



HUMAN
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THE LOOK FORWARD



2023 CEI Educational Series

Self-Identification and Data Best Practices



Welcome to The Look Forward

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

- 2023 Educational Series every other Monday
- 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

Recording and all slides will be shared with attendees



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



Today's Agenda

- Review Best Practices in Self- Identification
- Example Questions for LGBTQ+ Data collection
- Q&A
- Resources



Today's Agenda

PLEASE NOTE:

Today's presentation will be about **Self-ID and LGBTQ+ Data Best Practices**

For a more general overview of the criteria changes:

- Watch our 2023 CEI Informational Webinar
- Check out the 2023 CEI Criteria Toolkit or
- Review the CEI criteria webpage
- *All of these resources are included in the follow-up email*

LGBTQ+ Self-Identification

Best Practices in Self-ID Programs



Why Measure?

- Signal inclusion to LGBTQ+ employees
- Measure LGBTQ+ recruitment, retention & advancement efforts
- Identify top LGBTQ+ talent for advancement opportunities
- Understand LGBTQ+ employee engagement & experiences

The CEI Measures Workforce Protections

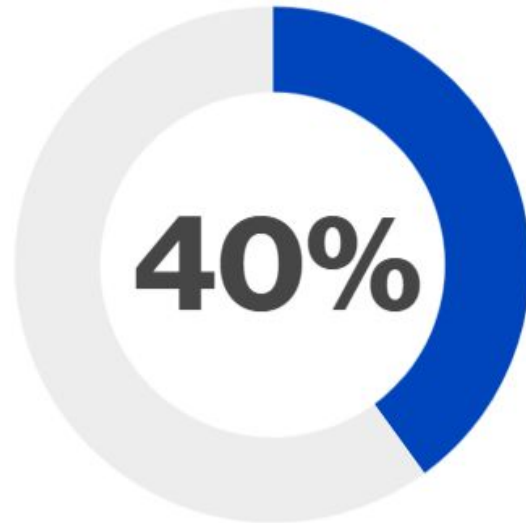
Criteria 1: Workforce Protections

THE WORKFORCE PROTECTIONS CRITERIA OF THE CEI CALL FOR A WRITTEN employment nondiscrimination policy that includes both "sexual orientation" and "gender identity" across all operations. For companies with operations outside of the U.S., the policy must be extended across the global workforce. Lesbian, gay, bisexual, transgender and queer people continue to face discrimination in employment because of their sexual orientation and/or gender identity, creating a need for explicit nondiscrimination policies.





CEI 2022 Key Findings

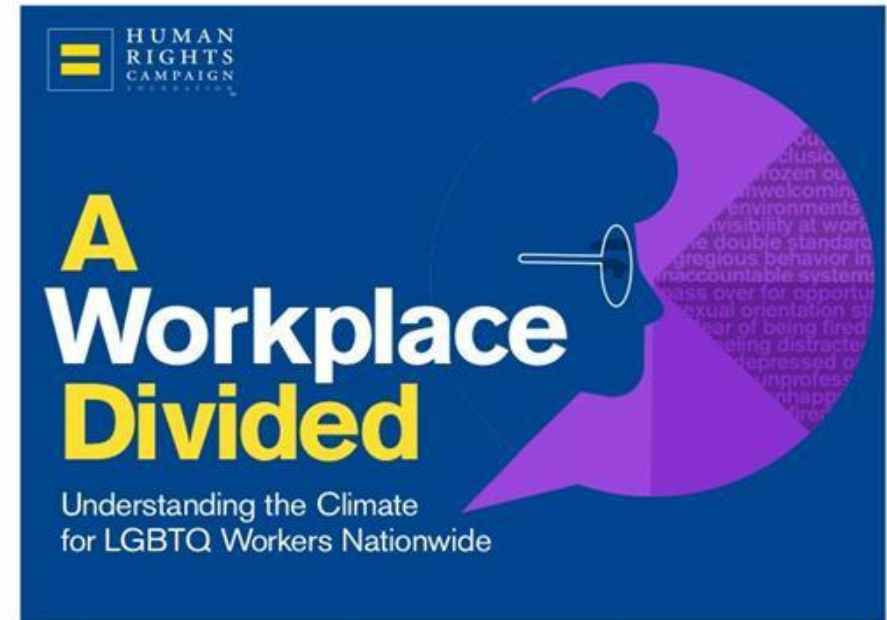


of CEI-rated employers (510 of 1,271 respondents) allow employees the option to self-identify as LGBTQ+ in anonymous employee engagement surveys or as part of data collection on confidential employee forms and 37% (470 of 1,271 respondents) allow self-identification in the HRIS system.

Challenges to Self-ID

Despite advancements in LGBTQ+ inclusion, reluctance to self-ID

- 46% of LGBTQ+ workers remain closeted at work
- Systems limitations
- Unclear about purpose of disclosing



The Legal Landscape

- **Laws vary by country:**
 - Ability to ask about sexual orientation & gender identity
 - Where/how data must be stored
- **See UMass Amherst Center for Employment Equity white paper on IBM's self-ID practices:**
<https://www.umass.edu/employmentequity/collecting-lgbt-data-diversity-initiating-self-id-ibm>

Keys to Successful Self-ID

What to consider before starting a new SELF-ID initiative in your workplace:

Lay the Foundation

- Workplace policies & practices
- Education & training

Explain the Why

- What is in it for them?
- The table stakes

Reinforce Policies

- Clearly reiterate nondiscrimination policies prior to asking

Explain the How

- How data will be used
- How it will be stored
- How it will be protected

Sample Question: Gender ID 2 Stage

What is your gender?

- ☐ Female
- ☐ Male
- ☐ Non-binary/ third gender
- ☐ I use another term (*with or without free text field*)
- ☐ Prefer not to say

Transgender is an umbrella term that refers to people whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth. Other identities considered to fall under this umbrella can include non-binary, gender fluid, and genderqueer – as well as many more.

Do you identify as transgender?

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

Sample Question: Gender ID 1 Stage

What is your current gender identity?
(Check all that apply) or (Please choose the option that best describes you.
Currently our system allows only one option.)

- ☐ Female
- ☐ Male
- ☐ Non-binary/ third gender
- ☐ Transgender Female
- ☐ Transgender Male
- ☐ I use another term (with or without free text field)
- ☐ Don't know
- ☐ Prefer not to answer

★ **Note the directions for multiple options if available**

Sample Question: Sexual Orientation

What is your Sexual Orientation?

- ☐ Straight/Heterosexual
- ☐ Gay or Lesbian
- ☐ Bisexual
- ☐ Queer
- ☐ I use another term *(with or without free text field)*
- ☐ Prefer not to say

Sample Question: Broad LGBTQ+

Do you consider yourself a member of the Lesbian, Gay, Bisexual, Transgender and/or Queer (LGBTQ+) community?

- ☐ Yes
- ☐ No
- ☐ No, but I identify as an Ally
- ☐ Prefer not to say

- ★ **Limited use**
- ★ **Often as a starting point in climate surveys**

Things to Consider

- **Expansive identities**
 - Gender identity – agender, pangender, gender queer, gender fluid, two spirit and more
 - Sexual orientation – asexual, pansexual, omniseual, two spirit and more
 - Must strike a balance
- **Re “intersex” identification:**
 - Being intersex is a medical condition. Intersex self-ID may be related to HIPPA laws.

Successful Self-ID Programs...

Understand Limitations

- Understand underreporting exists
- See that as valuable data in and of itself

Robust Change Management

- Work to drive adoption
- Communication program
- Leadership endorsement

Transparency

- Include LGBTQ+ self-ID in annual diversity reports

Use the Data

- Professional development tracks
- Representation analysis
- Employee experience & engagement

Things to Consider...

Third Gender IDs

- Beginning in 2017, several U.S. states now have third gender ID – driver's licensees, state issued ID cards, birth certificates
 - 17 states + DC
- Biden Administration included third gender option on passports
- Some systems requiring binary identity
 - Insurance
 - SSN mismatches





EEOC to include non-binary identities in discrimination reporting (March 2022)

- ***Recognizing that the binary construction of gender as either “male” or “female” does not reflect the full range of gender identities, the EEOC will add an option to mark “X” during two critical stages of the intake and charge filing process:***
- The EEOC will update the voluntary demographic questions relating to gender in the online public portal that members of the public use to submit inquiries about filing a charge of discrimination, as well as the Online Spanish Initial Consultation Form and Pre-Charge Inquiry Form that are sometimes used in lieu of the portal.
- **The EEOC will also modify its charge of discrimination form to include “Mx.” in the list of prefix options.**

<https://www.eeoc.gov/newsroom/eeoc-add-non-binary-gender-option-discrimination-charge-intake-process>



Biden Administration Fact Sheet



BRIEFING ROOM

FACT SHEET: Biden-Harris Administration Advances Equality and Visibility for Transgender Americans

MARCH 31, 2022 • STATEMENTS AND RELEASES

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/31/fact-sheet-biden-harris-administration-advances-equality-and-visibility-for-transgender-americans/>



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Inclusive Language Considerations

Employee Facing:

- Names
- Pronouns
- Daily interactions
- Data collection/ Self ID – gender markers
- Policy language
- Communications

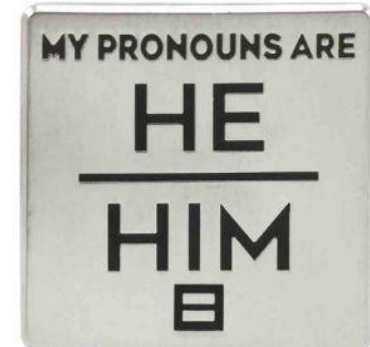
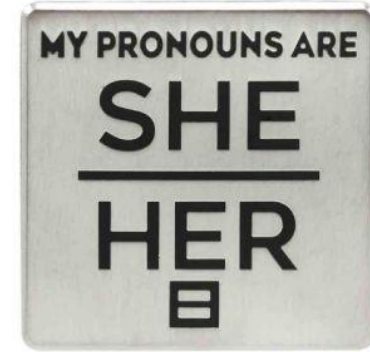
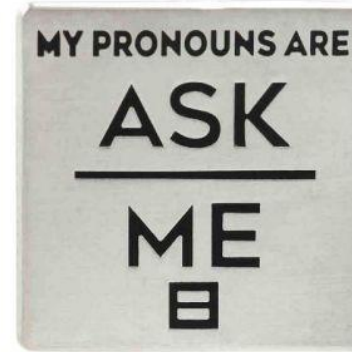
Customer Facing:

- Names
- Honorifics
- Greetings
- Store interactions
- Call center scripts
- Data collection –consumer profiles, surveys and marketing

Things to Consider...

Pronoun Sharing

- Rising practice
 - Internal directories
 - Email signatures
 - LinkedIn profiles
 - Buttons or stickers





Self-ID/LGBTQ+ Data Collection in the CEI

Self-ID/LGBTQ+ Data Collect is include in:

NEW INTERNAL TRAINING AND ACCOUNTABILITY EFFORTS AND BEST PRACTICES (10 points)

Businesses must demonstrate a firm-wide sustained effort to measure LGBTQ+ identity w/ data collection, include **at least 1** of the following:

- Anonymous employee engagement/climate survey
- In Data collection forms that also include employee race, gender, military and disability status (new hire onboarding systems like HRIS)
- Your Board's Diversity Report

Additional Self-ID Resources

- **See UMass Amherst Center for Employment Equity white paper on IBM's self-ID practices:**
<https://www.umass.edu/employmentequity/collecting-lgbt-data-diversity-initiating-self-id-ibm>
- **HRC's Report on LGBTQ-Inclusive Data Collection**
<https://assets2.hrc.org/files/assets/resources/HRC-LGBTQ-DataCollection-Report.pdf>
- **HRCF Third Gender Identification and U.S. Employers:**
https://hrc-prod-requests.s3-us-west-2.amazonaws.com/HRCF_Factsheet-Third-Gender-Identification-for-Employers_2020.pdf?mtime=20201012161752&focal=none



Self-ID/LGBTQ+ Data Collection FAQs

Can I make Self-ID submission mandatory for all employees?

- All SOGI information should be shared on a voluntary basis. Non-mandatory approach to collecting LGBTQ+ data

Mandatory Inclusion vs. Voluntary Participation

- It is important to distinguish between the mandatory inclusion of SOGI questions in data collection instruments and ensuring that SOGI questions are non-mandatory for respondents.
- While laws and policies should require that relevant government data collection efforts include SOGI measures, questions regarding sexual orientation and gender identity should, like all other demographic questions, be voluntary for the participant.

What if I have low engagement with our Self-ID program?

- Remember the KEYS TO SUCCESSFUL SELF-ID...
 - Lay the Foundation (internal policies and practices)
 - Explain the Why (What's in it for me to participate)
 - Reinforce Policies (Reiterate the protective policies when launching)
 - Explain How (How will use this data and who will have access to it)



Next Session Details:

**Monday, August 15th
@ 3pm EST**

**Outreach or Engagement to the Broader
LGBTQ+ Community**

Questions?

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

cei@hrc.org

THANK YOU!



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