Today’s Hosts!

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

• 2023 CEI Educational Series every other Monday
• 50 Minutes (Including Q&A)

Purpose of this Webinar:

• 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
FAQs before we get started

• All slides and resources will be shared with attendees
• This session is being recorded
• There will be **NO CEI survey during the 2022** calendar year
• The **2023 CEI survey will be 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
2023 CEI Documentation and Evidence
Today’s Agenda

• Types of Documentation and Evidence in the CEI
• Documentation and Evidence Needed
  ○ Workforce Protection
  ○ Inclusive Benefits
  ○ Creating an Inclusive Culture
  ○ Corporate Social Responsibility
• Conclusion
PLEASE NOTE:
Today’s presentation will be on general **CEI Documentation** and **Evidence**

For an overview of the criteria changes or guidance on specific criteria:

- Watch our 2023 CEI Informational Webinar
- Check out the 2023 CEI Criteria Toolkit or
- Review our past criteria webinars
Types of Documentation and Evidence in the CEI
There are three major types of documentation or evidence that you will be asked to provide as a part of your CEI submission:

- Actual documents (i.e. policy and contract documents)
- Images/Screenshots (i.e. examples of outreach and engagement)
- Descriptions/Open text answers (i.e. training descriptions)

Note: Each question requiring documentation or evidence will be clearly indicated.
Documentation and Evidence Needed
Workforce Protections
New Criteria (5 points):

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

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.

Note: We need the internal policy, not a screenshot of a website or career portal
Workforce Protections: 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.
Inclusive Benefits
Inclusive Benefits: Domestic Partner Benefits

New Criteria (20 points):

- Equivalency in same- and different-sex spousal medical and soft benefits (No points awarded)
- 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)

- We will need up to two pieces of documentation in order to award full credit Eligibility documentation (usually an SPD or an excerpt of an SPD)
  - Eligibility should clearly indicate unmarried domestic partners are eligible for healthcare benefits.
- Domestic Partner Affidavit (if applicable)

NOTE: HRCF cannot accept plans that require state registration for proof of domestic partnership. Given affidavits provide a clear process for couples to attest to their relationship status, requiring state registered partnerships is unnecessary.
Inclusive Benefits: Domestic Partner Benefits

Eligibility for your Dependents

You may elect coverage for your eligible Dependents under the Plan, provided you enroll them and supply the necessary documentation to verify eligibility. Eligible Dependents include:

- Your Spouse or domestic partner (see the “Domestic Partners” Section of this SPD for eligibility requirements);
- Your children who are age 26 and under at any time in a calendar year;
- The children of your Spouse or domestic partner who are age 26 and under at any time in a calendar year, even if you do not elect coverage for your domestic partner; and
- The unmarried children of you, your Spouse or your domestic partner following the calendar year in which they attain age 26 who are not self-supporting because of a permanent physical, or mental disability and are dependent upon you, as defined by the Internal Revenue Code for income tax purposes, provided that such children were physically or mentally disabled and covered by the Plan on the day before the end of the calendar year in which they attained age 26. Any child who satisfies these conditions will continue to be eligible for coverage as long as the disability remains. The Plan Administrator may require documentation that confirms such child’s ongoing disability. “Disability” for dependent eligibility purposes will have the meaning used by the Internal Revenue Service for income tax purposes.
Inclusive Benefits: Domestic Partner Benefits

Domestic Partner Affidavit

NOTE: For purposes of this Affidavit, "Domestic Partners" are defined as two individuals of the same sex or of different sexes:

- who are both 18 years of age or older and have the capacity to enter into a contract; and
- who are involved in an exclusive, long-term and committed relationship; and
- who have resided together in a common household continuously for at least six (6) consecutive months; and
- who intend to reside together indefinitely; and
- who are not related by blood to a degree of closeness which would prohibit legal marriage in the State in which the partners legally reside; and
- who have agreed to be jointly responsible for each other's welfare, financial obligations, and basic living expenses, including food, shelter, and health care expenses; and
- who are not married, who are not currently involved in any other domestic partnership, and who have not been involved in any other domestic partnership or marriage for the last twelve (12) months, unless that partnership or marriage ended because of death.

STATE OF
COUNTY OF

PERSONALLY appeared before me, the undersigned authority in and for said county and state, (Name of Affiant), who, having been first duly sworn by the undersigned Notary Public, deposes and says:

1. I am an employee of (Name of Employer), and I have attached to this Affidavit the following as documentation of the Domestic Partnership:

   (Items submitted are checked):

   [ ] An Acknowledgement of Domestic Partnership Agreement, which acknowledges that an agreement exists between myself and my domestic partner that creates personal and financial liability and responsibility for each other's welfare, financial obligations, and basic living expenses, including food, shelter, and health care expenses.

   [ ] Copy of joint deed, joint mortgage agreement, or joint lease.

   [ ] Copy of designation of the domestic partner as primary beneficiary for a life insurance contract or retirement account.

   [ ] Designation of domestic partner as primary beneficiary of will (i.e., copy of will).

   [ ] Copy of durable power of attorney for health care or financial management designating domestic partner as attorney-in-fact.
Inclusive Benefits: Transgender-Inclusive Healthcare Benefits

New Criteria (25 points):

To secure full credit for benefits criteria, benefit must be explicitly affirmed in contract documentation and available to all benefits-eligible U.S. employees. When more than one health insurance plan is available, at least one inclusive plan must be available. Broad exclusions must and barriers to care be removed from all plans. (15 points)

Baseline coverage MUST include the following:

- Mental health benefits
- Pharmaceutical coverage (hormone replacement therapy; puberty blockers for youth)
- Coverage for medical visits or lab services
- Coverage for reconstructive surgical procedures (must include chest, breast, and genital procedures)
- Short-term medical leave
New Criteria (cont.)

Coverage of at least 5 of the following additional essential services and treatments (10 points)

- Hair removal required for reconstructive surgery
- Hair removal, such as electrolysis, laser treatment, etc. (Not as a part of reconstructive surgery)
- Tracheal shave/reductions
- Facial feminization surgeries
- Voice modification surgery
- Voice modification therapy
- Lipoplasty/filling for body masculinization or feminization
- Travel and lodging expenses
Inclusive Benefits: Transgender-Inclusive Healthcare Benefits (cont.)

We will need up to two pieces of documentation in order to award full credit

- Contract documentation that outlines covered and excluded services (usually an SPD or SMM; can include schedules of benefits, summaries of benefits, etc.)
  - Should give a general overview of covered services

- Insurer documentation that outlines how coverage is administered (clinical policy bulletin or CPB, medical policy, clinical guidelines, etc.)
  - Will include detailed list of services covered for the treatment of gender dysphoria/gender incongruence

NOTE: We cannot accept a clinical policy by itself as proof of coverage. A contract document is required. Most clinical policies explicitly state that they are not proofs of coverage.
Inclusive Benefits: Transgender-Inclusive Benefits

SPD Excerpt

Gender Dysphoria

Benefits for the treatment of Gender Dysphoria limited to the following services:

- **Psychotherapy** for Gender Dysphoria and associated co-morbid psychiatric diagnoses as described under Mental Health Services in this section.

- Cross-sex hormone therapy:
  - Cross-sex hormone therapy administered by a medical provider (for example during an office visit) is provided under Pharmaceutical Products – Outpatient in the section.
  - Cross-sex hormone therapy dispensed from a pharmacy is provided under OptumRx Flex.

- Puberty suppressing medication injected or implanted by a medical provider in a clinical setting.

- Laboratory testing to monitor the safety of continuous cross-sex hormone therapy.

- Surgery for the treatment for Gender Dysphoria, including the surgeries listed below:
Inclusive Benefits: Transgender-Inclusive Benefits

Clinical Policy
Bulletin/Medical Policy
Excerpt

Description

This document addresses gender affirming surgery (also known as sex affirmation surgery, gender or sex reassignment surgery, gender or sex confirmation surgery). Gender affirming surgery is a treatment option for gender dysphoria, a condition in which a person experiences persistent incongruence between gender identity and sexual anatomy at birth. Gender affirming surgery is not an isolated intervention; it is part of a complex process involving multiple medical, psychiatric, and psychological, and surgical specialists working in conjunction with each other and the individual to achieve successful behavioral and medical outcomes. Before undertaking gender affirming surgery, medical and psychological evaluations, medical therapies and behavioral trials are undertaken to help ensure that surgery is an appropriate treatment choice for the individual.

Note: Please refer to the following documents for additional information, including the use of these and other procedures for individuals with gender dysphoria that are not related to gender affirming surgery:

- ANC.00007 Cosmetic and Reconstructive Services: Skin Related
- ANC.00008 Cosmetic and Reconstructive Services of the Head and Neck
- ANC.00009 Cosmetic and Reconstructive Services of the Trunk and Groin
- CO-SURG-12 Penile Prosthesis Implantation
- SURG.00023 Breast Procedures: including Reconstructive Surgery, Implants and Other Breast Procedures

Note: Voice therapy is not addressed in this document, as it is not a surgical procedure.

Medically Necessary: In this document, procedures are considered medically necessary if there is a significant functional impairment AND the procedure can be reasonably expected to improve the functional impairment.

Reconstructive: In this document, procedures are considered reconstructive when intended to address a significant variation from normal related to accidental injury, disease, trauma, treatment of a disease or a congenital defect.

Note: Not all benefit contracts/coverage include benefits for reconstructive services as defined by this document. Benefit language supersedes this document.

Cosmetic: In this document, procedures are considered cosmetic when intended to change a physical appearance that would be considered within normal human anatomic variation. Cosmetic services are often described as those that are primarily intended to preserve or improve appearance.

Clinical Indications

NOTE: Procedures to address postoperative complications of gender affirming surgery procedures (for example, stenosis, scarring, chronic infection, or pain) are not considered separate gender affirming surgery procedures.

NOTE: Reversal of a prior gender affirming surgery procedure is considered gender affirming surgery and the medical necessity criteria below apply.
Creating an Inclusive Culture
New Criteria (5 points):

Businesses must demonstrate a firm-wide, sustained and accountable commitment to diversity and cultural competency, including at least four of the following elements. At least one training should include concepts of intersectionality (5)

- 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.

(Note: This can be a part of an existing training or a standalone training.)
Creating an Inclusive Culture: Internal Training and Accountability Efforts

We will need written descriptions of the trainings you report having.

- **New Hire Training**
  - Should specifically note if ALL New Hires are required to attend
  - Should describe how the training specifically addresses BOTH sexual orientation and gender identity

- **Supervisor Specific Training**
  - Should be distinct from New Hire training (Either separate training or separate module)
  - Should note how often Managers/Supervisors are required to complete the course (ex. upon hire/promotion only, annually, bi-annually, etc)

*Note: You will also have the option to provide files to provide further context*
Creating an Inclusive Culture: Internal Training and Accountability Efforts

We will need written descriptions of the trainings you report having.

- Skills-based or Professional Development Training
  - Should describe how the training specifically addresses LGBTQ+ topics
- Integration of Intersectionality
  - Should provide specific examples of how intersectionality is integrated into the training

*Note: You will also have the option to provide files to provide further context*
New Criteria (5 points):

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

- Gender transition guidelines
- 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
Creating an Inclusive Culture: Transgender Inclusion Best Practices

Gender transition guidelines
● Employers will need to provide a copy of the gender transition guidelines document including the aforementioned information

Gender-neutral dress codes
● Employers will need to provide a copy of the dress code (please remember this should be your company’s standard dress code, not a separate or additional policy)

Inclusive restroom/facilities policy
● Employers will need to provide a copy of the inclusive restroom/facilities policy. This can be a part of any existing restroom/facilities policies or a stand alone policy.

Optional pronoun sharing
● Employers will need to provide a description of the policy or procedures and any relevant documentation, such as any standalone policy, email/letter announcement, or screenshots of forms with optional pronoun sharing
Corporate Social Responsibility
Corporate Social Responsibility: Outreach and Engagement w/ LGBTQ+ Community

New Criteria (15 points):

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

- 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)
- LGBTQ+ specific products or services
- Demonstrated public support for LGBTQ+ equality under the law through local, state or federal legislation or initiatives
Corporate Social Responsibility: Outreach and Engagement w/ LGBTQ+ Community

We will need written descriptions of the efforts you report.

For each of the efforts you submit, you will need to:

- Name the organization involved (if applicable),
- Describe the effort or engagement (post, event, product, conference, etc.) in detail

It must be clear that the effort is LGBTQ+ specific through the description or organization described.

*Note: You will be able to upload files to provide further context.*
Corporation Social Responsibility: Outreach/Engagement, Supplier Diversity

Parity principle -- IF/THEN

- **IF** you DO NOT have a supplier diversity program, **THEN** you do not have to create one

- **IF** you have a supplier diversity program, **THEN** it must include LGBTQ+ owned businesses
  - *You will then be asked to describe how you engage with/include LGBTQ+ owned businesses*

Note: Publicly available information about your supplier diversity program should clearly state that LGBTQ+ owned businesses are considered along with other minority owned businesses.
Corporate Social Responsibility: LGBTQ+ CSR

Criteria (5 points)

- Supplier/vendor non-discrimination standards
- Philanthropic giving guidelines
Corporate Social Responsibility: LGBTQ+ CSR

We will need up to two pieces of documentation in order to award full credit

- Copy of your supplier/vendor non-discrimination standards
  - This can be an excerpt from your larger general contract or a copy of the existing policy

- Copy of your philanthropic giving guidelines
  - This is your internal policy prohibiting giving philanthropic support to non-religious organizations with a policy of discrimination on the basis of sexual orientation and/or gender identity
Corporate Social Responsibility: LGBTQ+ CSR

Supplier/Vendor
Non-discrimination Standards

For more on these standards, check out our resources here:
www.thehrcfoundation.org/professional-resources/supplier-standards-discrimination-policies

Sample Contract Language

[BUSINESS] requires that the Supplier shall not discriminate against an employee, volunteer, or participant of the Supplier on the basis of race, color, gender, pregnancy, marital status, familial status, sexual orientation, gender identity or expression, religion, ancestry, national origin, disability, or age.
Corporate Social Responsibility: LGBTQ+ CSR

Philanthropic Giving Guidelines

Non-Discrimination Policy

Neither the Foundation nor the Company will provide support to organizations which, in their constitution or practice, discriminate against a person or group on the basis of:

- age
- political affiliation
- race
- national origin
- ethnicity
- gender
- gender identity
- disability
- sexual orientation
- gender identity
- religious belief
Questions?

Unsure about your policies or documents? Please reach out to us!

cei@hrc.org
Next Session Details:

Monday, December 5th @ 3pm ET