



HUMAN
RIGHTS
CAMPAIGN
FOUNDATIONTM

THE LOOK FORWARD



2023 CEI Educational Series

Workforce Protections

Criterion 1a



Welcome to The Look Forward

Welcome to today's installment of The Look Forward Webinar Series

- Once a Month: The last Monday of Each Month at 3pm EST
- 50 Minutes (Including Q&A)

Purpose of this Webinar: Policy – Training – Best Practices

- The Workplace Equality team is bringing you HRC Foundation's new **webinar series** – timely topics to help guide your efforts in your own organizations.
- Engage with diversity & inclusion thought-leaders
- Stay up to date with information relevant to LGBTQ workplace equality



Who's this for?

- HR professionals
- D&I professionals
- LGBTQ Employee Resource and Affinity Group members
- Executive Sponsors of LGBTQ employee groups
- Other stakeholders in workplace inclusion

How to engage...

This is a recorded Presentation followed by Q&A

- Microphones are automatically muted
- Type in your questions via the Q&A function

All slides will be shared with attendees



FAQs before we get started

- *All slides will be shared with attendees*
- This session is being recorded
- There will be no CEI survey calendar year 2022
- The 2023 CEI survey will open in Spring 2023
 - Employers will have 3 months to complete the survey
- All changes need to be in place by the submission deadline in 2023



Today's Agenda

- Background: *Bostock* and the legal landscape
- Current Criteria
- New Criteria
- Q+A



Today's Agenda

PLEASE NOTE:

Today's presentation will be on the changes to the Workforce Protections portion of the CEI criteria.

For a more general overview of the criteria changes:

- Watch our previous webinar
- Check out the 2023 CEI Criteria Toolkit or
- Review the CEI criteria webpage

Background

Bostock and the Legal Landscape



Changing Legal Landscape

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).

Falls under discrimination on the basis of “sex” for Title VII purposes. Meaning that legally, employers do not have to change the language in standard EEO policies.

The CEI will still require that SOGI be listed explicitly in EEO and/or non-discrimination policies



Current and New Criteria

Workforce Protections



Current Workforce Protections Criteria

Workforce Protections (30 points possible)

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



Current Workforce Protections Criteria

Workforce Protections (5 points possible)

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



“All Operations”?

“All operations” refers to all of your company’s locations of operation.

For US-only companies, this means SOGI should be listed in the EEO/ND policy for employees in all states/districts/territories.

For employers with global operations, this means SOGI should be listed in the ND policy/policies for US and global employees

Please note that even in countries with anti-LGBTQ+ laws, your company is able to control the ND policies for hiring/firing/promotion/etc. Regardless of the location of their global operations, your employer will be scored on this criterion.

Acceptable Policies

Workforce Protections



Acceptable Documentation

Can be in the form of:

- Stand alone EEO policy
- Stand alone non-discrimination policy
- Part of a larger non-discrimination and anti-harassment policy
- Part of a larger code of conduct, global code of conduct, business code of conduct, etc.

Need full document, not a screenshot of a website or career portal



Acceptable Documentation: Examples

[EMPLOYER] is an equal employment opportunity employer of all qualified individuals. All employees and applicants will be treated fairly, without regard to race, color, religion, sex, national origin, age, physical or mental disability, **sexual orientation**, marital status, military or veteran status, **gender identity and expression**, genetic information, or any other factor protected by law.

[EMPLOYER] does not discriminate in employment opportunities or practices on the basis of race, color, religion, disability, national origin, genetic information, sex (including pregnancy), age, **sexual orientation**, gender (including **gender identity or expression**), marital status, veterans status, citizenship status or any other characteristic protected by applicable law.

[EMPLOYER] provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, **sexual orientation, gender identity**, or any other characteristic protected by federal, state or local laws.



Unacceptable Documentation

Common examples include:

- Only listing “gender” and not “gender identity”
- Only listing “gender expression” and not “gender identity”
- Only listing “sex” and not “gender identity” and/or “sexual orientation”
- Only providing a screenshot of a handbook, policy, or website
- “Sexual preference” instead of “sexual orientation”
 - (Note: we can accept “Sexual identity” as this is a term that is sometimes used and recognized internationally)



**Unsure about your policy?
We're here to help!**

Reach out to us at cei@hrc.org!



Q+A

Workforce Protections

THE LOOK FORWARD **FAQs**

- All slides will be shared with attendees (along with our other resources)
- This session is being recorded
- There will be no CEI survey calendar year 2022
- The 2023 CEI survey will open in Spring 2023
 - Employers will have 3 months to complete the survey
- All changes need to be in place by the submission deadline in 2023

Questions?

Please use the Q&A function to ask your questions!



Next Session Details:

**Monday, March 28th
@ 3pm EST**

THANK YOU!



HUMAN
RIGHTS
CAMPAIGN
FOUNDATIONTM