J. (2007). *The Development and Psychometric Properties of LIWC2007*.
- Pew Global Attitudes. (2011). The American-Western European values gap. Retrieved from <http://www.pewglobal.org/files/2011/11/Pew-Global-Attitudes-Values-Report-FINAL-November-17-2011-10AM-EST.pdf>
- Ragins, B. R. (2008). Disclosure disconnects: Antecedents and consequences of disclosing invisible stigmas across life domains. *Academy of Management Review*, 33, 194–215.
- Ragins, B. R., & Cornwell, J. M. (2001). Pink triangles: Antecedents and consequences of perceived workplace discrimination against gay and lesbian employees. *Journal of Applied Psychology*, 86, 1244–1261. doi:10.1037/0021-9010.86.6.1244
- Ragins, B. R., Singh, R., & Cornwell, J. M. (2007). Making the invisible visible: Fear and disclosure of sexual orientation at work. *Journal of Applied Psychology*, 92, 1103–1118.
- Richardson, G. D. (2000, September 27). Council protects gay rights: The anti-discrimination ordinance will add homosexuals to list of groups covered by law. *Fort Worth Star-Telegram*, p. 1.
- Robinson, P. H., & Darley, J. M. (1995). *Justice, liability, and blame: Community views and the criminal law*. Boulder, CO: Westview.
- Rubenstein, W. B. (2002). Do gay rights laws matter? An empirical assessment. *Southern California Law Review*, 75, 65–119.
- Ruggs, E. N., & Martinez, L. R., & Hebl, M. R. (2011). How individuals and organizations can reduce interpersonal discrimination. *Social and Personality Psychology Compass*, 5, 29–42. doi:10.1111/j.1751-9004.2010.00332.x
- Rule, N. O., Ambady, N., Adams, R. B., & Macrae, C. N. (2008). Accuracy and awareness in the perception and categorization of male sexual orientation. *Journal of Personality and Social Psychology*, 95, 1019–1028. doi:10.1037/a0013194
- Sarat, A. (1977). Studying American legal cultures: An assessment of survey evidence. *Law and Society Review*, 11, 427–488. doi:10.2307/3053128
- Sears, B., & Mallory, C. (2011). Documented evidence of employment discrimination & its effects on LGBT people, 1–20. University of California Los Angeles: The Williams Institute. Retrieved from <http://williamsinstitute.law.ucla.edu/research/workplace/documented-evidence-of-employment-discrimination-its-effects-on-lgbt-people/>
- Shaw, J., Borough, H., & Fink, M. (1994). Perceived sexual orientation and helping behavior by males and females: The wrong-number technique. *Journal of Psychology & Human Sexuality*, 6, 73–81. doi:10.1300/J056v06n03_05
- Singletary, S. L., & Hebl, M. (2009). Compensatory strategies for reducing interpersonal discrimination: The effectiveness of acknowledgments, increased positivity, and individuating information. *Journal of Applied Psychology*, 94, 797–805. doi:10.1037/a0014185
- Singletary, S. L., & Hebl, M. (2012). *The impact of formal and interpersonal discrimination on performance..* Unpublished manuscript. Rice University, Houston, Texas.
- Stangor, C., Sechrist, G. B., & Jost, J. T. (2001). Changing racial beliefs by providing consensus information. *Personality and Social Psychology Bulletin*, 27, 486–496. doi:10.1177/0146167201274009
- Tapp, J. L., & Kohlberg, L. (1971). Developing senses of law and legal justice. *Journal of Social Issues*, 27, 65–91. doi:10.1111/j.1540-4560.1971.tb00654.x
- The Employment Non-Discrimination Act: Hearings before the Committee on Health, Education, Labor, and Pensions*, 107th Cong., 2d Sess. 14 (2002) (testimony of Susan Collins).
- Tsang, E. (1994). Investigating the effect of race and apparent lesbianism upon helping behavior. *Feminism & Psychology*, 4, 469–471. doi:10.1177/0959353594043019
- Valian, V. (1998). *Why so slow? The advancement of women*. Cambridge, MA: M.I.T. Press.
- Vorauer, J. D. (2005). Miscommunications surrounding efforts to reach out across group boundaries. *Personality and Social Psychology Bulletin*, 31, 1653–1664. doi:10.1177/0146167205277808
- Wald, K. D., Button, J. W., & Rienzo, B. A. (1996). The politics of gay rights in American communities: Explaining antidiscrimination ordinances and policies. *American Journal of Political Science*, 40, 1152–1178. doi:10.2307/2111746
- Walters, A. S., & Curran, M. (1996). “Excuse me, sir? May I help you and your boyfriend?” Salespersons’ differential treatment of homosexual and straight customers. *Journal of Homosexuality*, 31, 135–152. doi:10.1300/J082v31n01_08
- Wittenbrink, B., & Henly, J. R. (1996). Creating social reality: Informational social influence and content of stereotypic beliefs. *Personality and Social Psychology Bulletin*, 22, 598–610. doi:10.1177/0146167296226005
- Word, C. O., Zanna, M. P., & Cooper, J. (1974). The nonverbal mediation of self-fulfilling prophecies. *Journal of Experimental Social Psychology*, 10, 109–120. doi:10.1016/0022-1031(74)90059-6
- Zimring, F. E., & Hawkins, G. (1971). The legal threat as an instrument of social change. *Journal of Social Issues*, 27, 33–48. doi:10.1111/j.1540-4560.1971.tb00652.x
- Zitek, E. M., & Hebl, M. R. (2007). The role of social norm clarity in the influenced expression of prejudice over time. *Journal of Experimental Social Psychology*, 43, 867–876. doi:10.1016/j.jesp.2006.10.010

Appendix

Examples of Interviewer Usage of Anxiety Words

And tell me about how you work in a **stressful** situation. How do you deal with **stress**?

Uh, being an office manager can be a **stressful** job. Kind of tell me some things that you do to relieve **stress**.

I guess the, what, if you do get **stressed**, and you probably will get stressed to be realistic.

Uh, how would your co-workers be able to know that you're **stressed** out?

Okay. And, uh, as an individual yourself, how do you deal with **stress**?

And, uh, how about a **stressful** employee, say an employee doesn't want to come into work or there's a conflict between you and an employee. How do you deal with a **stressful** situation when it involves somebody else?

So you're saying that you had a lot of experience with that and that, uh, you were able to handle that well without getting **stressed**. And I mean, how much of an issue to you is **stress** and **anxiety**?

I would imagine that that would get a little **stressful** at times. Between maybe two people in your group, how would you handle that situation?

Some of the challenges will be a **stressful** environment. We've had, like I was telling you earlier, the fights, we've had multiple fights. People are just yelling and screaming at each other.

Because being at a university like this you'll have to face stress and in the workforce as an office manager you will have to deal with a lot of **stress**.

Stress from deadlines. **Stress** from above, your supervisors, **stress** from below. Yeah.

So the fact that you think you can handle **stress** productively is a good approach to have.

So you work well with under **pressure** and kind of trying to, I guess, make sure everything runs smoothly.

And do you ever, how do you handle **stress**, how do you work under **stress**, how do you think you work under **stress**?

You know, if you have a couple of team members that can't get along, are you able to resolve that issue in the office setting without having it escalate into something detrimental?

But it's a good thing that you are familiar with conflict resolution, so you're able to, you know, kind of squash any **turmoil** with that.

Received November 25, 2011

Revision received March 7, 2012

Accepted March 9, 2012 ■

New Editors Appointed, 2013–2018

The Publications and Communications Board of the American Psychological Association announces the appointment of 5 new editors for 6-year terms beginning in 2012. As of January 1, 2012, manuscripts should be directed as follows:

- *Journal of Experimental Psychology: Learning, Memory, and Cognition* (<http://www.apa.org/pubs/journals/xlm/>), **Robert L. Greene, PhD**, Department of Psychology, Case Western Reserve University
- *Professional Psychology: Research and Practice* (<http://www.apa.org/pubs/journals/pro/>), **Ronald T. Brown, PhD, ABPP**, Wayne State University
- *Psychology and Aging* (<http://www.apa.org/pubs/journals/pag/>), **Ulrich Mayr, PhD**, Department of Psychology, University of Oregon
- *Psychology, Public Policy, and Law* (<http://www.apa.org/pubs/journals/law/>), **Michael E. Lamb, PhD**, University of Cambridge, United Kingdom
- *School Psychology Quarterly* (<http://www.apa.org/pubs/journals/spq/>), **Shane R. Jimerson, PhD**, University of California, Santa Barbara

Electronic manuscript submission: As of January 1, 2012, manuscripts should be submitted electronically to the new editors via the journal's Manuscript Submission Portal (see the website listed above with each journal title).

Current editors Randi C. Martin, PhD, Michael C. Roberts, PhD, Paul Duberstein, PhD, Ronald Roesch, PhD, and Randy W. Kamphaus, PhD, will receive and consider new manuscripts through December 31, 2011.