

The cover features a blue header and footer. The central white area contains the title and subtitle. The background is a grayscale photograph of a modern building with a glass facade and a metal mesh screen.

HUMAN RIGHTS CAMPAIGN FOUNDATION'S

2023 Corporate Equality Index

**Criteria Evolution: Toolkit
and FAQ**

TABLE OF CONTENTS

01	CEI & The Changing Landscape for LGBTQ+ Workers	07	Internal Best Practices
02	Introducing New Areas of Impact	09	Outreach or Engagement w/ LGBTQ+ Community
03	Workforce Protections	11	Additional New Criteria
04	Inclusive Spousal and Partner Benefits	12	Current and New Criteria Outlines
05	Transgender-Inclusive Healthcare Benefits	14	Frequently Asked Questions

CEI & The Changing Landscape for LGBTQ+ Workers

Workplace Protections

The 2020 *Bostock v. Clayton County* Supreme Court decision found that Title VII of the Civil Rights Act of 1964 protects against discrimination for LGBTQ+ employees, including discrimination on the basis of sexual orientation and gender identity (SOGI). As a result, we have reduced the available points to acknowledge that domestic SOGI nondiscrimination policies are required by law, but also, account for the global nondiscrimination policy exceeding the legal mandate.

Equivalency in same- and different-sex spousal medical and soft benefits

The 2015 *Obergefell v. Hodges* Supreme Court decision granted same-sex couples the right to full, equal recognition under the law in all 50 states. As a result, we will no longer reward points to companies that provide equivalent same-sex spousal benefits because the law requires that same and different-sex legal spouses are treated equally -- including with respect to spousal benefit offerings.

Introducing New Areas of Impact

The Human Rights Campaign Foundation is excited to share the upcoming changes to the CEI, and, moreover, grateful for the opportunity to raise the bar for LGBTQ+ inclusive workplaces.

This criteria adjustment reflects a 20-year history of observation, learning, and growth that the HRCF is proud to continue to this day. In many areas, we advanced our criteria because the law now codifies the benchmarks that we have identified during the 20-year history of the CEI. While we believe that our previous criteria set an ideal benchmark in the past, the current and continuing issues seen within the LGBTQ+ community required us to evolve our criteria to meet the ever-changing needs of the community's members and their families.

Through these updated areas of impact expand upon our existing criteria, we hope they also elevate the public's understanding of what an LGBTQ+ inclusive workplace looks and feels like.



Current Criteria

Workforce Protections (30 points possible)

- Policy includes sexual orientation for all operations (15)
- Policy includes gender identity or expression for all operations (15)

New Criteria

Workforce Protections (5 points possible)

- Policy includes sexual orientation and gender identity or expression for all operations

Current Criteria

Inclusive Spousal and Partner Benefits (20 points possible)

To secure full credit for benefits criteria, each benefit must be available to all benefits-eligible U.S. employees. In areas where more than one health insurance plan is available, at least one inclusive plan must be available.

- Equivalency in same- and different-sex spousal medical and soft benefits (10)
- Equivalency in same- and different-sex domestic partner medical and soft benefits (10)

New Criteria

Inclusive Spousal and Partner Benefits (20 points possible)

To secure full credit for benefits criteria, each benefit must be available to all benefits-eligible U.S. employees. In areas where more than one health insurance plan is available, at least one inclusive plan must be available. Ten points will no longer be awarded for providing same-sex spousal benefits.

- Equivalency in same- and different-sex spousal medical and soft benefits (0)
- Equivalency in same- and different-sex domestic partner medical and soft benefits (10)
- Equivalency in spousal and domestic partner family formation benefits regardless of sex (10)
 - These benefits include:
 - Adoption assistance
 - Cryopreservation
 - Infertility treatment coverage (non-in-vitro)
 - Foster care assistance
 - In-vitro fertilization
 - Surrogacy benefits

Current Criteria

Transgender-Inclusive Healthcare Benefits (10 points possible)

To secure full credit for benefits criteria, benefit must be explicitly affirmed in contract documentation and available to all benefits-eligible U.S. employees. In areas where more than one health insurance plan is available, at least one inclusive plan must be available.

- Equal health coverage for transgender individuals without exclusion for medically necessary care (10)
 - Baseline coverage must include:
 - Mental health benefits
 - Pharmaceutical coverage (e.g, hormone replacement therapies)
 - Coverage for medical visits of laboratory services
 - Coverage for reconstructive surgical procedures related to gender reassignment (including reconstructive chest, breast, and genital procedures)
 - Short-term medical leave

New Criteria

Transgender-Inclusive Healthcare Benefits (25 points possible)

To secure full credit for benefits criteria, benefit must be explicitly affirmed in contract documentation and available to all benefits-eligible U.S. employees. In areas where more than one health insurance plan is available, at least one inclusive plan must be available.

- Equal health coverage for transgender individuals without exclusion for medically necessary care (15).
 - Baseline coverage MUST include the following:
 - Mental health benefits
 - Pharmaceutical coverage (e.g. hormone replacement therapies, including puberty blockers for youth)
 - Coverage for medical visits or laboratory services
 - Coverage for reconstructive surgical procedures related to gender reassignment (including reconstructive chest, breast, and genital procedures)
 - Short-term medical leave
- At least 5 of the following essential services and treatments (10):
 - Hair removal, such as electrolysis, laser treatment, etc. (not as a part of reconstructive surgery)
 - Hair removal required for reconstructive surgery
 - Tracheal shave/reduction
 - Facial feminization surgeries
 - Voice modification surgery
 - Voice modification therapy
 - Lipoplasty/filling for body masculinization or feminization
 - Travel and lodging expenses

Current Criteria

Internal Training and Education Best Practices (10 points possible)

Businesses must demonstrate a firm-wide, sustained and accountable commitment to diversity and cultural competency, including at least three of the following elements (10):

- New hire training clearly states that the nondiscrimination policy includes gender identity and sexual orientation and provides definitions or scenarios illustrating the policy for each
- Supervisors undergo training that includes gender identity and sexual orientation as discrete topics (may be part of a broader training), and provides definitions or scenarios illustrating the policy for each
- Integration of gender identity and sexual orientation in professional development, skills-based or other leadership training that includes elements of diversity and/or cultural competency
- Gender transition guidelines with supportive restroom, dress code and documentation guidance
- Anonymous employee engagement or climate surveys conducted on an annual or biennial basis allow employees the option to identify as LGBTQ+
- Data collection forms that include employee race, ethnicity, gender, military and disability status — typically recorded as part of employee records — include optional questions on sexual orientation and gender identity
- Senior management/executive performance measures include LGBTQ+ diversity metrics

New Criteria

Internal Training and Accountability Efforts & Data Best Practices (10 points possible)

Businesses must demonstrate a firm-wide, sustained and accountable commitment to diversity and cultural competency, including at least four of the following elements *and* the mandatory intersectionality training

- New hire training clearly states that the nondiscrimination policy includes gender identity and sexual orientation and provides definitions or scenarios illustrating the policy for each
- Supervisors undergo training that includes gender identity and sexual orientation as discrete topics (may be part of a broader training), and provides definitions or scenarios illustrating the policy for each
- Integration of gender identity and sexual orientation in professional development, skills-based or other leadership training that includes elements of diversity and/or cultural competency
- Senior management/executive performance measures include LGBTQ+ diversity metrics
- Integration of intersectionality in professional development, skills-based, or other training (*mandatory*)

Businesses must demonstrate a firm-wide, sustained efforts to measure LGBTQ+ identity with data collection, including at least one of the following elements:

- Anonymous employee engagement or climate surveys conducted on an annual or biennial basis that provides employees with the option to identify as LGBTQ+
- Data collection forms that include employee race, ethnicity, gender, military and disability status — typically recorded as part of employee records — include optional questions on sexual orientation and gender identity
- Board (or other governing body) member demographic data collection include the option for individuals to report their sexual orientation and gender identity or self-identity as LGBTQ+

Current Criteria

Outreach or Engagement to the Broader LGBTQ+ Community (15 points possible)

Businesses must demonstrate ongoing LGBTQ+ specific engagement that extends across the firm, including at least three of the following:

- LGBTQ+ employee recruitment efforts with demonstrated reach of LGBTQ+ applicants (required documentation may include a short summary of the event or an estimation of the number of candidates reached)
- Supplier diversity program with demonstrated effort to include certified LGBTQ+ suppliers
- Marketing or advertising to LGBTQ+ consumers (e.g.: advertising with LGBTQ+ content, advertising in LGBTQ+ media or sponsoring LGBTQ+ organizations and events)
- Philanthropic support of at least one LGBTQ+ organization or event (e.g.: financial, in kind or pro bono support)
- Demonstrated public support for LGBTQ+ equality under the law through local, state or federal legislation or initiatives

New Criteria

Outreach or Engagement to the Broader LGBTQ+ Community (15 points possible)

Businesses must demonstrate ongoing LGBTQ+ specific engagement that extends across the firm, including at least five of the following efforts:

- LGBTQ+ employee recruitment efforts with demonstrated reach of LGBTQ+ applicants (required documentation may include a short summary of the event or an estimation of the number of candidates reached)
- Supplier diversity program with demonstrated effort to include certified LGBTQ+ suppliers (must be evident in public-facing materials)
- Marketing or advertising to LGBTQ+ consumers (e.g.: advertising with LGBTQ+ content, advertising in LGBTQ+ media or sponsoring LGBTQ organizations and events)
- Philanthropic support of at least one LGBTQ+ organization or event (e.g.: financial, in kind or pro bono support)
- Demonstrated public support for LGBTQ+ equality under the law through local, state or federal legislation or initiatives

NOTE: As always, employers are not required to have an effort in each category, just five distinct efforts total.

Additional New Criteria

Transgender Inclusion Best Practices (5 points possible)

Businesses must demonstrate ongoing commitment to workplace gender inclusion with the following efforts:

- Gender transition guidelines with supportive restroom, dress code and documentation guidance
- Implementation of the at least one (1) of the following policies or practices:
 - Trans-inclusive restroom/facilities policy
 - Gender-neutral dress code
 - Policies/procedures that allow for optional sharing of gender pronouns

LGBTQ+ Benefits Guide (5 points possible)

Upon hire and annually, a guide on plan benefits specific to family formation, transgender-inclusive healthcare, and HIV treatment/prevention must be provided to benefits-eligible employees. The guide should include details on benefits, services, and treatment offered, the process for using those benefits (such as pre-authorization requirements), information on the appeals process if applicable, and contact information for a benefits advocate or other relevant contact.

Current Criteria Outline

1. Workforce Protections (30)

- a. Policy includes sexual orientation for all operations (15)
- b. Policy includes gender identity for all operations (15)

2. Inclusive Benefits (30)

- a. Equivalency in same- and different-sex spousal medical and soft benefits (10)
- b. Equivalency in same- and different-sex domestic partner medical and soft benefits (10)
- c. Equal health coverage for transgender individuals without exclusion for medically necessary care (10)

3. Supporting an Inclusive Culture & Corporate Social Responsibility (40)

- a. Three LGBTQ+ Internal Training and Education Best Practices (10)
- b. Employee Group –OR– Diversity Council (10)
- c. Three Distinct Efforts of Outreach or Engagement to Broader LGBTQ+ Community (15)
- d. LGBTQ+ Corporate Social Responsibility (5)

New Criteria Outline

1. Workforce Protections (5)

- a. Policy includes sexual orientation and gender identity or expression for all operations (5)

2. Inclusive Benefits (50)

- a. Equivalency in same- and different-sex spousal medical and soft benefits (No additional points awarded)
- b. Equivalency in same- and different-sex domestic partner medical and soft benefits (10)
- c. Equivalency in spousal and domestic partner family formation benefits regardless of sex (10)
- d. LGBTQ+ Benefits Guide (5)
- e. Equal health coverage for transgender individuals without exclusion for medically necessary care (15)
- f. At least 5 additional essential transition services and treatments (10)

3. Supporting an Inclusive Culture (25)

- a. Four LGBTQ+ Internal Training and Accountability Efforts *and* One LGBTQ+ Intersectionality Training (5)
- b. One LGBTQ+ Data Collection Effort (5)
- c. Gender Transition Guidelines and One Trans Inclusion Best Practice (5)
- d. Employee Group –OR– Diversity Council (10)

4. Corporate Social Responsibility (20)

- e. Five Distinct Efforts of Outreach or Engagement to Broader LGBTQ+ Community (15)
- f. LGBTQ+ Corporate Social Responsibility (5)



Frequently Asked Questions

[When will these new changes take effect?](#)

These change will be scored during the next survey cycle which will launch in Spring of 2023.

[Will there be a survey in the field in calendar year 2022?](#)

No. There will not be a new CEI survey in the field until Spring of 2023. This updated timeline will enable us to devote substantial time to providing additional education to employers on the new criteria.

[Will there be resources available to employers to further explain these changes to the criteria?](#)

Yes! While we are raising the bar and hoping to challenge employers, the CEI has always been and will remain: Fair, Transparent, and Attainable.

To that end, the CEI team will be creating a myriad of resources to educate employers. These will include a new webinar series, a special Look Forward series, educational videos, an updated CEI Criteria Resource Guide, and more!