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### Authors

Brown, Taylor NT

Herman, Jody L

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# The Cost of Employment Discrimination against Transgender Residents of Florida



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Taylor N. T. Brown and Jody L. Herman

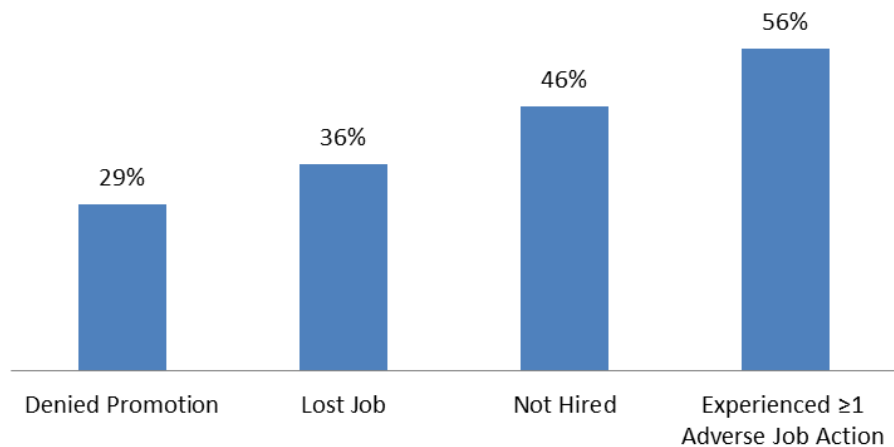
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## Introduction and Summary

Transgender Floridians have reported experiencing discrimination based on gender identity in a number of areas, including employment. The *National Transgender Discrimination Survey* (NTDS) found that transgender people experience employment discrimination throughout the country.<sup>1</sup> However, NTDS respondents in Florida reported higher prevalence of employment discrimination than nationally.<sup>2</sup> In Florida, 36 percent of respondents reported losing a job, 46 percent reported not being hired, and 29 percent reported being denied a promotion due to gender identity discrimination.<sup>3</sup>

Currently in Florida, there are no explicit state-wide statutory protections from gender identity discrimination.<sup>4</sup> An estimated 46,600 adult Floridians identify as transgender. While a portion of these individuals live in municipalities that explicitly prohibit gender identity discrimination, 21,900 transgender adults do not. These individuals stand to benefit from a state-wide statute.

**Figure 1: Employment Discrimination among Florida NTDS Respondents (n=232)**



When considering whether to enact a state-wide statute, policy-makers may consider the potential fiscal impact of such a statute. To the extent that enacting a statute prohibiting discrimination will reduce or eliminate discrimination against transgender people, the state may realize cost savings. While there are a number of state-funded programs that could see cost savings from reducing or eliminating anti-transgender discrimination, this study looks at one particular program: Medicaid. We estimate that employment discrimination against transgender residents of Florida costs the state approximately \$570,000 annually in Medicaid expenditures.

## Estimating the Transgender Adult Population of Florida

The U.S. Census Bureau estimates, from data derived in the 2013 American Community Survey, that Florida had a population of approximately 15,524,971 adult residents in 2013.<sup>5</sup> It is estimated that 0.3 percent of adults throughout the United States identify as transgender.<sup>6</sup> Applying this percentage to the state of Florida, we find that approximately 46,600 adult Florida residents would identify as transgender.<sup>7,8</sup>

## Scope of Current Anti-Discrimination Ordinances in Florida

While the state of Florida does not explicitly prohibit discrimination based on gender identity by statute, 10 counties and 14 cities in the state have enacted local ordinances that prohibit such discrimination in public and private employment.<sup>9</sup> Based upon population estimates from the U.S. Census Bureau's American Community Survey, these 24 localities are home to 53 percent of Florida's adult residents.<sup>10</sup> Assuming that transgender adults generally live in the same places as non-transgender adults, we estimate that 47 percent of Florida's transgender population (about 21,900 adults) lives in areas without laws that expressly prohibit discrimination based on gender identity. Because local non-discrimination ordinances may reduce incidents of discrimination within the covered jurisdictions, this study will only consider the 21,900 residents who are not covered by local ordinances that expressly prohibit discrimination based on gender identity.

## Employment Discrimination against Transgender Floridians

In the largest study of discrimination against transgender individuals to date, the NTDS revealed that transgender people report mistreatment in the workplace. In addition to the obstacles that transgender individuals reported in education, health care, family lives, and communities, transgender respondents described persistent barriers in acquiring and maintaining employment as a result of discrimination.

Twelve percent of NTDS respondents reported an annual household income of \$10,000 or less compared to 4 percent of all Florida residents.<sup>11</sup> Yet, several studies, including the NTDS, have consistently found higher educational attainment among transgender individuals than the general population.<sup>12</sup> Data in Table 1 below show that NTDS respondents from Florida were more likely to have attended college and also more likely to have completed college than Florida residents overall. Higher educational attainment typically results in higher incomes, but in this case, transgender NTDS respondents have lower income even while having higher educational attainment. The observed income disparity is likely due, at least in part, to gender identity discrimination in employment.

**Table 1: Educational Attainment of Florida NTDS respondents and Florida general population<sup>13</sup>**

Educational Attainment	Florida NTDS Respondents	State of Florida
No high school diploma	4%	17%
High school or equivalent	11%	30%
Some college, less than 4-year degree	46%	27%
Bachelor's degree or higher	39%	26%

Applying prevalence estimates from the NTDS to the adult transgender population in the state of Florida that is not covered by local non-discrimination ordinances, we estimate that 7,900 (36%) residents have lost a job, 10,100 (46%) have been denied a job, and 6,300 (29%) have been denied a promotion because of their gender identity. In total, 12,300 (56%) transgender residents have experienced at least

one adverse action in the workplace, including being fired, not hired, or denied a promotion because of their gender identity (see Figure 1).

## **Estimating the Cost of Employment Discrimination**

Loss of employment can often result in lost wages and health insurance for the individual, who may then need to enroll in Medicaid. These individuals may also face housing instability because of unemployment, which could result in costs to the state if these individuals then participate in homelessness prevention programs, access public housing, or utilize other state-supported programs.<sup>14</sup> Reduced purchasing power due to lost wages has the potential to affect state and local sales tax revenues as well.

In this study, we focus on one specific cost of employment discrimination: state Medicaid expenditures that result from individuals losing their employer-provided coverage due to employment discrimination. We estimate that alone this costs the state approximately \$570,000 annually.

### ***Public Assistance Expenditures***

Individuals may face financial insecurity at the loss of a job. Losing income and health insurance coverage as a result of job loss may negatively impact the financial stability of individuals and their families. Individuals and families in this situation may need to enroll in state- and federally-sponsored cash assistance and health care coverage programs. In Florida, these programs include Medicaid, Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF), among other programs.

In 2013, Medicaid provided coverage to over 3.3 million Floridians.<sup>15</sup> We assume that this figure includes a number of transgender Floridians who have enrolled in Medicaid as a result of losing employer-based coverage due to anti-transgender employment discrimination.

Among NTDS respondents from Florida who had lost a job due to anti-transgender discrimination, 6 percent reported that they received health insurance coverage through Medicaid.<sup>16</sup> Of the respondents who had **not** lost a job due to anti-transgender discrimination, none reported having coverage through Medicaid. We assume the difference in Medicaid enrollment between these two groups represents the elevated need for Medicaid coverage as a result of employment discrimination. Based on the number of transgender Floridians living without protection from employment discrimination, we estimate that 473 transgender Floridians are covered by Medicaid as a result of anti-transgender employment discrimination.<sup>17</sup> In the absence of employment discrimination, we assume these 473 individuals would not have enrolled in Medicaid. In Florida, the average state expenditure in 2011 per adult Medicaid enrollee was \$1,207.<sup>18</sup> Therefore, the enrollment of these 473 individuals costs the state approximately \$570,000 annually.

## **Conclusion**

Ensuring employment protection for transgender Floridians can be viewed as a cost-saving measure. There are a variety of costs that can accrue to the state when transgender individuals face discrimination in the workplace. The costs that result from elevated enrollment in Medicaid represent only one such cost. By eliminating discrimination in the workplace for Florida's transgender residents, the state could save more than half of a million dollars each year in state Medicaid expenditures alone.

## **About the Authors**

Taylor N. T. Brown is a Public Policy Analyst at the Williams Institute, UCLA School of Law. He holds a Master of Public Policy from The University of Virginia.

Jody L. Herman is a Scholar of Public Policy at the Williams Institute, UCLA School of Law. She holds a Ph.D. in Public Policy and Public Administration from The George Washington University.

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### **For more information**

The Williams Institute, UCLA School of Law  
Box 951476

Los Angeles, CA 90095-1476

(310) 267-4382

[williamsinstitute@law.ucla.edu](mailto:williamsinstitute@law.ucla.edu)

[www.williamsinstitute.law.ucla.edu](http://www.williamsinstitute.law.ucla.edu)

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<sup>1</sup> Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, available at <http://endtransdiscrimination.org/report.html> (last accessed March 12, 2015). The NTDS study was based on a national convenience sample of 6,456 transgender and gender non-conforming people. This sample provides the best available data on experiences of employment discrimination among transgender and gender non-conforming people in the U.S. The Florida NTDS data set was used with the permission of The National Gay and Lesbian Task Force. Additional calculations as needed for the State of Florida were completed by the authors at The Williams Institute.

<sup>2</sup> Nationally, 26 percent of NTDS respondents reported losing a job, 44 percent reported not being hired, and 23 percent reported being denied a promotion due to anti-transgender bias.

<sup>3</sup> *Findings of the National Transgender Discrimination Survey by the National Center for Transgender Equality and the National Gay and Lesbian Task Force: Florida Results*. 2011. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, available <http://endtransdiscrimination.org/report.html> (last accessed March 12, 2015)

<sup>4</sup> The Florida Civil Rights Act, Florida's statewide non-discrimination law, prohibits discrimination based on race, religion, sex, national origin, age, disability, and marital status. Fla. Stat. Ann. §§ 760.02(7), 760.10 (2014).

<sup>5</sup> Calculated by the Williams Institute using data from the American Community Survey, 2013 1-Year Estimates.

<sup>6</sup> Gates, G. J. April 2011. How Many People are Lesbian, Gay, Bisexual, and Transgender? Los Angeles: The Williams Institute, available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf> (last accessed March 9, 2015).

<sup>7</sup> This figure may not include all residents of Florida whose gender identity or expression differs from traditional expectations based on their sex assigned at birth because individuals may not use the term "transgender" to identify themselves.

<sup>8</sup> We assume that the proportion of Florida residents who identify as transgender is similar to the proportion of U.S. adults who identify as transgender nationally. While it is possible that Florida has a disproportionately larger population proportion in the state than across the nation (e.g. because of well-established LGBT communities), we use the national proportion as the best available estimate of the state's transgender population.

<sup>9</sup> ALACHUA COUNTY, FLA., CODE § 11.03 (2014); ATLANTIC BEACH, FLA., CODE § 9-3 (2014); BROWARD COUNTY, FLA., CODE § 16.5-33 (2014); GAINESVILLE, FLA., CODE § 8-46 (2013); GULFPORT, FLA., CODE § 26-22 (2011); HILLSBOROUGH COUNTY, FLA., CODE § 30-22 (2014); KEY WEST, FLA., CODE § 38-221 (2014); LAKE WORTH, FLA., CODE § 20-2 (2013); LEON COUNTY, FLA., CODE § 9-25 (2013); MIAMI, FLA., CHARTER PT. 1, § 52 (2014); MIAMI BEACH, FLA., CODE §§ 62-31, 62-86 (2014); MIAMI-DADE COUNTY, FLA., CODE § 11A-26 (2013); MONROE COUNTY, FLA., CODE § 14-41 (2013); ORANGE COUNTY, FLA., CODE § 22-26 (2014); ORLANDO, FLA., CODE § 57-14 (2014); OAKLAND PARK, FLA., CODE § 2-158 (2014); PALM BEACH COUNTY, FLA., CODE § 2-263 (2014); PINELLAS COUNTY, FLA., CODE § 70-53 (2014); SARASOTA, FLA., CODE § 18-38 (2014); ST. AUGUSTINE BEACH, FLA., ORD. NO. 2013-03 (2013); TAMPA, FLA., CODE § 12-26 (2014); VENICE, FLA., CODE § 2-354 (2014); VOLUSIA COUNTY, FLA., CODE § 36-27 (2014); WEST PALM BEACH, FLA., CODE § 42-31 (2014).

<sup>10</sup> Calculated by the Williams Institute using data from the American Community Survey, 2013 3-Year-Estimates & 2013 5-Year-Estimates, ACS Demographic and Housing Estimates tables.

<sup>11</sup> U.S. Census Bureau, "Current Population Survey," Annual Social and Economic Supplement (Washington, DC: GPO, 2009).

<sup>12</sup> Xavier, J., Hannold, J.A., and Bradford, J. 2007. *The Health, Health-related Needs, and Lifecourse Experiences of Transgender Virginians*. Richmond, VA: Virginia HIV Community Planning Committee and Virginia Department of Health; Hartzell, E., Frazer, M. S., Wertz, K. and Davis, M. 2009. *The State of Transgender California: Results from the 2008 California Transgender Economic Health Survey*. San Francisco, CA: Transgender Law Center; Jenness, V., Sexton, L., Sumner, J. 2011. *Transgender Inmates in California's Prisons: An Empirical Study of a Vulnerable Population*. Report submitted to the California Department of Corrections and Rehabilitation, State of California. Sacramento, California.

<sup>13</sup> Florida general population estimates drawn from the U.S. Census Bureau, Current Population Survey, Annual Social & Economic Supplement, 2009. The CPS provides data for 2009, the same year as the NTDS. We have limited the data presented to the adult population so as to reflect to the NTDS sample parameters.

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<sup>14</sup> Herman, J. L. April 2013. *The Cost of Employment and Housing Discrimination against Transgender Residents of New York*. Los Angeles: The Williams Institute, available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Herman-NY-Cost-of-Discrimination-April-2013.pdf> (last accessed March 9, 2015).

<sup>15</sup> Medicaid total enrollment figures available at Henry J. Kaiser Family Foundation, New York: Monthly Medicaid Enrollment (in thousands), FY2013, <http://kff.org/medicaid/state-indicator/monthly-medicaid-enrollment-in-thousands/> (last accessed March 11, 2015). Medicaid coverage in Florida is available to a number of specific populations including children, disabled adults, adults with children, and the elderly who meet certain additional eligibility requirements.

<sup>16</sup> Grant, Jaime M., et al, 2011. The authors conducted additional calculations for the state of Florida at the Williams Institute. While the percentage of Florida residents enrolled in Medicaid has increased since the NTDS was administered (late 2008/early 2009), the State of Florida has not participated in Medicaid expansion as a result of the Affordable Care Act. Additionally, while the Affordable Care Act now allows young adults under the age of 26 to remain on their parents' health insurance, we believe the 6 percent figure from the NTDS remains a reliable estimate of the Medicaid enrollment for this subgroup of the state's transgender adult population since each individual respondent included within this figure was between 25 and 44 years of age. Due to increased Medicaid enrollment in Florida, we believe that the 6 percent figure is likely a conservative estimate of the number of transgender individuals who would enroll in Medicaid after facing job loss due to anti-transgender bias.

<sup>17</sup> To calculate the number of individuals who have enrolled in Medicaid as a result of losing a job because of gender identity-based discrimination, we first found the number of transgender adults in Florida who have lost employment because of such discrimination. To do this, we multiplied the number of transgender Floridians not protected from employment discrimination, 21,890, by .36, the percent who have lost a job because of such discrimination. We then took the resulting figure, 7,880, and multiplied it by .06 to find the number of transgender Floridians who have lost a job because of gender identity-based discrimination and are on Medicaid (473). Multiplying 7,880 by 0, we then found the number who had not lost a job due to such discrimination and were on Medicaid. Subtracting 0 from 473, we found the total number of transgender Floridians who, in the absence of employment discrimination, would not be enrolled in Medicaid (473).

<sup>18</sup> Medicaid per enrollee figure available at Henry J. Kaiser Family Foundation, New York: Medicaid Spending per Enrollee (Full or Partial Benefit), FY2011, <http://kff.org/medicaid/state-indicator/medicaid-spending-per-enrollee/> (last accessed March 24, 2015). Further calculations to determine the state proportion of expenditures were conducted at the Williams Institute.