

DOMESTIC PARTNERS RECEIVE BENEFITS IN LARGE FIRMS

More than 57 percent of the country's largest corporations now offer their employees health insurance benefits for domestic partners, 85 percent prohibit employment discrimination based on sexual orientation, and 35 percent prohibit bias based on gender identity, according to a report by the Human Rights Campaign Foundation.

"This report shows that the country's largest and most competitive employers are most likely to have added protections based on gender identity and sexual orientation, setting consistent expectations of equal opportunity for their employees and job applicants regardless of where they work in the United States," according to Joe Solmonese, president of the Washington, D.C.-based Human Rights Campaign (HRC).

The report finds that 286 of the *Fortune* 500 companies provide equal benefits to same sex couples. The domestic partner benefit is even more prevalent among employers at the top of the *Fortune* list. "Eighteen of the *Fortune* 100 now provide transgender-inclusive health insurance, compared to just one in 2001, showing a rapidly-emerging standard for employees."

Among the *Fortune* 500 companies, 19 implemented domestic partner benefits since 2006. Compared to just 3 percent of *Fortune* 500 businesses in 2000, 35 percent, or 175 businesses, incorporated job protection in 2008 that prohibit discrimination based on gender identity. "Of the top 100 *Fortune*-ranked businesses, 60 include protections based on gender identity." Meanwhile, 85 percent of *Fortune* 500 companies now have protections based on sexual orientation, compared to 51 percent in 2000. Of the *Fortune* 100, 94 included sexual orientation protections.

The report points out that federal law mandates employers not discriminate on the basis of race, color, religion, sex (including pregnancy), national origin, age or disability, but is "largely silent" on discrimination based on gender identity or expression and sexual orientation. Further, although Title VII of the Civil Rights Act of 1964 prohibits workplace sex discrimination, appeal courts have repeatedly held that Congress did not intend the term "sex" to include sexual orientation.

Twelve states and the District of Columbia prohibit discrimination based on sexual orientation and gender identity in private employment: California, Colorado, Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington. Another eight states prohibit workplace discrimination based on sexual orientation, but not on gender identity: Connecticut, Hawaii, Maryland, Massachusetts, Nevada, New Hampshire, New York, and Wisconsin.

Some 50 businesses have joined the HRC Business Coalition for Workplace Fairness in support of the Employment Non-Discrimination Act, which would add gender identity and sexual orientation to existing nondiscrimination law. Additionally, 50 businesses have also joined the HRC Business Coalition for Benefits Tax Equity in support of the Tax Equity for Domestic Partners and Health Plan Beneficiaries Act, which would exempt from employee income tax and employer payroll tax the health benefits provided to domestic partners.

The 38-page report, *The State of the Workplace for Gay, Lesbian, Bisexual and Transgender Americans*, is available at http://www.hrc.org/documents/HRC_Foundation_State_of_the_Workplace_2007-2008.pdf.

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