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THE LOOK FORWARD



2023 CEI Educational Series



Welcome to The Look Forward

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

- 2023 CEI Educational Series monthly on Monday at 3pm ET
- 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





How to engage...

- Microphones are automatically muted

This is a recorded presentation

Recording and all slides will be shared with attendees



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CEI 2023 Schedule Review

The ***2023 CEI survey is open!***

- Employers will have 3 months to complete the survey
- All initiatives need to be in place by the submission deadline in 2023.

The 2023 CEI Survey deadline is Friday, June 2, 2023.

The 2023 CEI Report will release in November 2023.



Workplace Equality Team

We're hiring!

hrc.org/careers



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Meeting the Moment In Workplace LGBTQ+ Inclusion & Equality

HRC Look Forward Series

April 24, 2023, 3pm ET



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Legal Landscape for LGBTQ+ People — Why it Matters to Employers

Sarah Warbelow, she/her
Legal Director, HRC



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What Constitutes Discrimination?

- Refusal to hire, firing, lower wages based on a protected characteristic
- Exclusion from programs and opportunities
- Exclusionary benefits
- Harassment
- Violation of privacy
- Refusal to honor name and pronouns
- Exclusion from facility access
- Dress code requirements that conflict with gender identity

Hopkins v. Price Waterhouse

- On May 1st, 1989, the Supreme Court of the United States determined that sex stereotyping is prohibited sex discrimination



Oncale v. Sundowner Offshore

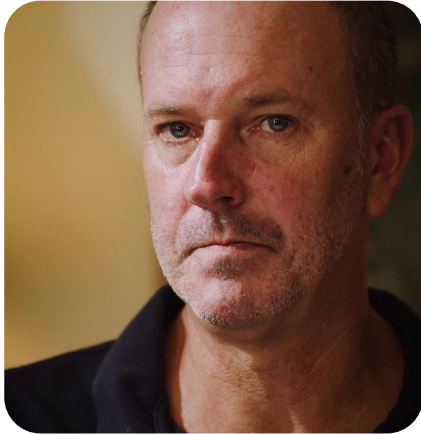
- On March 4, 1998, in a unanimous opinion, the Supreme Court of the United States held that while Title VII does not prohibit all verbal or physical harassment in the workplace, it does bar all forms of discrimination "because of" sex. Such discrimination, whether motivated by sexual desire or not, is actionable so long as it places its victim in an objectively disadvantageous working condition, regardless of the victim's gender.





Bostock v. Clayton County, Georgia

- On June 15th, 2020, the Supreme Court of the United States affirmed that discrimination on the basis of sexual orientation and gender identity is a form of prohibited sex discrimination





Bostock- Executive Order 13988

Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

- Directs agencies to enforce federal laws that prohibit sex discrimination to include discrimination based on sexual orientation and gender identity consistent with the *Bostock* decision





Federal Laws Implemented by Bostock

- Title IX of the Education Amendments Act of 1972
- Title VI of the Civil Rights Act of 1964 (education)
- Affordable Care Act
- Fair Housing Act
- Equal Credit Opportunity Act
- Jury Selection and Service Act
- Select Funding NonDiscrimination such as:
Services Block Grants, Head
Services, etc.

Community
Start, Refugee





The Respect for Marriage Act

- Repealing the 1990s era Defense of Marriage Act.
- Establish that “place of celebration” is the standard of recognition for federal benefits of a same-sex marriage.
- Affirm that public acts, records and proceedings should be recognized by all states.
- Codify the federal protections conferred by the Obergefell and Windsor rulings. The landmark ruling stated that bans on marriage equality are unconstitutional.



The Equality Act

=EQUALITY ACT

#EqualityAct

What Does This Effect?



Employment



Credit



Housing



Education



Public Places and
Services



Federal Funds



Jury Selection

What's Happening And Ways Businesses Can Meet the Moment

Cathryn Oakley (she/her), Senior Legal Counsel and State
Legislative Director



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Business Impact of State Anti-LGBTQ+ Laws

- Employee performance and productivity - distraction and stress
- Retention and recruitment
- Benefits
- Compliance
- Travel benefits - concerns!



An Urgent Landscape For LGBTQ+ Rights

- Anti-LGBTQ+ efforts in the states are breaking records: again
- The proliferation of these policies are a result of a top-down, coordinated effort, as opposed to being driven by grassroots concern and interest.
- This is because opponents have a carefully crafted strategy

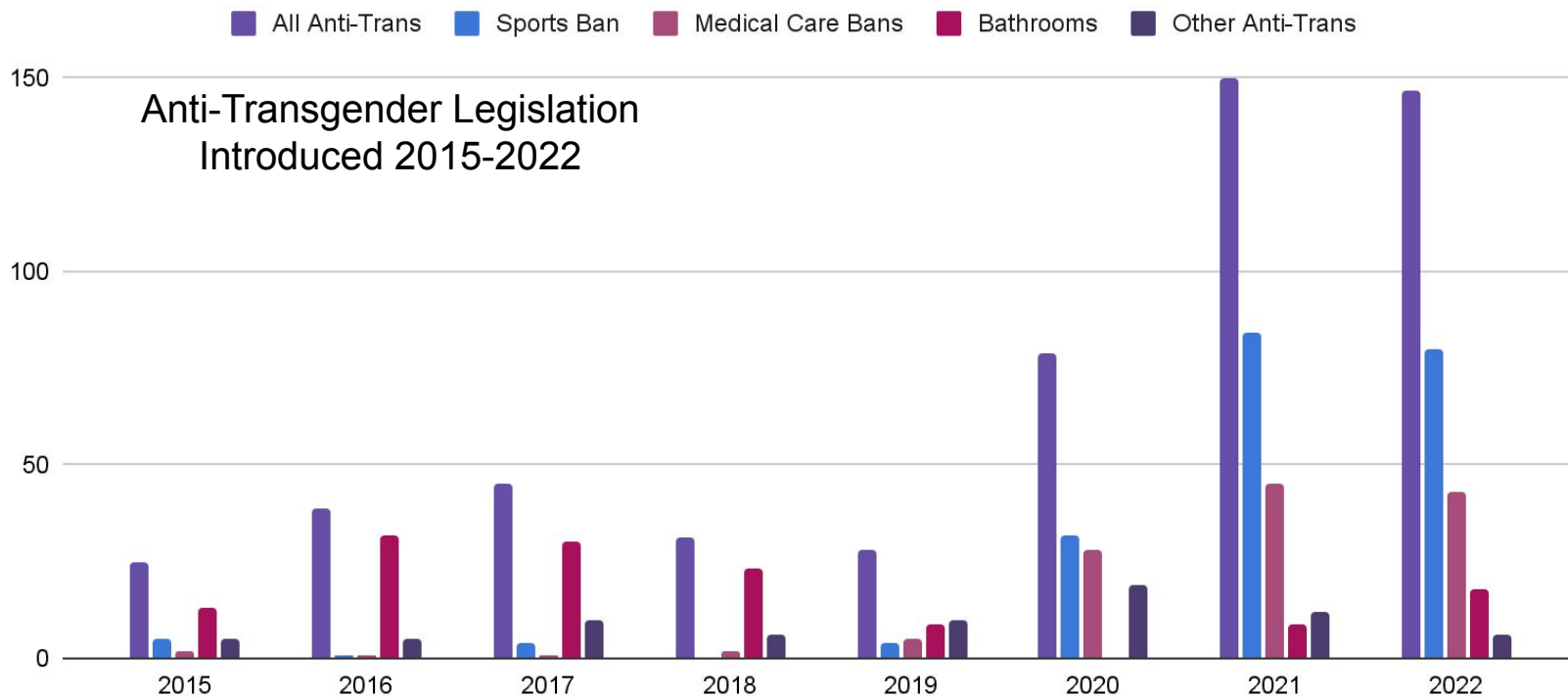
The strategy:

- Demonization/sexualization of LGBTQ+ people
- Justify discrimination
- Isolate, alienate, and terrify

Gerrymandered state legislatures often mean policy does not reflect public opinion and concern.



Legislative Trends Come in Waves





Coordinated National Effort By Hate Groups & Extremists

THE BIG FEATURE

Inside the Secret Working Group That Helped Push Anti-Trans Laws Across the Country

*Leaked emails give a glimpse of the religious-right networks behind
transgender healthcare bans.*

MADISON PAULY MARCH 8, 2023

[Inside the Secret Working Group That Helped Push Anti-Trans
Laws Across the Country – Mother Jones](#)

“The emails demonstrate close collaboration between groups working behind the scenes to push bills banning transgender health care, including ADF—which has defended state-sanctioned sterilization of trans people in Europe—and the ACPeds—which has opposed adoption by gay couples and supported conversion therapy for LGBTQ youth. In recent years, ADF has drafted legislation banning trans children from using school restrooms or playing on school sports teams that align with their gender identity. (Both groups are also staunchly anti-abortion; ADF, which drafted the Mississippi abortion ban at the heart of the case that overturned Roe v. Wade, is currently representing ACPeds in a closely-watched lawsuit to ban an abortion pill, mifepristone, nationally.)”



Saying the Quiet Part out Loud



Rolling Stone

+ Follow

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CPAC Speaker Calls for Eradication of
'Transgenderism' — and Somehow Claims He's
Not Calling for Elimination of Transgender
People

'Matt Sharp, senior counsel and state government relations national director for the Alliance Defending Freedom, said his group believed "gender ideology attacks the truth that every person is either male or female..."

And Mr. Schilling, of the American Principles Project, confirmed that his organization's long-term goal was to eliminate transition care. The initial focus on children, he said, was a matter of "going where the consensus is."

[G.O.P. State Lawmakers Push a Growing Wave of Anti-Transgender Bills - The New York Times \(nytimes.com\)](https://www.nytimes.com)

'Privately, Jon Uhler, a therapist who supports conversion therapy, urged the working group to respond to questions for this article by emphasizing "that there is no such thing as a Trans kid"; he later sent me a series of social media posts comparing trans people and drag performers to sexual predators.'

[Inside the Secret Working Group That Helped Push Anti-Trans Laws Across the Country — Mother Jones](#)

■ HUMAN RIGHTS CAMPAIGN

TEXAS HOUSE of REPRESENTATIVES



TONY TINDERHOLT

DISTRICT 94

FOR IMMEDIATE RELEASE
March 14, 2023

Contact: Hannah Sacia, Chief of Staff
(512) 463-0624

REP TINDERHOLT FILES TEXAS MILLSTONE ACT TO END THE MUTILATION AND BRAINWASHING OF CHILDREN AND YOUNG ADULTS

AUSTIN, TX- Rep. Tony Tinderholt filed HB 4754 to prohibit doctors from providing gender transition procedures for anyone under 26. Physicians found guilty of violating the act would be guilty of a state jail felony and subject to license revocation.

"When I took office, I never could have guessed that Texas' youth would need protection from legal, sexual mutilation. Yet here we are. Young people across our state are being taken advantage of by clinics and physicians engaged in these barbaric gender modification procedures. Innocent Texas children are having their futures destroyed. It's time to put a stop to it," said Tinderholt.

"It's the responsibility of Texas lawmakers to step up and defend the next generation from these evil procedures. The overwhelming scientific consensus is that the human brain isn't fully developed until near the age of 25, and I think our laws should reflect that. The Texas Millstone Act will protect Texans by holding physicians accountable and criminalizing those who facilitate social or physical transitioning of young people. Our duty to protect our children is a sacred one, and anyone guilty of such an evil act as chemically or surgically mutilating a child for profit should be held legally and financially accountable."

The Texas Millstone Act is named in reference to Matthew 18:6: "But whoever causes one of these little ones who believe in Me to stumble, it would be better for him to have a heavy millstone hung around his neck, and to be drowned in the depth of the sea."

###



Vintage Homophobia: “Save Our Children!” “LGBTQ+ People Are Inherently Dangerous”

Messaging/“Culture War”



Christina Pushaw  
@ChristinaPushaw

The bill that liberals inaccurately call “Don’t Say Gay” would be more accurately described as an Anti-Grooming Bill.

6:16 PM · Mar 4, 2022 · Twitter for iPhone

- In a few days, posts from just ten people reached more than 48 million views (66% of impressions)
 - Christina Pushaw, Marjorie Taylor Greene, Lauren Boebert, “Libs of TikTok” founder Chaya Raicheck.
- The 500 most influential tweets: 72 million views.

Policy Proposals

- Curriculum Censorship
 - “Don’t Say Gay/Trans”
 - Book bans
 - Forced outing by school administrators
 - School bathroom bills
 - Overlap with CRT efforts
- Prohibit Drag Performances
 - Drag Queen Story Hour
 - All Drag shows
 - “Cross-dressing” attire at all



Attempts to Justify Discrimination

Balance Already Struck To Protect Religious Freedoms

Existing civil rights laws - which prohibit discrimination on the basis of religion and have exemptions for religious organizations - have already struck a balance between discrimination & religious belief

New efforts seek **additional abilities to discriminate**

New Policy Proposals

- RFRAs, FADAs
- Medical refusals
- *Masterpiece to 303 Creative*
- Harmful nondiscrimination bills
- Marriage
 - Clerk refusal
 - Admin. form of marriage



Isolate, Alienate, & Terrify LGBTQ+ People (Especially Kids)



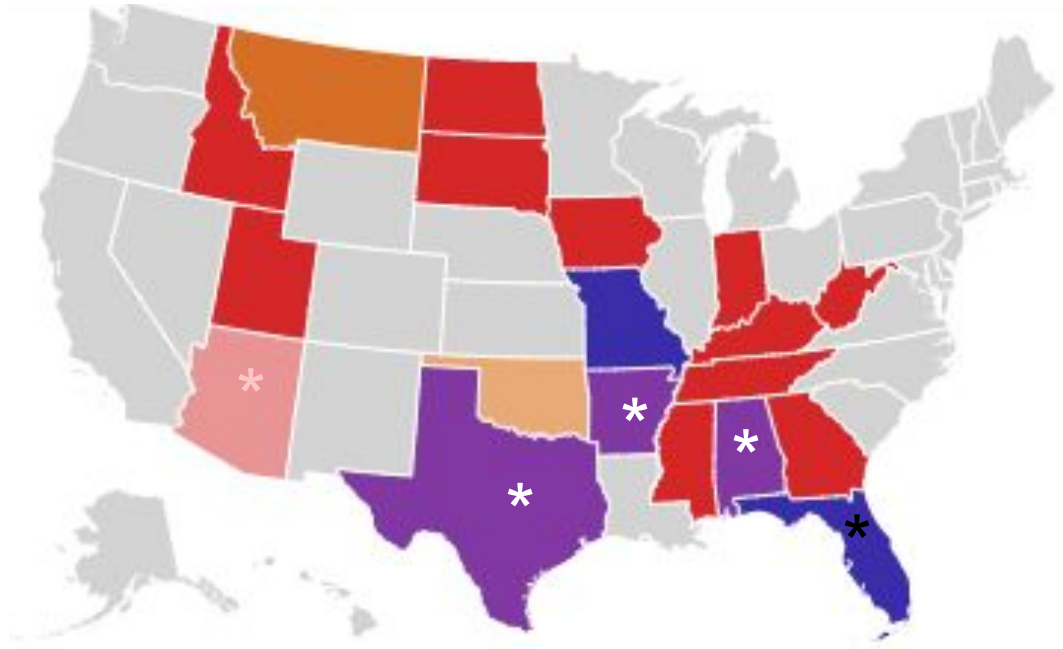
**Kick out the legs of
the stool**

Policy Proposals

- Health care bans: preventing medically necessary, AGE APPROPRIATE, gender-affirming care
 - include puberty blockers: “pause button”
 - penalties: felony; child abuse (removal of child from home); suspension of license
- Sports bans
- Loss of Teacher Support
 - Forcible outing, Pronouns
 - Don't Say, Curriculum Censorship

Impact: Legislative & Administrative Actions

- Prohibit gender-affirming health care
- Some include:
 - Mental health care
 - “Aiding and abetting”
 - Child abuse (triggers mandatory reporting)
 - Custody disputes
 - Criminal and civil penalties



National Stats

- On pace for record number of bills filed - already tracking more than 900.
- **200+ bills SUPPORT - including in Michigan!!**
 - **7 good laws so far**
 - **Minnesota conversion therapy!**
- More than 520 OPPOSE (in 41 states)
- **Most anti-transgender bills ever filed** with 220+ anti-transgender bills so far.
- **36+ new bad laws:**
 - Twelve new gender-affirming care bans: UT, SD, MS, TN, AR, IA, ID, IN, GA, KY, WV, ND
 - Pronoun law in UT; KY
 - Drag ban in TN,
 - Bathroom bills in ID, IA, AR, KY
 - Sports bans in KS, WY, ND and TN
 - Religious Discrimination in WV, ND
 - Identity Docs - UT, ND,
 - Curriculum Censorship - AR, KY, ND

Elections Matter!!



POLITICS

Michigan House adds protections for LGBTQ residents to civil rights law



Beth LeBlanc
The Detroit News

Published 3:38 p.m. ET March 8, 2023 | Updated 9:39 p.m. ET March 8, 2023

[View Comments](#)



Lansing — Michigan is poised to include gay and transgender residents among the protected groups of people under the state's anti-discrimination law, the Elliott Larsen Civil Rights Act, after the Democratic-led House voted to approve the changes.

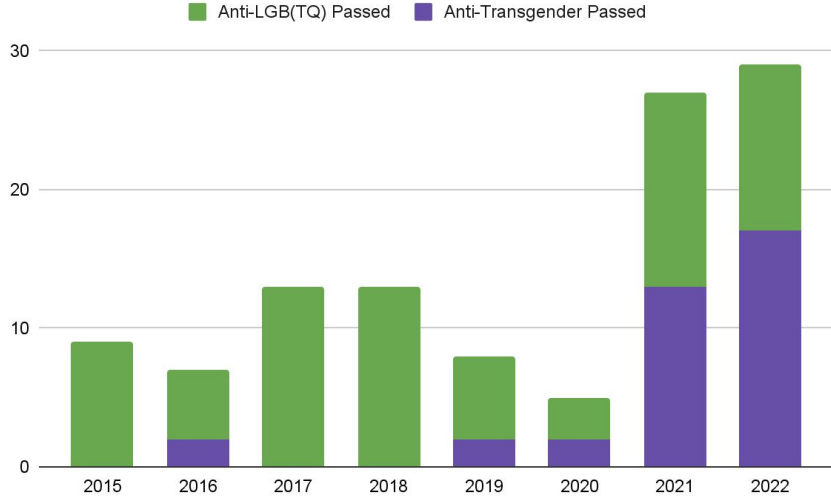


So, what does HRC do about it?

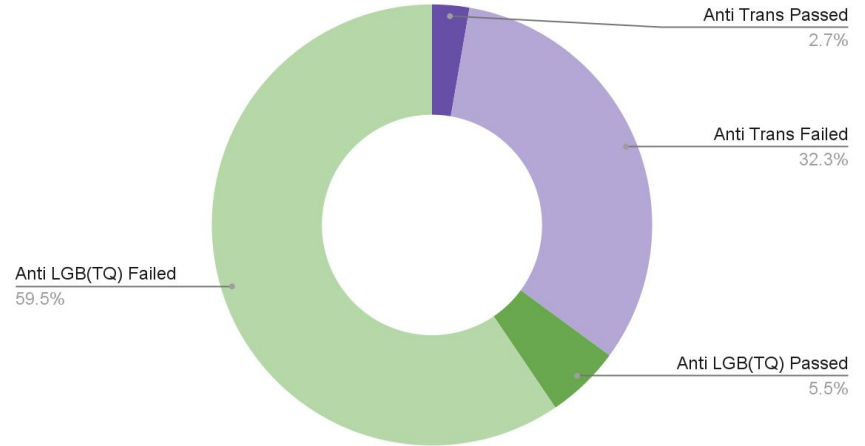
- HRC has a robust legislative operation that spans electoral work, policy expertise, lobbying, grassroots organizing and on-the-ground presence (staff and volunteers).
 - We work hard to educate the media - national and local - on the issues and covering them correctly.
- Sign up as a member to receive our action alerts in your state. Also, follow us on social media for updates.
 - @HRC
 - @HRCAlabama

And there is hope...

Anti-transgender legislation is trending...



Legislation 2015-2022



...but our success rate in beating bad state bills is **91% overall!**



Takeaways

- **2023 will once again be a historic year** in anti-LGBTQ+ legislation
- **These are proxy fights:** not truly about sports, or drag, or medical care, or marriage, or what's being taught in schools
- *While these bills are only a small part of a larger effort, **having them passed - and even introduced and debated - comes at a real cost to the LGBTQ+ community, especially youth***
- **The organizations pushing these anti-LGBTQ+ policies** and bills will continue to lie, misrepresent, and twist the truth to suit their purposes, and they'll **manipulate others to help them.**

How Employers Can Lead

Ani Fete Crews (she/her), Stakeholder Engagement Director



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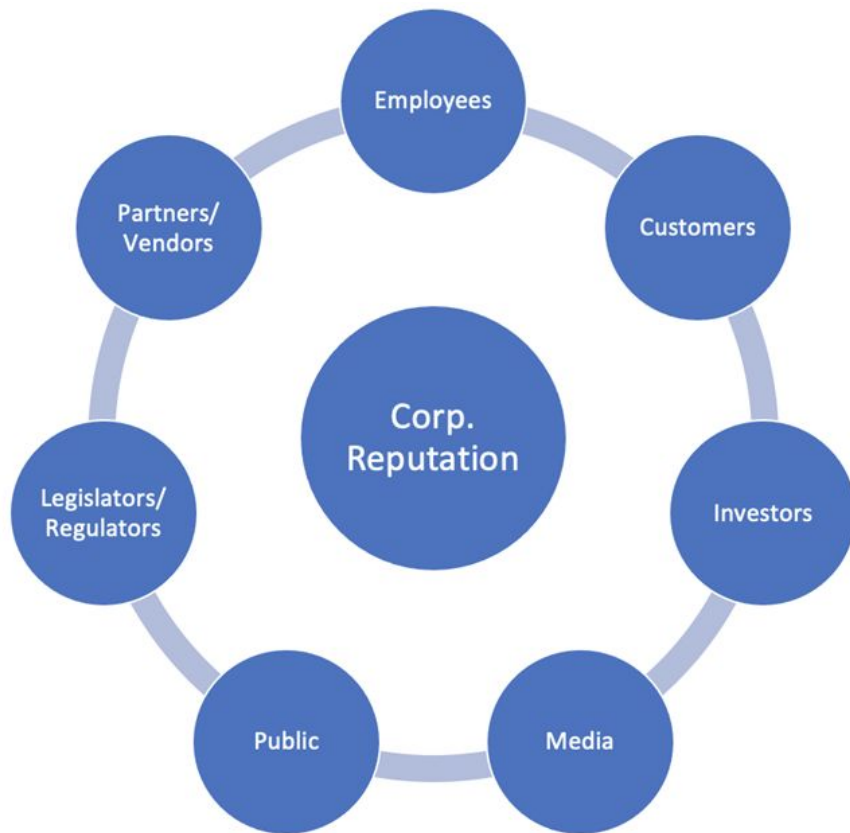


So, what can YOU do about it?

- At a professional level:
 - Educate your peers about the issues
 - Understand this is something that your LGBTQ+ employees and their families, customers and clients are experiencing and support them.
 - Adopt supportive policies and make it known where your organization stands and why
 - Think about whether there are associations or professional voices that your organization can encourage to support and speak out.
- At a personal level
 - Most importantly - educate yourself!!
 - Then, educate your friends and loved ones.
 - Take action, speak out - don't be a bystander!
 - These anti-LGBTQ+ policy efforts will continue until they no longer work.



Equality Issues Impact All Stakeholders





The Business Case for Equality

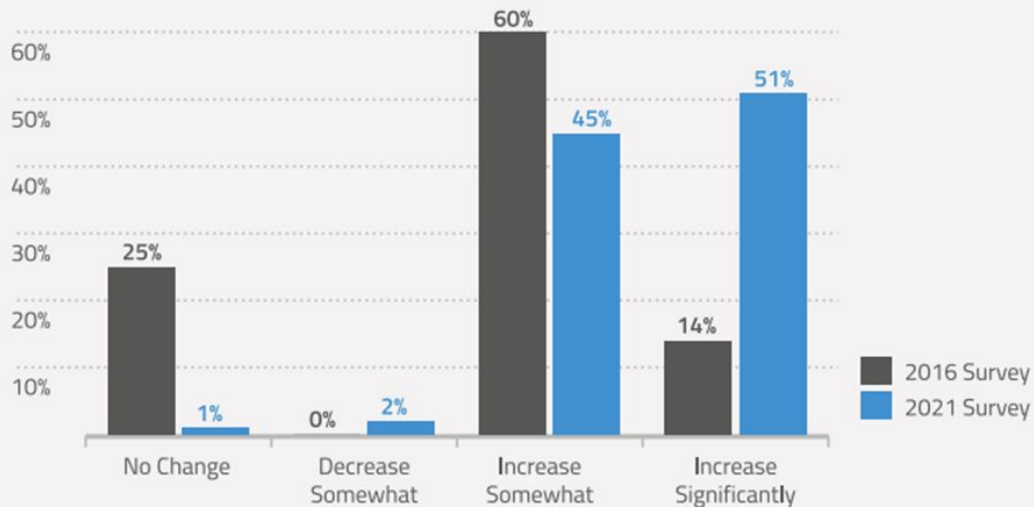
- **Public Support:** Both LGBTQ+ people and allies support corporate advocacy for LGBTQ+ equality
- **Recruitment and Retention:** Research shows that most people— particularly LGBTQ+ workers, Gen Z and Millennials— want to work for pro-equality businesses
- **Loyalty:** And they want to buy from & support pro-equality brands
- **Leadership:** Increasingly people look to companies to lead the fight for equality and engage in more bold actions and investment
- **Profitability:** And when workplace climates are LGBTQ+ inclusive, all employees - and company bottom lines - benefit.

Read More at hrc.im/FutureProofing



Increasing Pressure

Figure 9: Do You Expect Pressure to Increase in the Next Three Years?

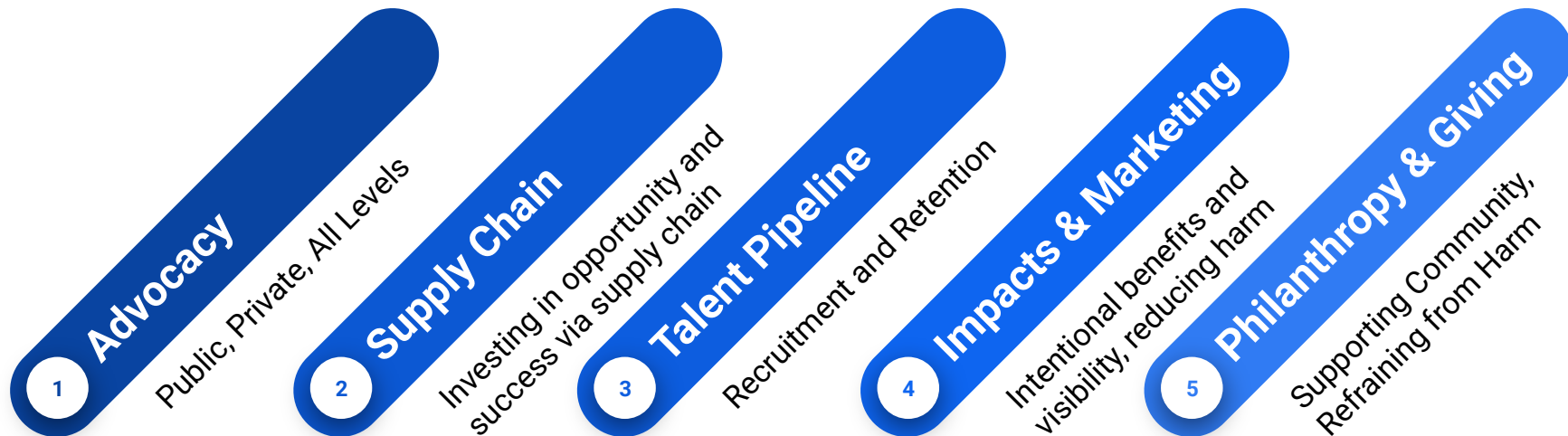


Data from the 2016 and 2021 Taking A Stand Surveys, Public Affairs Council.

2021 PAC survey of gov affairs execs on pressure to engage on social issues



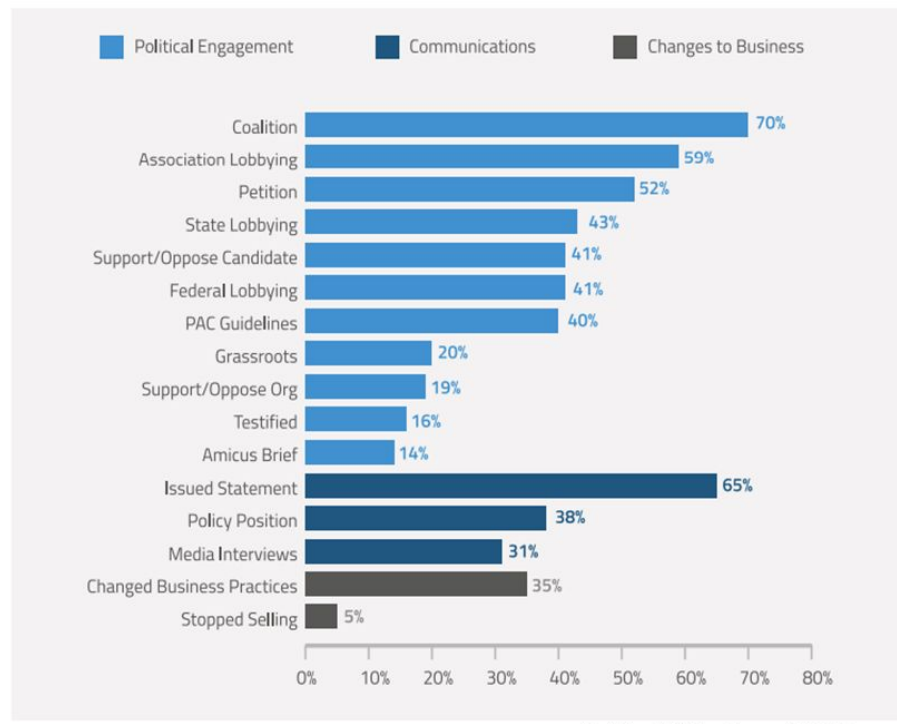
Corporate Citizenship for Equality





Businesses Engage In Many Ways Now

Figure 6: Company Activities Taken to Support Social Issue Engagement, 2021 Taking a Stand Survey



Successful Engagement is Both Visible & Rooted



VISIBLE

- Public statements of opposition/support
- Official record of testimony/position
- Social media and press
- Public industry actions
- Amicus briefs
- Storytelling/marketing

ROOTED

- Closed-door lobbying/private outreach
- Business investment decisions
- Peer organizing, coalition building
- Internal employee education
- Employee mobilization
- Political and philanthropic giving



Employers Leading Together

500+

MAJOR COMPANIES SUPPORT THE EQUALITY ACT



#EqualityAct

**Human Rights Campaign
Foundation Files Amicus Brief in
Carpenter v. James, in Support of
Business & Corporate Interest in
LGBTQ+ Inclusion**

HUMAN RIGHTS CAMPAIGN

200+ Major U.S. Companies Oppose Anti-LGBTQ+ State Legislation



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November 27th, 2022

Dear Senators:

Together we, the signatories of this letter, write in support of the Respect for Marriage Act (H.R. 8449/S. 4556) representing a diversity of industries and brands that do business, serve customers and create jobs in nearly every community in the United States. Fairness, equal treatment, and opportunity are central to our corporate values because we care about our employees and the customers we serve. Americans from all walks of life, across demographics, geographies, and party lines agree that loving, committed couples have the right to be respected and protected under the law. Support for marriage equality for same-sex couples and interracial couples is at an all-time high—with vast majorities of the public supporting these policies. As many of us highlighted in our [amicus brief for Marriage Equality in 2015](#), a patchwork of inconsistent and discriminatory state marriage laws goes against our company values and makes it harder for us to do business and to recruit and retain top talent.

This is why we support the passage of the Respect for Marriage Act. Codifying a consistent and inclusive federal standard conferred by the Loving, Rhine, and Obergefell rulings will help to ensure marriage equality, eliminate confusion for employers and enable us to retain and attract talent. No person, including same-sex couples and interracial couples protected by this bill, should fear their marriage will not be recognized by the federal government or their employment benefits threatened.

Our businesses strongly embrace diversity and inclusion because we want everyone who works for us or does business with us to feel included and welcomed as their true, authentic selves. Inclusive business practices improve our bottom lines and lead to more productive and engaged employees, increased customer satisfaction, and, ultimately, improved competitiveness and financial performance.

Our employees are the foundation of our companies—they drive our ability to successfully do business, invest in communities around the country, and create the products and services we proudly offer. As business leaders committed to inclusion and equality for our employees, their families, and the communities we serve, **we call on the Senate to pass the Respect for Marriage Act.**

Signers:

ABB
Adobe Inc.
Alaska Airlines
Amalgamated Bank
American Airlines
Apple

Abercrombie & Fitch Co.
AIG Inc.
Allstate
Allstate
American Express
Applied Materials Inc.

Accenture
Aetna
Aflac
Altria Group
AMD
American Honda Motor Co., Inc.
Arista, Inc.

WORKING FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER EQUAL RIGHTS
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The Dallas Morning News

Business News Service Dallas, Texas, Friday, March 1, 2022 DallasNews.com

**DISCRIMINATION
IS BAD
FOR BUSINESS**

**Businesses Call on Governor to
Abandon Anti-LGBTQ+ Efforts**

Our companies, including many of the nation's largest, have signed on to this letter to urge Governor Abbott to abandon his efforts to pass anti-LGBTQ+ legislation. We believe that all people, regardless of their sexual orientation or gender identity, should be able to work and live in Texas without fear of discrimination. We call on Governor Abbott to abandon his efforts to pass anti-LGBTQ+ legislation and to support the Respect for Marriage Act.

The Respect for Marriage Act is a landmark measure that will ensure that all people, regardless of their sexual orientation or gender identity, can work and live in Texas without fear of discrimination. We call on Governor Abbott to abandon his efforts to pass anti-LGBTQ+ legislation and to support the Respect for Marriage Act.

We call on Governor Abbott to abandon his efforts to pass anti-LGBTQ+ legislation and to support the Respect for Marriage Act.

“

We call on our public leaders — in Texas and across the country — to abandon efforts to write discrimination into law and policy.



Recent Engagement Campaigns and Our Network

- Business Coalition for the Equality Act, **532 companies**
- Respect for Marriage Act Business Sign-on, **243 companies**
- National Statement on Anti-LGBTQ+ State Legislation, **312 companies**

Government Affairs Leaders

Diversity, Equity, Inclusion Staff

Executive Comms Staff

**Employee Resource Group Leads
(some ERGs are tens of thousands strong)**

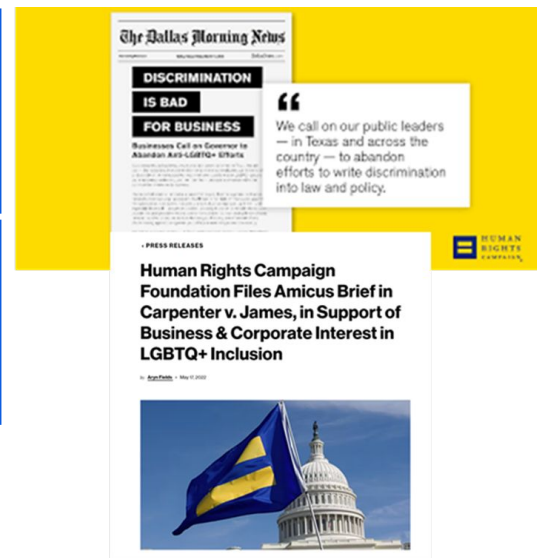
CEI participants >1400 companies
and large law firms



What Companies Can Do Today


Sign-on Statements	Lobbying (Public & Private)	Peer Organizing	Educate & Mobilize Employees
Social Media	Public Statements	Industry Action	Storytelling /Marketing

Learn more @ hrc.im/corppublicpolicy



New Resources - Coming Soon

- **Future Proofing the Workplace:** Learn more about ways to future proof your company: [Hrc.im/Futureproofing](https://hrc.im/futureproofing)
- ***Updated Employer guide** to supporting employees in response to anti-LGBTQ+ state legislation (next few weeks)
- **Employee guide** to advance public policy engagement at work (tbd)
- **Corporate Citizenship for Equality Report** (Jan. 2024)



HUMAN RIGHTS CAMPAIGN FOUNDATION

FUTURE-PROOFING BUSINESS EMBRACING TODAY AND TOMORROW'S LGBTQ+ WORKERS AND CUSTOMERS

When businesses strongly embrace diversity and inclusion employees who feel a sense of belonging and fairness are more engaged and more productive. Customers who feel companies' values match their own are more connected and loyal to their brands. This holds especially true for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) employees and customers around the globe, as well as their pro-equality allies. With significant generational shifts already underway, corporate leaders who want to future proof their businesses must act now to engage in meaningful ways with LGBTQ+ and allied audiences. Data shows that LGBTQ+ people are a growing part of global society and are demanding more from the businesses they work for and buy from. How a business adapts to an increasingly LGBTQ+ global society impacts its workforce, recruitment, productivity, and its bottom line.

LGBTQ+ PEOPLE ARE FOUND ALL OVER THE WORLD – WITH GEN Z AND MILLENNIALS LEADING THE WAY

Globally, the size of the openly LGBTQ+ population is the largest it has ever been.


Year over year, more people are openly identifying as LGBTQ+ as a result of increased visibility and acceptance of LGBTQ+ people worldwide.

- In 2021, Gallup recorded that 7.1% of all U.S. adults (age 18+) identify as LGBTQ+, the highest level recorded by the survey in a decade of tracking.
- This is over double what was recorded in 2012 (3.5%), when Gallup first started tracking, and a more than 25% increase from just the year prior (5.6% in 2020).
- Globally, Ipsos' *LGBT+ Pride 2021 Global Survey* of over 19,000 adults in 27 countries found that almost one in ten adults worldwide (9%) identify their sexual orientation as something other than heterosexual, and 2% identify their gender identity as transgender, non-binary, or something other than cisgender male or female.

This has largely been driven by younger generations, who are substantially more likely to openly identify as LGBTQ+ than older cohorts.

- In the same Gallup survey, more than one in five (20.8%) Gen Z respondents, and one in ten (10.5%) Millennials in the U.S. identify as LGBTQ+.

LGBTQ+ identification by generation Gallup 2021



Generation	Percentage
Gen Z respondents	20.8%
Millennial respondents	10.5%

FUTURE-PROOFING BUSINESS: EMBRACING TODAY AND TOMORROW'S LGBTQ+ WORKERS AND CUSTOMERS 1



Discussion and Q&A