

# W O R K P L A C E

FOR LESBIAN, GAY, BISEXUAL AND TRANSGENDERED AMERICANS  
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THE STATE OF THE



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**The Human Rights Campaign envisions an America where lesbian and gay people are ensured of their basic equal rights — and can be open, honest and safe at home, at work and in the community.**

**WORKNET**

The Human Rights Campaign Foundation's workplace project, WorkNet, is a national source of information on laws and policies surrounding sexual orientation and gender identity in the workplace. WorkNet advises employees and employers on the value of workplace diversity. It collects, analyzes and disseminates information to assist employees and employers in implementing policies and procedures aimed at treating gay, lesbian, bisexual and transgendered workers equally. For more information, visit the WorkNet website at <http://www.hrc.org/worknet>, or contact Daryl Herrschaft at (202) 216-1552 or via e-mail at [daryl.herrschaft@hrc.org](mailto:daryl.herrschaft@hrc.org).

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# TABLE OF CONTENTS

<b>Methodology</b> .....	6
<b>Executive Summary</b> .....	7
<b>Introduction</b>	
Being Lesbian, Gay, Bisexual or Transgendered at Work .....	11
<b>Chapter 1</b>	
Legal Protections for LGBT Workers.....	15
A. Laws Covering Sexual Orientation .....	16
B. Laws Relating to Employee Benefits .....	19
<b>Chapter 2</b>	
Gender Non-Conformity in the Workplace.....	21
<b>Chapter 3</b>	
Advancements in the Workplace .....	23
I. Non-discrimination Policies .....	23
II. Domestic Partner Benefits.....	25
<b>Chapter 4</b>	
Other Key Gains and Losses in 1999-2000 .....	31
A. The Big Three Automakers .....	31
B. ExxonMobil and the Impact of Shareholder Activism .....	31
C. Notable Court Cases.....	32
<b>Chapter 5</b>	
Conclusions.....	35
<b>Endnotes</b> .....	36
<b>Appendix 1</b>	
Fortune 500 Companies With Non-Discrimination Policies That Include Sexual Orientation .....	38
<b>Appendix 2</b>	
Fortune 500 Companies That Provide Domestic Partner Health Benefits .....	41
<b>Appendix 3</b>	
Businesses Endorsing the Employment Non-Discrimination Act .....	43

## A NOTE ON METHODOLOGY

This report covers the period from August 1999 (where the 1999 “The State of the Workplace” left off) through August 2000.

There is no central place where employers report the factors tracked in this report, i.e., whether they have written non-discrimination policies or offer domestic partner benefits. Likewise, there is no central place where state and local governments report legislation or executive orders relating to workplace policies. Thus, the data in this report come from a variety of sources, including: direct reporting to HRC WorkNet, the Human Rights Campaign Foundation’s workplace project; news accounts; the San Francisco Human Rights Commission; employee resource groups; and other gay, lesbian, bisexual and transgender advocacy organizations. HRC WorkNet makes every effort to check the accuracy of the information it receives.

With regard to domestic partner benefits, data on more than 2,700 employers were provided by the San

Francisco Human Rights Commission. Unlike HRC, San Francisco does not categorize employers by market sector. Thus, there are several tables in this report analyzing trends in market sectors that rely solely on HRC-compiled data. As a result, they do not provide a complete analysis of all 3,500-plus employers with domestic partner benefits; they do, however, point to certain trends within market sectors.

HRC WorkNet has meticulously compiled and maintained its database over the last six years. It is arguably the most complete and accurate listing of domestic partner policies and non-discrimination policies in existence. It is possible (and indeed likely) that employers not listed in this report or on HRC’s website have policies regarding LGBT employees. HRC WorkNet encourages readers of “The State of the Workplace” and visitors to its website ([www.hrc.org/worknet](http://www.hrc.org/worknet)) to contact the Human Rights Campaign with any omissions or errors in any lists.

# WORKPLACE

## EXECUTIVE SUMMARY

No federal law protects lesbian, gay, bisexual or transgendered workers from discrimination on the basis of their sexual orientation or gender identity. A bill called the Employment Non-Discrimination Act would make it illegal to discriminate based on real or perceived sexual orientation. The legislation currently does not include protections based on gender identity, although a coalition of groups, including the Human Rights Campaign, is continuing to educate members of Congress on the need for such protections. In spite of strong public support for protections based on sexual orientation, Congress has been slow to act.

### State and Local Laws

In the meantime, private employers and state and local governments have been working diligently on the issue of sexual orientation discrimination.

Currently, 11 states (California, Connecticut, Hawaii, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, Rhode Island, Vermont and Wisconsin), 116 cities and counties and the District of Columbia have outlawed job discrimination based on sexual orientation. Only one state — Minnesota — prohibits workplace discrimination based on gender identity as well.

In the 2000 state legislative session, at least 13 states considered civil rights protections for LGB people, while eight states considered bills to block them. And at least five states considered bills to extend civil rights protections based on sexual orientation *and* gender identity.<sup>1</sup> While most of the state measures were not passed, two important bills became law: California enacted a provision that strengthened its existing ban on discrimination, and Maine Gov. Angus King signed a bill that will ask voters to decide in November 2000 whether to authorize a law to ban discrimination based on sexual orientation.

Meanwhile, the number of cities and counties enacting workplace protections based on sexual orientation continues to rise. Minneapolis was the first municipality to enact such protections, in 1974. By 1980, a total of only 16 cities and counties provided protections for lesbian and gay workers. In the 1980s, 26 additional jurisdictions added similar laws. In the

1990s, 74 more cities and counties had prohibited anti-gay employment discrimination in the private sector, bringing the total to 116.

Since August 1999, at least five municipalities enacted laws outlawing anti-gay job discrimination (Davenport, Iowa; Grand Ledge, Mich.; Henderson, Ky.; Jefferson County, Ky.; and Westchester County, N.Y.). At least eight additional jurisdictions considered civil rights protections for lesbians and gays in the same time period but had not yet enacted such provisions (Allentown, Pa.; Bowling Green, Ky.; Columbus, Ind.; Dayton, Ohio; Flagstaff, Ariz.; Fort Wayne, Ind.; Jackson, Mich.; Royal Oak, Mich.)

In some cases, local laws confront fierce opposition from citizens who object on religious grounds. Since November 1999, at least five local laws covering sexual orientation employment protection have been the subject of voter referendums. Voters in Albuquerque, N.M., Ferndale, Mich., and Greeley, Colo., voted against civil rights protections for lesbian and gay workers, while voters in Spokane, Wash., and Falmouth, Maine, upheld such protections in their communities. In five Michigan cities — Royal Oak, Kalamazoo, Grand Ledge, Grand Rapids and Traverse City — opponents failed to collect enough signatures to place repeal measures on the ballot.

### Gender Identity

Laws banning employment discrimination against transgendered workers are on the upswing, with 31 state and local governments providing some form of protection for gender-different people.

Two states (Minnesota and Iowa), the District of Columbia, and 28 municipalities protect transgendered or gender-different people either through legislation or executive order.

City and county councils are leading the way in this progressive movement for civil rights protections; securing statewide protections has proved more difficult. In 1999 and the first half of 2000, the state of Iowa and nine cities and counties (Ann Arbor, Mich.; Atlanta; Boulder, Colo.; Decatur, Ga.; Jefferson County, Ky.; Lexington, Ky.; Louisville, Ky.; Tucson, Ariz.; and Washington, D.C.) agreed to extend some form of workplace protection for transgendered people.

At least four Fortune 500 companies — AMR/American Airlines, Apple Computer, Lucent Technologies and Xerox — and Trillium Asset Management include prohibitions on discrimination against transgendered employees in their corporate policies.

### **Advancements in the Workplace**

#### *Non-Discrimination Policies — Private Employers*

As of August 2000, the Human Rights Campaign Foundation had identified 1,708 companies, colleges and universities, state and local governments and federal agencies that have written policies prohibiting discrimination based on sexual orientation.

The majority of Fortune 500 companies have included sexual orientation in their non-discrimination policies since at least 1996; currently, 77 of the Fortune 100 and 41 of the Fortune 50 have such policies. The closer a company is to the top of the Fortune 500 list, the more likely it is to include sexual orientation in its non-discrimination policy, suggesting that the most successful companies in America are those that embrace diversity and work toward providing an inclusive work environment for lesbian and gay employees. (See Appendix 1.)

Employers that include sexual orientation in their non-discrimination policies can be found in all 50

states. California, New York, Massachusetts, Pennsylvania and Illinois remain the states with the greatest number of such employers. Mississippi and Arkansas, which last year had no identified employers with inclusive non-discrimination policies, now have such employers.

#### *Non-Discrimination Policies — Public Employers*

A total of 225 state and local governments or government agencies provide some form of protection against anti-gay discrimination in their public work forces. Seven states ban anti-gay discrimination in their public work force by executive order of the governor: Colorado, Iowa, Maryland, New Mexico, New York, Pennsylvania and Washington. And one state — Illinois — proscribes anti-gay employment discrimination via civil service rules. Since August 1999, at least four state and local governments have added sexual orientation protections for their public work forces: the state of Iowa; Fairfax County, Va.; Salt Lake City; and Decatur, Ga.

In May 1998, President Clinton issued an executive order prohibiting discrimination based on sexual orientation in the federal civilian work force. Some agencies and departments of the federal government have been working to implement the policies. To date, all 14 Cabinet-level departments and 23 independent agencies and offices have included the words sexual orientation in their non-discrimination policies.

#### *Domestic Partner Benefits — Private Sector*

As of August 2000, the Human Rights Campaign Foundation had identified 3,572 private companies, colleges and universities and state and local governments that offer (or have announced they will soon offer) domestic partner health insurance to their employees, up from 2,856 employers in August 1999. This was an increase of 25 percent.

Since August 1999, the number of Fortune 500 companies that have begun offering domestic partner benefits or have announced their intention to do so jumped from 70 to 102, an increase of 46 percent. (See Appendix 2.)

In 1999 and 2000, several “old economy” business sectors, such as the **automobile**, **aerospace** and **consumer products** industries, entered the growing universe of employers offering domestic partner benefits.

In a landmark move, on June 8, 2000, the Big Three automakers – DaimlerChrysler, General Motors Corp. and Ford Motor Co. – along with the United Auto Workers jointly announced domestic partner benefits for their 400,000-plus employees. This marked the first time that virtually an entire sector of American commerce, along with its leading union, decided collectively to provide domestic partner benefits. The companies made the decision after agreeing to study the issue as part of new contracts made with the United Auto Workers the fall of 1999.

In addition, the benefits continued to spread within the **airline**, **consulting** and **financial services** industries, sectors that only recently began offering DP benefits.

For the 2,707 employers currently in compliance with San Francisco’s equal benefits law, 100 percent offer the coverage to both same- and opposite-sex domestic partners because the law says they must. However, even without a law, most employers make these benefits available to all employees. A total of 65 percent of employers not covered by the San Francisco ordinance that offer these benefits make them available to opposite-sex domestic partners as well.

#### *Domestic Partner Benefits — Public Sector*

In all, 90 state and local governments or government agencies provide health insurance benefits to the domestic partners of their employees. Since August 1999, two states, Connecticut and Washington, added benefits for state workers, bringing the total to six. Also, 12 cities and counties have either added or announced their intention to provide domestic partner benefits for their employees in the time period covered by this report: Albuquerque, N.M.; Atlanta; Bar Harbor, Maine; Brattleboro, Vt.; Dane County, Wis.; Gainesville, Fla.; Kalamazoo, Mich.; Madison, Wis.; Montgomery County, Md.; Phoenix, Ariz.; Providence, R.I.; and Sonoma County, Calif.

The total number of city and county governments that now provide the benefits to their employees is 74. An additional 10 city government agencies (such as school districts and utility commissions) provide these benefits.

At least 12 states considered domestic partnership legislation during the period covered by this report.<sup>2</sup> Another seven localities considered or were still considering such proposals: Scottsdale, Ariz.; San Bernardino, Calif.; Lakewood, Ohio; Palm Beach County (Fla.) School District; Suffolk County, N.J.; Tampa, Fla.; and Maricopa County, Ariz.

(See p. 27 for a complete list of state and local governments offering DP benefits.)



# W O R K P L A C E

## INTRODUCTION

### Being Lesbian, Gay, Bisexual or Transgendered at Work

As President Clinton has said, “Being gay, the last time I thought about it, seemed to have nothing to do with the ability to read a balance book, fix a broken bone or change a spark plug.”<sup>3</sup> Yet sexual orientation does play a role at work. Prejudice and homophobia too often manifest themselves in the workplace in the form of discrimination or harassment, and in more subtle ways as well. These forces present significant challenges for employees deciding whether to reveal their sexual orientation and for managers trying to create a climate that promotes understanding and productivity.

Today, it is legal in 39 states to fire, decline to hire or promote or otherwise discriminate against an employee merely because of his or her sexual orientation, or perceived sexual orientation. For many lesbian, gay and bisexual employees, this is reason enough to hide their true identity at work. The fear of rejection, losing out on promotions or not being assigned desired work can all factor into an employee’s decision to remain in the closet and not disclose his or her true sexual orientation.

These fears are not unfounded. A 1992 study that summarized one national survey and 20 city and state surveys of lesbian, gay and bisexual people revealed that between 16 percent and 44 percent of gay people reported incidents of anti-gay workplace discrimination in their lives.<sup>4</sup> Subsequent surveys have found even higher levels of discrimination, some occurring in professions that many might consider more tolerant.

A 1993 study by the Los Angeles County Bar Association Committee on Sexual Orientation Bias found that 68 percent of gay men and 58 percent of lesbians reported that they had either witnessed or were the victims of anti-gay discrimination. Detailed survey questions revealed bias in recruitment and hiring, in the general work environment, in anti-gay statements and jokes, in work assignments, in evaluation and promotion and in pay. Other studies have revealed similar levels of discrimination in the fields of political science, medicine and sociology.<sup>5,6,7</sup>

Sometimes, gay, lesbian or bisexual employees who hide their orientation are presumed to be heterosexual and thus may find themselves in uncomfortable situations. They may be forced to listen to anti-gay or AIDS jokes. A break around the watercooler can turn into a tense conversation about dating, who they’re bringing to an office party or how they’re spending their weekend or vacation.

Employees who are subject to such jokes or remarks may put more of their energy into hiding their personal lives out of fear of recrimination. It’s hard work to dodge questions about what you did on your vacation and what your weekend plans are. It can be frustrating to refrain from putting a picture of your partner on your desk or always opting out of discussions about your family.

All these factors can contribute to workplace environment that is unfriendly or even hostile for lesbian, gay, bisexual and transgendered workers. This can have repercussions for the employee’s morale and productivity, not to mention overall organizational effectiveness.

Recognizing this, many employers have begun to take steps to make their workplace more hospitable to lesbian, gay, bisexual and transgendered workers. Employers across America have responded by adopting written non-discrimination policies, providing domestic partner benefits, including sexual orientation and gender identity in their diversity initiatives and taking other actions.

## Documenting Discrimination

The Human Rights Campaign's Documenting Discrimination Project has tracked more than 800 cases of sexual orientation discrimination in the workplace from all 50 states since the project began in 1994. Below are a few examples of recent cases. For more information about the project or to report a case of discrimination, visit [www.hrc.org/worknet](http://www.hrc.org/worknet).

### **David Horowitz** *Arizona*

David Horowitz was a lawyer in the Arizona attorney general's office when he applied for a position as an assistant city prosecutor in Mesa, Ariz., in 1994. He was the office's No. 2 pick for the job and was called back six months later — by the city prosecutor himself — when the office had another vacancy. During a meeting to discuss the position further, Horowitz told the city prosecutor that he is gay. "We may have a problem with that," the prosecutor said. "This a very conservative community." The prosecutor ended their meeting by promising to get back to Horowitz. Three weeks later, Horowitz received a letter thanking him for his interest in the city prosecutor's office and informing him that they had hired someone else for the position.

### **Dale Hall** *Illinois*

Dale Hall started waiting tables at a Red Lobster restaurant in 1986, while in college. He later completed a management training program and worked his way up through various restaurants until he was made associate manager at a restaurant in Lincolnwood, Ill. In 1995, Hall's supervisor in Lincolnwood began a campaign of harassment and intimidation and publicly announced, "I've got to get rid of this faggot."<sup>8</sup> A year later, Hall was fired.

### **Sue Kirchofer** *Washington*

Sue Kirchofer worked for a Seattle-based distributor as a buyer of products that the company then resold to clients. After working for the company for three years — with consistent raises and praise for her performance — Kirchofer was promoted to a new position in early 1994. That summer, Kirchofer used her annual vacation time to participate in the Gay Games as a soccer player. Two days after returning from the event, she was fired, supposedly due to low quarterly earnings. The owner told Kirchofer that the company could not continue her rate of pay. When she offered to take a pay cut, she was refused and told that she was no longer needed in any capacity at the company. At a staff meeting a week later, the owner responded to a question about Kirchofer's termination by saying, "If she can afford to go to the Gay Games, she can afford to find another job."

There are good reasons for employers to adopt these policies and benefits:

- > Attracting and retaining the best workers is critical, especially with unemployment holding steady at 4 percent, its lowest level in decades. With a growing number of employers adding sexual orientation and gender identity to their policies and programs, it is increasingly easy for LGBT workers to select employers with a more inclusive work environment. Employers that have a reputation for respecting diversity and that offer the best benefits packages will be at a competitive advantage.
- > Training new workers is costly and a huge waste if workers are leaving or being fired for reasons having nothing to do with job performance. Some studies have put the cost of recruiting a new employee as high as \$75,000.<sup>9</sup>
- > Maintaining strong policies against discrimination and providing equal benefits can alleviate personal stress that may keep employees from focusing fully on work.
- > Gay Americans are consumers and investors. Many LGBT consumers make purchasing decisions based on whether a company has fair policies. Moreover, being sensitive to how marketing and advertising are perceived by the LGBT community is increasingly important. A recent survey found that 74 percent of gay, lesbian, bisexual and transgendered consumers and 42 percent of heterosexual consumers said they would be less likely to buy a product from a company if it advertised

on a TV program that expressed negative views of gays and lesbians.<sup>10</sup>

- > It is the right thing to do. In the same way that most agree women and ethnic minorities, for instance, should be protected from unfair treatment because of who they are, LGBT workers should not have to worry that they could lose their jobs because of a supervisor's prejudice.

Today, an unprecedented number of lesbian, gay, bisexual and transgendered people are living their lives openly in their communities and at work. Although in some cases, being open about one's sexual orientation can lead to more harassment and discrimination, in most cases it has distinct advantages for both the employee and the employer. And in many workplaces, openly gay employees are welcomed.

LGBT employees have formed networking groups in more than 140 corporations. These groups can be a resource by acting as points of contact for employers who wish to know the primary concerns of their gay employees. They encourage an open and honest work environment that can be a boon to productivity. Further, LGBT employee groups can serve the organization by helping it to explore and implement ways to better reach out to the gay community as potential customers, clients and employees. For a complete list of these groups, visit [www.hrc.org/worknet](http://www.hrc.org/worknet).



# WORKPLACE

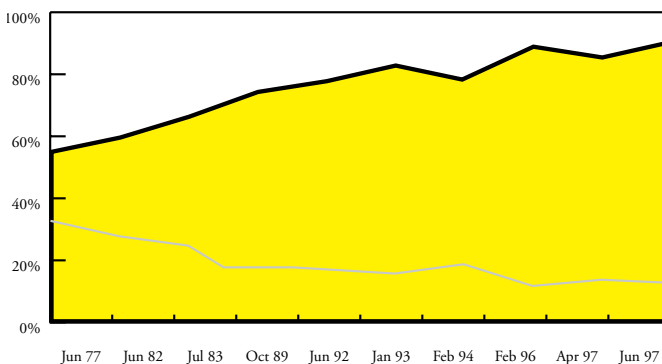
## CHAPTER 1

### Legal Protections for LGBT Workers

No federal law protects lesbian, gay, bisexual or transgendered workers from discrimination on the basis of their sexual orientation or gender identity. While the vast majority of Americans agree that no one should be fired, passed over for promotion or otherwise discriminated against at work solely because of his or her sexual orientation, Congress has been slow to act. (See Figure 1.)

Current federal law only protects individuals from employment discrimination based on race, religion, national origin, sex, age and disability.<sup>11</sup> A bill called the Employment Non-Discrimination Act would make it illegal to discriminate based on real or perceived sexual orientation. ENDA was first introduced in Congress on June 23, 1994. On Sept. 10, 1996, it came within one vote of passing the Senate. It was reintroduced in the 106th Congress on June 24, 1999.

The bill would bar employers from using an individual's sexual orientation as the basis for employment decisions, such as hiring, firing, promotion or compensation. It would not apply to businesses with fewer than 15 employees or to religious organizations, including educational institutions substantially controlled by religious organizations. The bill does not include protections based on gender identity, although a coalition of groups, including the Human Rights Campaign, is educating members of Congress on the need for such protections. Also, a growing number of businesses are calling on Congress to pass ENDA. (See Appendix 3.)



**Figure 1.** Americans Oppose Discrimination Against Gays in the Workplace<sup>12</sup>

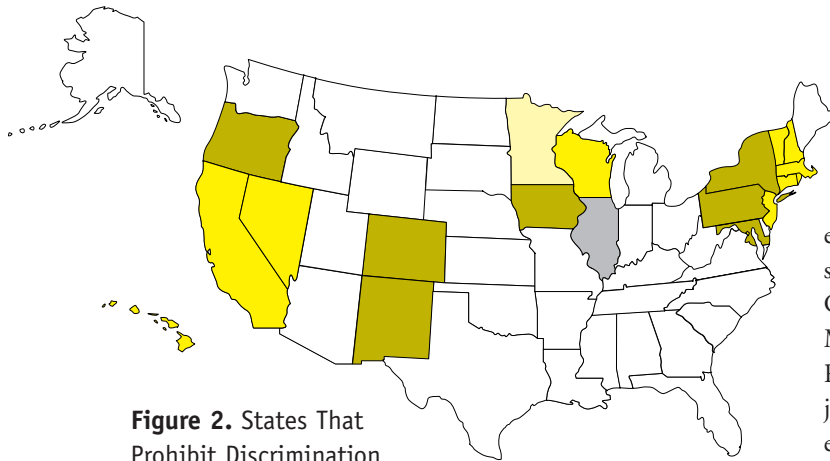
Americans who think lesbians and gays should have equal rights in the workplace.

Americans who think lesbians and gays should not have equal rights in the workplace.

#### Court Case Highlights Lack of Federal Protections

Robert Higgins worked for New Balance Athletic Shoe Inc. and had been given a “very good” overall employee performance review in October 1995. Because of his sexual orientation, Higgins was the subject of verbal and physical assaults by numerous co-workers. Higgins was fired Jan. 6, 1996, after receiving two warnings for supposedly failing to work cooperatively. He filed suit against the company alleging discrimination in violation of federal law. However, because sexual orientation discrimination is not prohibited under federal law, the court was required to dismiss Higgins’ claim. In its ruling, the court stated:

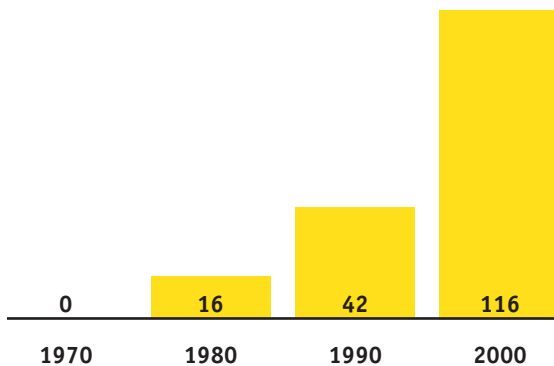
*[I]n determining along with numerous other jurisdictions that [federal law] does not provide a remedy for discrimination based on sexual orientation, the court does not in any way condone this serious and pervasive activity in the American workplace. The intolerable working conditions set forth in the cases denying relief under [federal law] for rampant discrimination based on sexual orientation call for immediate remedial response by Congress.<sup>13</sup>*



**Figure 2. States That Prohibit Discrimination Based on Sexual Orientation or Gender Identity**

- States with laws that bar job discrimination based on sexual orientation.
- States with laws that bar job discrimination based on sexual orientation and gender identity.
- States with executive orders that bar discrimination in public employment based on sexual orientation. *Note: Iowa's executive order includes gender identity.*
- States with civil service rules that bar discrimination in public employment based on sexual orientation.

**Figure 3. The Number of Cities and Counties Prohibiting Employment Discrimination Based on Sexual Orientation, By Decade**



### A. Laws Covering Sexual Orientation

With the lack of federal protection from discrimination, lesbian, gay, bisexual and transgendered Americans are covered by a patchwork of state and local laws. Eleven states, 116 cities and counties and the District of Columbia have enacted provisions outlawing job discrimination based on sexual orientation in the private sector. The states of California, Connecticut, Hawaii, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, Rhode Island, Vermont and Wisconsin ban anti-gay job discrimination. Only one — Minnesota — has extended these protections based on gender identity.

Wisconsin became the first state to prohibit anti-gay employment discrimination in 1982. Massachusetts followed in 1989. The other nine states all acted in the 1990s to include sexual orientation in their civil rights statutes.

In the 2000 state legislative session, at least 13 states considered civil rights protections for LGB people, while eight states considered bills to block them. And at least five states considered bills to extend civil rights protections based on sexual orientation *and* gender identity.<sup>14</sup> While most of the state measures were not passed, two important bills became law: California enacted a provision that strengthened its existing ban on discrimination, and Maine Gov. Angus King signed a bill that will ask voters to decide in November 2000 whether to authorize a law to ban discrimination based on sexual orientation.

This will be the third time that Maine voters will consider the issue of discrimination against lesbians and gays. In 1995, voters rejected a proposal to keep municipalities from passing equal rights measures covering sexual orientation. In 1998, voters repealed a statewide civil rights law covering sexual orientation that had been signed a year earlier.

Seven states ban anti-gay discrimination in their public work force by executive order of the governor: Colorado, Iowa, Maryland, New Mexico, New York,

Pennsylvania and Washington. The protections afforded to state employees through this means are subject to changes in political leadership.

For example, in Ohio, Democratic Gov. Richard Celeste issued an order banning discrimination against gays in state government in 1984. George Voinovich, a Republican now serving in the U.S. Senate, continued it during his eight years as governor until January 2000 when Republican Gov. Bob Taft deleted the words “sexual orientation” from the executive order.

Iowa Gov. Tom Vilsack, a Democrat, signed an executive order Sept. 14, 1999, that added sexual orientation and gender identity as characteristics protected from discrimination in state employment. This made Iowa the first state to outlaw discrimination based on gender identity via executive order. However, the Iowa Legislature passed a measure overturning the order on April 14, 2000. Vilsack vetoed the measure the same day, but, at this writing, he faced a lawsuit filed by 23 GOP legislators who claim he overstepped his authority by signing the order.

One state — Illinois — bans discrimination in its public work force via civil service regulations. (See Figure 2.)

Minneapolis was the first municipality to ban anti-gay job discrimination, in 1974. By 1980, a total of only 16 cities and counties provided protections for lesbian and gay workers. In the 1980s, 26 additional jurisdictions added similar laws. In the 1990s, 74 more cities and counties had prohibited anti-gay employment discrimination in the private sector. (See Figure 3.)

Since August 1999, at least five municipalities enacted laws banning anti-gay job discrimination. They are:

Davenport, Iowa	Jefferson County, Ky.
Grand Ledge, Mich.	Westchester County, N.Y.
Henderson, Ky.	

At least eight additional jurisdictions considered civil rights protections for lesbians and gays since August

1999 and — after extensive and passionate debate in many cases — have not yet enacted such provisions into law:

Allentown, Pa.	Flagstaff, Ariz.
Bowling Green, Ky.	Fort Wayne, Ind.
Columbus, Ind.	Jackson, Mich.
Dayton, Ohio	Royal Oak, Mich.

In some cases, local laws confront fierce opposition from citizens who object on religious grounds. Since November 1999, at least five local laws covering sexual orientation employment protection have been the subject of voter referendums. Voters in Albuquerque, N.M., Ferndale, Mich., and Greeley, Colo., voted against civil rights protections for lesbian and gay workers, while voters in Spokane, Wash., and Falmouth, Maine, upheld such protections in their communities. In five Michigan cities — Royal Oak, Kalamazoo, Grand Ledge, Grand Rapids and Traverse City — opponents failed to collect enough signatures to place repeal measures on the ballot.

Also, organizers failed to gather enough signatures to place the Miami-Dade County law before voters for a second time. Former beauty queen Anita Bryant led a successful crusade in 1977 to overturn Miami-Dade’s original non-discrimination ordinance. The city passed the law a second time in 1998. That time, religious-political groups missed the April deadline for gathering 33,000 signatures to qualify for the September 2000 ballot.

Leaders of SAVE Dade, a group trying to keep the ordinance on the books, cautioned that the victory might be short-lived because there is no limit to the number of times opponents can try to bring a vote on the issue. However, Take Back Miami-Dade — a coalition of anti-gay groups including the Florida Family Association and the Christian Coalition — failed to meet a deadline of July 26, 2000, to receive County Commission approval to begin collecting signatures for the November ballot.

**Table 1.**  
**Cities and Counties That Prohibit Employment Discrimination Based on Sexual Orientation**

<b>Arizona</b> Phoenix 1992 Tucson 1999	Lafayette 1993 West Lafayette 1993	<b>Nevada</b> Carson City 1999
<b>California</b> Berkeley 1978 Cathedral 1987 Davis 1986 Laguna Beach 1984 Long Beach 1989 Los Angeles 1979 Oakland 1984 Sacramento 1986 Santa Cruz 1992 San Diego 1990 San Francisco 1978 Santa Monica 1984 West Hollywood 1984 Los Angeles County 1989 San Mateo County 1992 Santa Cruz County 1998	<b>Kansas</b> Lawrence 1995	<b>New York</b> Albany 1992 Alfred 1974 East Hampton 1985 Ithaca 1984 New York 1993 Syracuse 1990 Albany County 1996 Onondaga County 1998 Tompkins County 1991 Westchester County 1999
<b>Colorado</b> Aspen 1977 Boulder 1987 Crested Butte 1993 Denver 1990 Telluride 1993	<b>Kentucky</b> Henderson 1999 Jefferson 1999 Louisville 1999 Lexington 1999	<b>Ohio</b> Cleveland 1994 Columbus 1992 Toledo 1998 Yellow Springs 1979
<b>Connecticut</b> Hartford 1977 New Haven 1991 Stamford 1991	<b>Louisiana</b> New Orleans 1991	<b>Oregon</b> Ashland 1993 Corvallis 1994 Eugene 1994 Portland 1994 Benton County 1998
<b>Florida</b> Gainesville 1999 Key West 1991 Miami Beach 1993 Tampa 1992 Broward County 1995 Miami-Dade County 1998	<b>Massachusetts</b> Amherst 1976 Boston 1984 Brookline 1988 Cambridge 1984 Malden 1984 Somerville 1993 Worcester 1986	<b>Pennsylvania</b> Harrisburg 1983 Philadelphia 1982 Pittsburgh 1990 Lancaster 1991 York 1993
<b>Iowa</b> Ames 1991 Cedar Rapids 1999 Davenport 2000 Iowa City 1977	<b>Maryland</b> Baltimore 1988 Howard County 1983 Rockville 1990 Montgomery County 1984 Prince Georges County 1991	<b>Rhode Island</b> Providence 1995
<b>Illinois</b> Champaign 1977 Chicago 1988 DeKalb 1998 Urbana 1979 Cook County 1993	<b>Maine</b> Bar Harbor 1998 Castine 1999 Falmouth 1999 Long Island 1997 Orono 1998 Portland 1992 South Portland 1998	<b>Texas</b> Austin 1975
<b>Indiana</b> Bloomington 1993	<b>Michigan</b> Ann Arbor 1978 Detroit 1979 East Lansing 1986 Flint 1990 Grand Ledge 2000 Grand Rapids 1994 Ypsilanti 1997	<b>Virginia</b> Alexandria 1997 Charlottesville 1994 Arlington County 1997
	<b>Minnesota</b> Minneapolis 1974 St. Paul 1990	<b>Washington</b> Seattle 1980 Spokane 1999 King County 1988
	<b>Missouri</b> Columbia 1992 Kansas City 1993 St. Louis 1993	<b>Wisconsin</b> Madison 1979 Milwaukee 1991

## B. Laws Relating to Employee Benefits

### *Equal Benefits Ordinances*

The cities of San Francisco, Los Angeles and Seattle each have enacted laws that require employers with city contracts to extend the same benefits to their employees' domestic partners as they do to their employees' spouses. San Francisco was the first municipality to enact such an ordinance, which took effect in June 1997. The Air Transport Association, which represents the major U.S. commercial airlines, sued the city, claiming that because airlines are federally regulated, San Francisco had overstepped its authority. U.S. District Judge Claudia Wilken exempted the airlines from having to offer equal pension or health benefits under the law but ordered them to offer such "soft" benefits as bereavement leave and equal travel privileges.

On July 30, 1999, United Airlines announced that it would offer health insurance and travel benefits to the domestic partners of its gay and lesbian employees worldwide. Six days later, American Airlines followed suit, but only for its domestic gay and lesbian employees. The following week, US Airways did the same. While for lesbian and gay employees at the airlines the lawsuit may seem moot, the ATA is continuing its appeal before the 9th Circuit Court of Appeals. As of late July 2000, the court had yet to hear arguments in the case.

In all, 2,707 employers have instituted domestic partner benefits as a result of the San Francisco Equal Benefits Ordinance. More information about the specific requirements of the ordinance can be obtained from the San Francisco Human Rights Commission at <http://www.ci.sf.ca.us/sfhumanrights/>.

A similar law in Los Angeles took effect Jan. 1, 2000, and applies to any employers with contracts valued at \$5,000 or more. As of July 14, 2000, 197 firms were in full compliance with the ordinance, while an additional 55 firms were in "provisional" compliance, meaning that collective bargaining agreements, enrollment periods or other provisions were in the process of

being modified to conform with the ordinance's requirements. Unlike the San Francisco Equal Benefits Ordinance, this law also applies to subcontractors.

In Seattle, the equal benefits requirement is effective for city contracts awarded on or after Sept. 30, 2000. As in San Francisco, the law does not apply to subcontractors. For more information about Seattle's equal benefits program, visit <http://cityofseattle.net/contract/equalbenefits/>.

Each of these laws applies to all benefits offered by an employer, including but not limited to bereavement leave, family and medical leave, health insurance benefits, membership discounts, relocation benefits and retirement plans.

### *Vermont's Civil Unions Law*

On July 1, 2000, a Vermont law went into effect establishing the institution of civil union for lesbian and gay couples, with all of the rights and privileges afforded to married couples under state law. It is the first law of its kind in the United States. Under it, lesbian and gay Vermonters who enter civil unions will be eligible to receive the same benefits for their spouses, including health insurance, as are now offered to married couples by their employers.

The law also requires insurance carriers operating in the state to write policies that cover gay couples in civil unions. Although this portion of the law doesn't take effect until Jan. 1, 2001, it will remove a major obstacle for employers trying to comply with the civil unions law. Employers in Vermont that have been reluctant to provide equal benefits for lesbian and gay couples will have to reconcile their policies with the new law.

### *Domestic Partner Registries*

Two states and 53 cities and counties have established domestic partner registries that, in some cases, allow lesbian and gay couples to obtain certain rights and benefits, such as hospital and jail visitation, child care leave and certain parental rights. Although these laws do not require employers to provide benefits to employees' domestic partners, some employers use the registries' definition of "domestic partner" as a guide for determining eligibility for their own benefits policies.

Since August 1999, one state and at least six cities have established domestic partner registries. In October 1999, California became only the second state — Hawaii was the first — to create a statewide domestic partner registry. The cities of Ashland, Ore.; Denver; Lacey, Wash.; Olympia, Wash.; Palm Springs, Calif.; and Tumwater, Wash., passed similar measures. At least two additional states considered measures but did not enact them: Florida and New York. And at presstime, Multnomah County, Ore., and Portland, Ore., were considering such legislation as well.

**Table 2.** Jurisdictions That Provide Domestic Partnership Registration

#### **California**

Berkeley 1991  
Cathedral 1997  
Davis 1994  
Laguna Beach 1990  
Long Beach 1997  
Oakland 1996  
Palm Springs 2000  
Palo Alto 1995  
Petaluma 1999  
Sacramento 1992  
San Francisco 1990  
Santa Barbara 1997  
Santa Monica 1995  
West Hollywood 1985  
Los Angeles County 1999  
Marin County 1993  
Santa Barbara County 1999  
State of California 1999

#### **Colorado**

Boulder 1996  
Denver 2000

#### **Connecticut**

Hartford 1993

#### **Florida**

Key West 1998  
Broward County 1999  
Monroe County 1998

#### **Georgia**

Atlanta 1993

#### **Hawaii**

State of Hawaii 1997

#### **Iowa**

Iowa City 1994

#### **Illinois**

Village of Oak Park 1997

#### **Louisiana**

New Orleans 1993

#### **Massachusetts**

Boston 1993  
Brewster 1995  
Brookline 1993  
Cambridge 1992  
Nantucket 1996  
Provincetown 1993

#### **Maryland**

Takoma Park 1993

#### **Michigan**

Ann Arbor 1991  
East Lansing 1991

#### **Minnesota**

Minneapolis 1991

#### **Missouri**

St. Louis 1997

#### **North Carolina**

Carrboro 1994  
Chapel Hill 1995

#### **New York**

Albany 1996  
Ithaca 1990  
New York 1993  
Rochester 1993

#### **Oregon**

Ashland 1999

#### **Pennsylvania**

Philadelphia 1998

#### **Texas**

Travis County 1993

#### **Washington**

Lacey 2000  
Olympia 2000  
Seattle 1994  
Tumwater 1999

#### **Wisconsin**

Madison 1998  
Milwaukee 1999

# WORKPLACE

## CHAPTER 2

### Gender Non-Conformity in the Workplace

Transgendered employees can face unique workplace challenges. (“Transgendered” is intended to include individuals whose gender expression, gender identity or personal appearance does not conform to the socially constructed gender norms of their biological birth sex. It can encompass cross-dressers, intersexed people, transsexuals and people who live substantial portions of their lives as other than their birth gender. Other terms used in conjunction or synonymously with transgender are “gender variant,” “gender different” and “gender non-conforming.”)

Transitioning employees — those who are moving outside the socially accepted standards of dress and/or physiology of their birth gender — often cannot avoid challenging community standards about what is gender-appropriate self-identification, appearance or expression. For instance, in some workplaces, a woman’s decision to forgo skirts, blouses, jewelry and cosmetics and to begin dressing in a “masculine” style might result in little more than raised eyebrows or a few arch comments. Yet in almost any workplace today, deeply held beliefs about gender roles likely would be challenged by a woman’s decision to modify her sex characteristics by taking male sex hormones and to begin identifying, dressing and behaving as a man.

Furthermore, little legal protection exists for workplace gender non-conformity. Consequently, transitioning employees may face a broad range of challenges in the workplace. Typically, employees undergoing a transition on the job need to prepare and educate co-workers and management, be mindful of their dress and demeanor, prepare to respond to harassment and be ready with a fallback plan in the event that they are forced to leave their job.

#### A. Laws Covering Gender Identity

Laws banning employment discrimination against transgendered workers are on the upswing, with 31 state and local governments providing some form of protection for gender-different people.

Two states (Minnesota and Iowa), the District of Columbia, and 28 municipalities protect transgendered or gender-different people either through legis-

lation or executive order. The jurisdictions range from large cities such as San Francisco, Seattle and Atlanta to smaller cities such as York, Pa., Iowa City, Iowa, and Decatur, Ga.

City and county councils are leading the way in this progressive movement for civil rights protections; securing statewide protections has proved more difficult. In 1999 and the first half of 2000, nine cities and counties and the state of Iowa extended some form of workplace protection for transgendered people.

All 31 state and local governments provide protections from discrimination for gender-variant or transgendered employees in their public work force and all but five (the state of Iowa, and the cities of Atlanta; Decatur Ga.; Portland, Ore.; and Olympia, Wash.) extend protection to employees in the private sector as well.

Wording of the statutes differs significantly across jurisdictions, meaning the level of protection that they offer differs as well. For example, Olympia, Wash., defines gender identity as “the status of being transsexual, transvestite or transgender,” while Ann Arbor, Mich., takes a broader approach by defining gender identity as a “person’s actual or perceived gender, including a person’s ‘gender identity,’ self-image, appearance, expression or behavior, whether or not that gender identity, self-image, appearance, expression or behavior is different from that traditionally associated with person’s sex at birth as being either female or male.” A more broadly worded statute might offer better protection for gender-different people who do not self-identify as transgendered but nonetheless do not fully conform to traditional gender norms.

## B. Gender Identity and Private Employers

At least four Fortune 500 companies — AMR/American Airlines, Apple Computer, Lucent Technologies and Xerox — and Trillium Asset Management include prohibitions on discrimination against transgendered employees in their corporate pol-

cies. Several other Fortune 500 companies are working on including “gender identity” or similar language in their corporate non-discrimination policies. The Human Rights Campaign Foundation continues to collect such data and work with employers on this issue.

**Table 3.** Jurisdictions That Prohibit Employment Discrimination Based on Gender Identity

State	Jurisdiction	Year Enacted	Type of Employers Covered		Method of Coverage for Gender Identity
			Public	Private	
Arizona	Tucson	1999	•	•	Uses term “gender identity”
California	Santa Cruz	1992	•	•	Included in definition of gender
	San Francisco	1994	•	•	Uses term “gender identity”
	West Hollywood	1998	•	•	Uses term “gender identity”
	Santa Cruz County	1998	•	•	Included in definition of gender
Colorado	Boulder	2000	•	•	Uses term “gender identity”
District of Columbia	Washington	1999	•	•	Included in definition of personal appearance
Georgia	Decatur	2000	•		Uses term “gender identity”
	Atlanta	2000	•		Uses term “gender identity”
Illinois	Evanston	1997	•	•	Included in definition of sexual orientation
Iowa	Iowa City	1995	•	•	Uses term “gender identity”
	State of Iowa	1999	•		Uses term “gender identity”
Kentucky	Lexington	1999	•	•	Uses term “gender identity”
	Louisville	1999	•	•	Uses term “gender identity”
	Jefferson County	1999	•	•	Uses term “gender identity”
Louisiana	New Orleans	1998	•	•	Uses term “gender identification”
Massachusetts	Cambridge	1992	•	•	Included in definition of gender
Michigan	Ann Arbor	1999	•	•	Uses term “gender identity”
	Ypsilanti	1997	•	•	Included in definition of sexual orientation
	Grand Rapids	1994	•	•	Uses term “gender orientation”
Minnesota	St. Paul	1990	•	•	Included in definition of sexual or affectional orientation
	Minneapolis	1975	•	•	Included in definition of “affectional preference”
	State of Minnesota	1993	•	•	Included in definition of sexual orientation
Ohio	Toledo	1998	•	•	Included in definition of sexual orientation
Oregon	Benton County	1998	•	•	Uses term “gender identity”
	Portland	1998	•		Uses term “gender identity”
Pennsylvania	York	1998	•	•	Included in definition of sexual orientation
	Harrisburg	1983	•	•	Included in definition of sex
	Pittsburgh	1997	•	•	Included in definition of sex
Washington	Olympia	1997	•		Uses term “gender identity”
	Seattle	1986	•	•	Included in definition of sexual orientation

# WORKPLACE

## CHAPTER 3

### Advancements in the Workplace

The term “gay-friendly” is often used to describe workplaces whose policies and atmosphere are considered welcoming to gay, lesbian and bisexual employees. But what exactly is it about an employer that makes it “gay-friendly?” Here are the principal hallmarks:

- > a written non-discrimination policy that covers sexual orientation and gender identity that is widely publicized to the work force, covers all aspects of employment and is consistently enforced.
- > a benefits program that treats all employees’ domestic partners equal to married spouses including, but not limited to, the provision of health insurance, pension and retirement benefits, life insurance, bereavement leave and family leave.
- > recognition and support of an LGBT employee resource group.
- > diversity awareness education for all employees that addresses sexual orientation and gender identity issues.
- > respectful and appropriate marketing and advertising to LGBT consumers and/or investors.
- > ongoing charitable support for LGBT and HIV/AIDS community organizations.
- > respect for employees’ right to bargain collectively to obtain anti-discrimination protections and equal benefits. In some locations, a collective bargaining agreement may be the only source of real protection LGBT employees have.

#### I. Non-Discrimination Policies That Include Sexual Orientation

Although corporate non-discrimination policies do not provide the same protection from discrimination as a civil rights law or, in some cases, even a collective bargaining agreement, including sexual orientation in the policy makes an important statement and sets the tone for how an employer intends to treat its lesbian, gay and bisexual employees.

As of August 2000, the Human Rights Campaign Foundation had identified 1,708 companies, colleges and universities, state and local governments and federal agencies that had written non-discrimination policies that included sexual orientation. According to HRC’s records, AT&T was the first employer to add sexual orientation in its non-discrimination policy, in 1975. (For a complete list of these employers, visit the HRC WorkNet website at [www.hrc.org/worknet](http://www.hrc.org/worknet).)

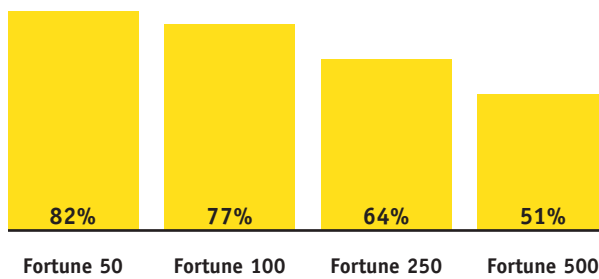
#### A. The Fortune 500 and the Private Sector

Trends among the Fortune 500 companies suggest that the most successful companies in America believe in protecting their employees from discrimination based on sexual orientation. The majority of Fortune 500 companies have included sexual orientation in their non-discrimination policies since at least 1996; currently, 77 of the Fortune 100 and 41 of the Fortune 50 have such policies. (See Appendix 1 for a complete list of Fortune 500 companies with non-discrimination policies that include sexual orientation.) In fact, the closer a company is to the top of the Fortune 500 list, the more likely it is to include sexual orientation in its non-discrimination policy. (See Figure 4.)

**Table 4.** Number of Employers With Non-Discrimination Policies That Include Sexual Orientation

Fortune 500 Companies	<b>255</b>
Other Private Sector Employers (Includes Non-Profits and Labor Organizations)	<b>883</b>
Colleges and Universities	<b>308</b>
State and Local Governments	<b>225</b>
Federal Departments and Agencies	<b>37</b>

**Figure 4.** Percent of Fortune Companies That Include Sexual Orientation In Their Non-Discrimination Policy



**Table 5.** Number of Private Sector Employers That Include Sexual Orientation In Their Non-Discrimination Policies, By Industry

Communications, Technology and Media Firms	<b>294</b>
Utilities, Engineering and Manufacturing	<b>171</b>
Insurance and Health Care	<b>122</b>
Consumer Products and Home Furnishings	<b>112</b>
Law Firms	<b>102</b>
Banking and Financial Services	<b>98</b>
Associations and Non-Profits	<b>69</b>
Food Services	<b>46</b>
Advertising, Marketing and Management Consulting	<b>33</b>
Unions and Labor Organizations	<b>33</b>
Transportation	<b>30</b>
Hotels and Entertainment	<b>20</b>
Clothing	<b>8</b>

### B. Colleges and Universities

At least 308 colleges and universities include sexual orientation in their non-discrimination policies. These include 44 of the top 50 national universities and 28 of the nation's top 40 liberal arts colleges, according to the 2000 *U.S. News and World Report* college rankings.

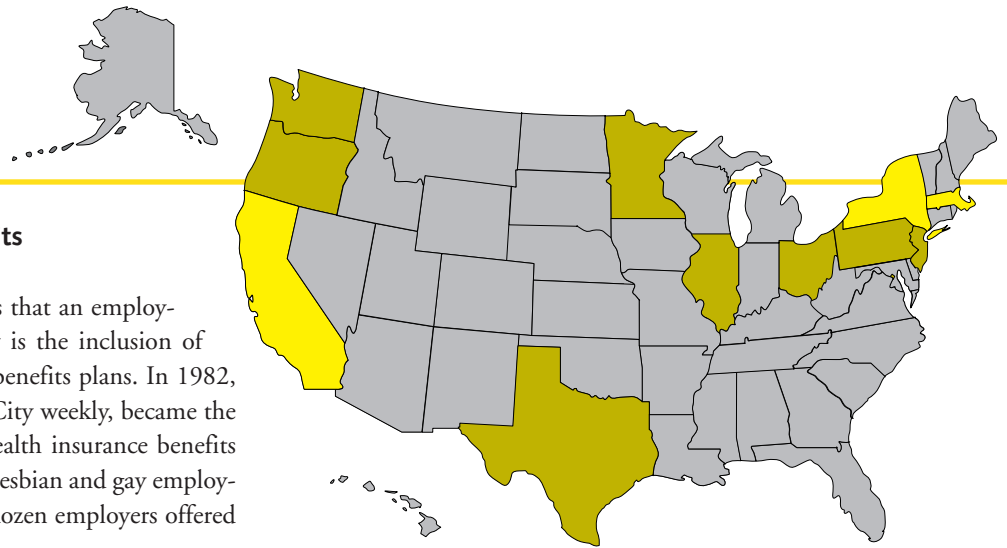
### C. State and Local Governments

Governments at the state and local level continued to work to stop sexual orientation discrimination in their work forces. Several of these jurisdictions either extended or considered extending such protections to private employers in their jurisdiction as well. Since August 1999, at least four state and local governments have added sexual orientation protections for their public work forces: the state of Iowa; Fairfax County, Va.; Salt Lake City; and Decatur, Ga.

The actions of these and other jurisdictions brought to 225 the number of state and local governments or government agencies providing some form of protection against anti-gay discrimination in their public work forces. This includes eight local government entities (such as school districts and utility commissions).

### D. Federal Government

In May 1998, President Clinton issued an executive order prohibiting discrimination based on sexual orientation in the federal civilian work force. Some agencies and departments of the federal government have been working to implement the policies. To date, all 14 Cabinet-level departments and 23 independent agencies and offices have included the words sexual orientation in their non-discrimination policies.



## II. Domestic Partner Benefits

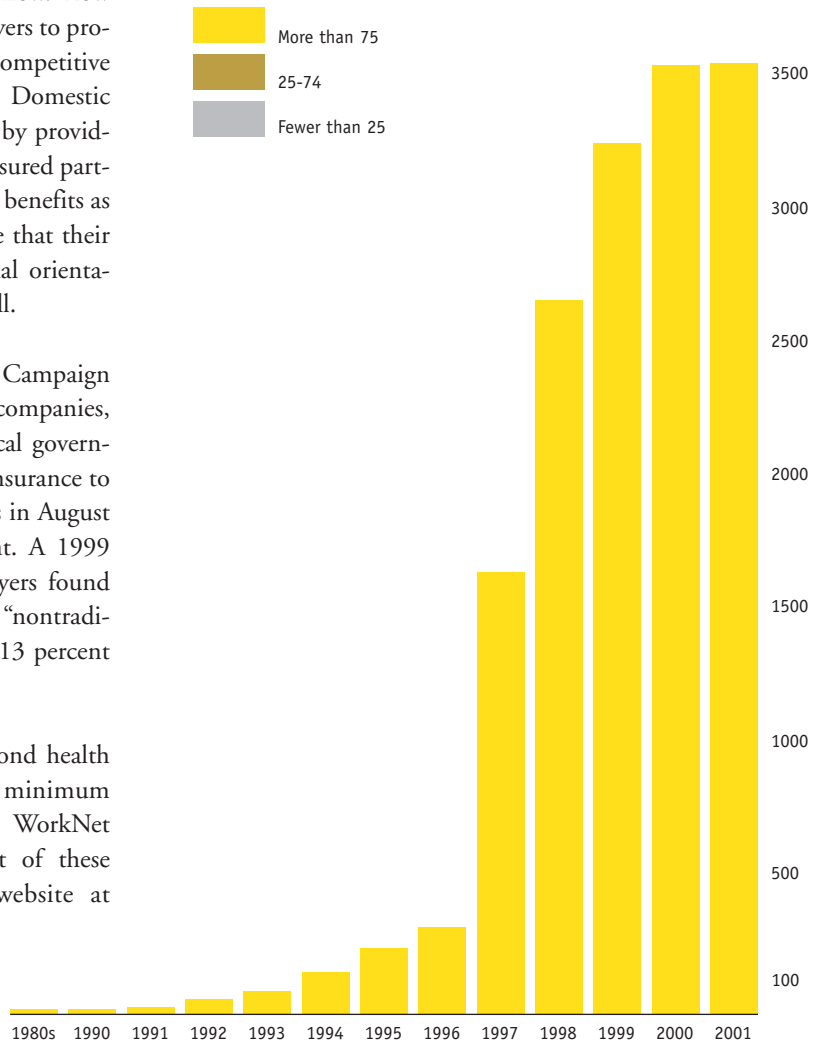
One of the clearest indications that an employer treats its gay workers fairly is the inclusion of their domestic partners in its benefits plans. In 1982, the *Village Voice*, a New York City weekly, became the first U.S. employer to offer health insurance benefits to the domestic partners of its lesbian and gay employees. In 1990, fewer than two dozen employers offered the benefits.

As more employers added the benefits throughout the 1990s, others found good reasons to follow. Low unemployment rates have led many employers to provide the benefits as a means to maintain a competitive advantage in recruitment and retention. Domestic partner benefits can improve productivity by providing a safety net for employees with an uninsured partner at home. Many employers also add the benefits as a sign that they value diversity and believe that their non-discrimination policies covering sexual orientation should extend to compensation as well.

As of August 2000, the Human Rights Campaign Foundation had identified 3,572 private companies, colleges and universities and state and local governments that offer domestic partner health insurance to their employees, up from 2,856 employers in August 1999. This was an increase of 25 percent. A 1999 nationally representative survey of employers found that 18 percent offered health coverage to “nontraditional” partners.<sup>15</sup> That figure is up from 13 percent in a similar survey in 1997.<sup>16</sup>

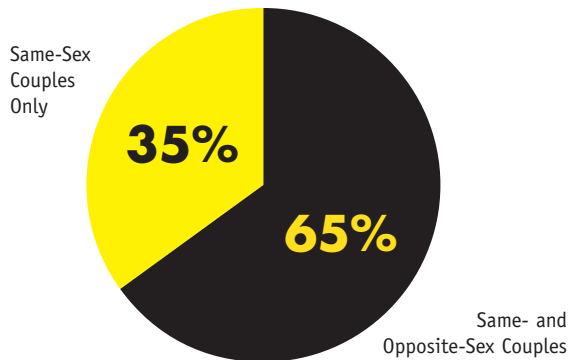
While many employers offer benefits beyond health insurance, full medical coverage is a minimum requirement for inclusion in the HRC WorkNet employer database. (For a complete list of these employers, visit the HRC WorkNet website at [www.hrc.org/worknet](http://www.hrc.org/worknet).)

**Figure 5.** Number of Employers That Offer Domestic Partner Health Benefits, By State.

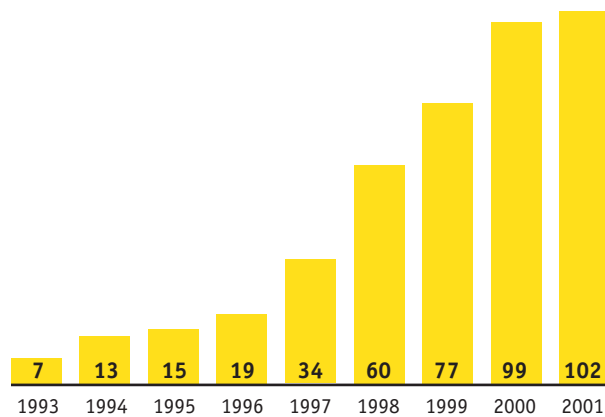


**Figure 6.** Number of Employers That Offer Domestic Partner Health Benefits, By Year.

**Figure 7.** Percent of Employers Offering Domestic Partner Benefits to Same-Sex Couples vs. Both Same- and Opposite-Sex Couples\*



\*Excluding data from San Francisco Human Rights Commission



**Figure 8.** Fortune 500 Companies That Offer Domestic Partner Health Benefits, By Year<sup>17</sup>

**Table 6.** Number of Employers That Offer Domestic Partner Health Benefits

Fortune 500 Companies	<b>102</b>
Other Private Sector Employers (Includes Non-Profits and Labor Organizations)	<b>555</b>
Colleges and Universities	<b>118</b>
State and Local Governments	<b>90</b>
Employers Provided by the San Francisco Human Rights Commission	<b>2,707</b>

Of these 3,572 employers, data on 2,707 were provided to the Human Rights Campaign Foundation by the San Francisco Human Rights Commission in July 2000. The commission tracks employers that are in compliance with the San Francisco Equal Benefits Ordinance, a law that requires companies with city contracts to provide equal benefits.

Employers that offer domestic partner health benefits operate in all 50 states. California, New York, and Massachusetts lead in the number of employers providing such benefits. Pennsylvania, Illinois, Washington, Minnesota, New Jersey and Texas, as well as the District of Columbia, also have a large number of employers that offer these benefits. (See Figure 5.)

All 2,707 employers complying with San Francisco’s equal benefits law offer DP benefits to same- and opposite-sex domestic partners. However, even in the absence of a law, most employers that offer these benefits make them available to opposite-sex domestic partners as well. (See Figure 7.)

*A. The Fortune 500 and the Private Sector*

Since August 1999, the number of Fortune 500 companies that have begun offering domestic partner benefits or have announced their intention to do so jumped from 70 to 102, an increase of 46 percent. (See Figure 8.) Appendix 3 contains the full list of fortune 500 companies with domestic partner benefits.

The high-tech industry remains the leader in providing domestic partner benefits. A 1999 survey found that the majority of high-tech firms — 53 percent — offered health benefits to domestic partners, the only industry surveyed where a preponderance of companies had such policies.<sup>18</sup>

In 1999 and 2000, several “old economy” business sectors, such as the **automobile, aerospace** and **consumer products** industries, entered the growing universe of employers offering domestic partner benefits. The companies in these industry sectors are tending to offer such benefits only to same-sex partners and not to unmarried opposite-sex couples. In addition,

the benefits continued to spread within the **airline, consulting and financial services industries**, sectors that only recently began offering DP benefits.

In March 2000, **Cummins Engine Co.**, a maker of large diesel engines based in Columbus, Ind., announced domestic partner benefits for its employees. (See p. 26.) It was the first employer to provide the benefits in an automotive-related industry. In May, **Subaru of America** — which has for several years marketed heavily to the gay and lesbian community — announced that it would provide domestic partner benefits as well.

These announcements were followed June 8 by the **Big Three automakers** — **DaimlerChrysler Corp., General Motors Corp.** and **Ford Motor Co.** That decision was in part the result of a study of the benefits mandated by contracts with the United Auto Workers.

#### *Following the Leader*

On Oct 22, 1999, **Boeing** announced that it would offer domestic partner health benefits to its non-union employees. Previously, **Honeywell** was the only aerospace company to provide the benefits. Given the cascade effect HRC's WorkNet has observed in other industry sectors, it is likely that major competitors, such as **Raytheon, General Electric** and **Lockheed Martin**, may feel pressure to institute the benefits.

On June 22, **Coca-Cola**, the nation's No. 1 soft drink maker, announced that it would add domestic partner benefits. Coke joined two other leading food producers — **General Mills** and **Pillsbury** — which recently instituted DP benefits. (At this writing, both companies were discussing a merger.) Again, given competitive pressures, other major industry players, such as **Kellogg, RJR Nabisco** and **PepsiCo**, may follow suit.

Meanwhile, the cascade effect continues among airlines. Since the announcements by United Airlines, American Airlines and US Airways, **Northwest** and **Continental** revealed that they intend to provide full medical coverage to domestic partners, while

**Southwest** and **Delta** began to offer spousal travel privileges to domestic partners, often the most sought-after benefit for airline employees.

The Big Five consulting firms are another example of the cascade effect. **KPMG Peat Marwick** first announced domestic partner benefits in April 1999. Three months later, **PricewaterhouseCoopers** followed. In January 2000, **Deloitte & Touche** announced plans to offer the benefits. That decision was followed with one from **Andersen Consulting** in June 2000. At this writing, only the fifth — **Ernst & Young** — is lagging.

#### *B. College and Universities*

HRC has identified 118 colleges and universities that provide domestic partner benefits. These include 35 of the nation's top 50 universities and 24 of the nation's top 40 liberal arts colleges according to the 2000 *U.S. News and World Report* college rankings.

Since August 1999, at least 10 universities added DP benefits: Bloomfield College; California State

**Table 7.** Number of Employers That Offer Domestic Partner Health Benefits, By Industry\*

Communications, Technology and Media Firms	<b>195</b>
Law Firms	<b>111</b>
Associations and Non-Profits	<b>68</b>
Insurance and Health Care	<b>65</b>
Unions and Labor Organizations	<b>39</b>
Utilities, Engineering and Manufacturing	<b>38</b>
Advertising, Marketing and Management Consulting	<b>37</b>
Consumer Products and Home Furnishings	<b>32</b>
Banking and Financial Services	<b>32</b>
Food Services	<b>13</b>
Transportation	<b>12</b>
Hotels and Entertainment	<b>10</b>
Clothing	<b>5</b>

\*Does not include employer data from San Francisco Human Rights Commission.

## Extending Benefits, Confronting Prejudice

When Cummins Engine Co. announced it would offer domestic partner health insurance to its employees, a firestorm erupted. A conservative religious worker at the company formed an ad hoc employee group opposed to the policy. On March 26, hundreds gathered at a rally outside corporate headquarters in Columbus, Ind., to protest the policy.

"I believe what I believe because it is the word of God," said Ben Manring, a Cummins employee. Supporters of the policy organized a counter-demonstration. Some held signs that read "The Christian Right Is Wrong" and "Thank God I'm Gay."

Cummins' main business is making large diesel engines for agricultural production, school buses and tanks. With plants scattered throughout the country, it competes for talent nationally. Its annual revenues exceed \$6 billion and it ranks No. 266 on the Fortune 500 list. Company officials said the decision to offer the benefits was a business imperative brought on by a need to retain and recruit good employees. Cummins was only the third private employer in the state of Indiana to announce DP benefits.

Cummins CEO Tim Solso wrote to the local newspaper, *The Columbus Republic*, explaining his company's position. He cited a 1983 letter from J. Irwin Miller, Cummins' former CEO and chairman, which said:

"In the search for character and commitment, we must rid ourselves of our inherited, even cherished, biases and prejudices. Character, ability and intelligence are not concentrated in one sex over the other, nor in persons with certain accents, or in certain races or in persons holding degrees from some universities over others. When we indulge ourselves in such irrational prejudices, we damage ourselves most of all and ultimately assure ourselves of failure in competition with those more open and less biased."

Solso said those words remain true today, and that for Cummins to remain the employer of choice, it must provide flexible benefits plans. "We are proud to have taken this step which enables us to grow and to change. It is a change that we believe will make us even stronger."

University System; Carnegie Mellon University; Case Western Reserve University; Rice University; University of New Hampshire; University of Miami; University of Washington; Vanderbilt University; and Wake Forest University.

### C. State and Local Governments

In all, 90 state and local governments or government agencies provide domestic partner health benefits. Since August 1999, two states, Connecticut and Washington, added benefits for state workers bringing the total number to six. Also, 12 cities and counties have either added or announced their intention to provide domestic partner benefits for their employees:

Albuquerque, N.M.	Kalamazoo, Mich.
Atlanta	Madison, Wis.
Bar Harbor, Maine	Montgomery County, Md.
Brattleboro, Vt.	Phoenix, Ariz.
Dane County, Wis.	Providence, R.I.
Gainesville, Fla.	Sonoma County, Calif.

The total number of city and county governments that now provide the benefits to their employees is 74. An additional 10 city government agencies (such as libraries and utility commissions) provide these benefits.

At least 15 states considered domestic partnership legislation during the period covered by this report.<sup>19</sup> Another seven localities considered or were still considering such proposals:

Scottsdale, Ariz.	Suffolk County, N.J.
San Bernardino, Calif.	Tampa, Fla.
Lakewood, Ohio	Maricopa County, Ariz.
Palm Beach County (Fla.) School District	

Local decisions to provide benefits to domestic partners are sometimes subject to legal challenges by conservative religious-political groups. (See Chapter 4.) Such provisions have come under attack by voter referendum as well. In Montgomery County, Md., a petition drive to place its county employees' domestic partner benefits plan up for a public referendum in November failed to collect the required number of signatures.

**Table 8.**

Cities, Counties and States That Provide Domestic Partner Health Benefits

**Arizona**

Phoenix 2000  
 Tempe 1999  
 Tucson 1997  
 Pima County

**California**

Alameda  
 Berkeley 1984  
 Laguna Beach 1990  
 Los Angeles 1988  
 Oakland 1996  
 Petaluma 1999  
 Sacramento 1992  
 San Diego 1994  
 San Francisco 1991  
 Santa Barbara 1998  
 Santa Cruz 1986  
 West Hollywood 1985  
 Alameda County 1996  
 Los Angeles County 1995  
 Marin County  
 San Mateo County  
 Santa Barbara County 1999  
 Santa Cruz County 1989  
 Sonoma County 2000  
 State of California 1999

**Colorado**

Denver 1996

**Connecticut**

West Hartford 1998  
 State of Connecticut 2000

**Florida**

Gainesville 1999  
 Key West 1998  
 West Palm Beach 1992  
 Broward County 1999  
 Monroe County

**Georgia**

Atlanta 1999

**Iowa**

Iowa City 1994

**Illinois**

Chicago 1997  
 Oak Park 1994  
 Cook County 1999

**Indiana**

Bloomington 1997

**Louisiana**

New Orleans

**Massachusetts**

Cambridge 1992  
 Northampton 1995  
 Provincetown  
 Springfield 1997

**Maine**

Bar Harbor 1999  
 Camden

**Maryland**

Baltimore 1995  
 Takoma Park 1988  
 Montgomery County 1999

**Michigan**

Ann Arbor 1992  
 Kalamazoo 2000

**New Mexico**

Albuquerque 2000

**New York**

Albany  
 Ithaca 1997  
 New York 1998  
 Rochester 1994  
 Westchester County 1998  
 State of New York 1995

**North Carolina**

Carrboro 1994  
 Chapel Hill 1995

**Oregon**

Corvallis 1995  
 Eugene 1998  
 Gresham 1999  
 Portland 1994  
 Multnomah County 1993  
 State of Oregon 1998

**Pennsylvania**

Philadelphia 1998  
 Pittsburgh 1999

**Rhode Island**

Providence 2000

**Vermont**

Brattleboro 1999  
 Burlington 1993  
 Middlebury 1995  
 State of Vermont 1994

**Washington**

Olympia 1994  
 Seattle 1990  
 Tumwater 1997  
 Vancouver 1998  
 King County 1993  
 State of Washington 2001

**Wisconsin**

Madison 1999  
 Dane County 2000



# WORKPLACE

## CHAPTER 4

### Other Key Gains and Losses in 1999-2000

#### A. Big Three Automakers

On June 8, 2000, the Big Three automakers — DaimlerChrysler, General Motors Corp. and Ford Motor Co. — along with the United Auto Workers jointly announced domestic partner benefits for their lesbian and gay workers. The announcement covered more than 400,000 employees.

This marked the first time that virtually an entire sector of American commerce, along with its leading union, decided collectively to provide domestic partner benefits. The companies made the decision after agreeing to study the issue as part of new contracts made with the United Auto Workers the fall of 1999.

Further, the decision heralds a shift among “old economy” industries toward more creative benefits packages, and toward openly acknowledging the presence and value of lesbian and gay employees. At the same time, the Big Three decision points up some of the inequities in many domestic partner benefits plans. For example, the Big Three’s new programs will not cover current retirees, but current workers and their partners who use the benefits will be able to keep them after the workers retire. At DaimlerChrysler, only U.S. workers employed in the Chrysler division — not Mercedes-Benz, Freightliner or other divisions — will be eligible for the benefits. The programs also do not cover pensions, bereavement leave, tuition assistance, relocation allowances and other benefits. LGBT employees at the Big Three and the UAW have vowed to continue to press management for full equality under the companies’ benefits programs.

The announcement also gives weight to the business case for offering these benefits. As Ford’s vice president for human resources, David Murphy, told The Associated Press, “The benefit is saying to employees and future employees, ‘Look, we are a diverse company and we do recognize not only race and gender but sexual orientation.’ When we’re in the labor market

recruiting, we’re sending a signal about how inclusive the Ford Motor Company is.”

The decision also offered more evidence that the cost of domestic partner benefits is not prohibitive. Ford released an analysis explaining the new benefits are expected to cost less than \$5 million per year — or less than one percent of its \$2.4 billion employee health care bill.

#### B. ExxonMobil and the Impact of Shareholder Activism

On Dec. 6, 1999, the Exxon Mobil Corp. announced that the newly merged company would not incorporate the gay-friendly policies that existed at the former Mobil Corp. The company discontinued Mobil’s domestic partner benefits policy and refused to adopt Mobil’s non-discrimination policy that included sexual orientation. (ExxonMobil allowed people already enrolled in Mobil’s domestic partner benefits program to continue to receive the benefits but no one else could join the plan.)

The decision not only went against the national trend, it was counter to developments in the oil and gas industry. Chevron, BP Amoco, Shell, Atlantic Richfield, Sunoco and Texaco have written policies barring discrimination based on sexual orientation. Chevron, BP Amoco and Shell also offer domestic partner benefits.

A public backlash ensued. Holders of Exxon and Mobil credit cards sent them back. A letter-writing campaign resulted in more than 35,000 letters and 3,000 phone calls to the company’s public relations office, including a letter from 28 members of Congress and three state attorneys. GLVReports & Communications, a consumer news service for LGBT Americans, announced the removal of ExxonMobil from its annual ranking of the top 100 gay-friendly companies. And gfn.com, the Gay Financial

Network, removed the company from its list of the top 50 companies for LGBT workers and investors.

Shareholder activists pressed for a change in the company's non-discrimination policy through a shareholder resolution. On May 31, 2000, 8.2 percent of ExxonMobil shareholders voted in favor of adding sexual orientation to the company's written non-discrimination policy. Proponents of the measure termed the vote a success, noting that it was sufficient to bring the issue before stockholders again next year. (A year earlier, the same measure garnered 6 percent of the Exxon shareholder vote.)

The principal sponsor of the measure was the New York City Employees Retirement System. Co-filing were individual shareholders represented by the Equality Project of New York and Trillium Asset Management, a socially responsible investment firm. Because the Human Rights Campaign is a shareholder, an HRC representative attended the meeting, voted HRC's shares and spoke in favor of the non-discrimination measure.

On March 22, 2000, **General Electric** agreed to amend its non-discrimination policy to include sexual orientation, in response to a shareholder resolution jointly sponsored by the Seattle-based Pride Foundation and sculptor Marianne Weil. **McDonald's Corp.** agreed in 1999 to amend its non-discrimination policy rather than face a shareholder initiative from the Pride Foundation.

### C. Notable Court Cases Since August 1999

Religious political organizations have used the courts to try to invalidate local civil rights protections and domestic partner ordinances. The American Center for Law and Justice, a conservative legal group founded by the Christian Coalition's Pat Robertson, has been leading a nationwide attack against laws that confer employment protections and equal benefits on lesbian, gay and bisexual people. In Kentucky, for instance, where Lexington, Louisville, Henderson and Jefferson County recently enacted employment

protections from anti-gay bias, the ACLJ has gone on the offensive.

The group filed suit in U.S. District Court in Louisville, Ky., challenging that city's ordinance protecting workers from discrimination on the basis of sexual orientation and gender identity. The ACLJ was acting on behalf of a Dr. J. Barrett Hyman, who claims his constitutional right to free exercise of religion would be violated if he were forced to hire gay people. He argued that anyone who engages in homosexual acts demonstrates "a serious lack of moral character which renders them unfit for employment in a medical practice," according to a report in the *Louisville Courier Journal*.

The case relies heavily on a 9th Circuit decision (currently being reconsidered) which held that landlords could use religious grounds to refuse to rent to unmarried couples and not be in violation of a marital status discrimination law. The American Civil Liberties Union has entered that case (*Hyman v. Louisville*) on behalf of several local residents who believe the suit is a thinly veiled attempt to use of religious liberty to justify discrimination. The Justice Department has filed an *amicus* brief in the case, the first time the Clinton administration has gone to court to support a local government's effort to protect gays from job discrimination. The ACLU has also joined cases in Lexington and Henderson where similar lawsuits have been filed.

#### *Domestic Partner Benefits*

Many of the lawsuits challenging domestic partner benefits have been filed by Jordan Lorence, an attorney with the conservative Northstar Legal Center in Fairfax, Va., who has also been associated with the right-wing Alliance Defense Fund of Scottsdale, Ariz.

These groups have ongoing litigation in San Francisco; Broward County, Fla.; Montgomery County, Md.; Cambridge, Mass.; and Gainesville, Fla. The suits generally claim that local jurisdictions exceed their home rule authority when enacting a domestic partner benefits ordinance and that the local

ordinance violates the state's marriage law.

Generally, the question of whether or not the locality has the power to enact a domestic partnership law turns on whether the state statute creating the municipality gives it broad powers to regulate its own affairs or whether the statute expresses a more narrow scope of powers. To date, the case law from these challenges is split.

A New York appeals court unanimously upheld New York City's domestic partnership law, rejecting a challenge brought by the American Center for Law and Justice on behalf of three residents objecting as taxpayers. The plaintiffs claimed the city lacked authority to enact the ordinance because the law undermined the state's exclusive right to regulate marriage. However, since the state of New York began offering domestic partner benefits to its employees and retirees in 1993, the court ruled that the city doing so as well did not contravene state or public policy. The court also rejected the notion that domestic partnerships are essentially common-law marriages, noting that "there are enormous differences between marriage and domestic partnership." *Slattery v. City of New York*.

On the other hand, the Virginia Supreme Court invalidated Arlington County's domestic partnership policy by finding that the county had exceeded its home rule power. The Virginia high court ruled that Arlington's policy of extending of health insurance eligibility to domestic partners of county employees violated a state statute authorizing municipalities to extend health benefits to dependents of county employees. The county had argued that the term "dependents" was not defined in the statute and could be broadly interpreted to cover people who live together and are financially interdependent. *Arlington v. White*, 528 S.E. 2d 705 (Va., 2000).

Last fall, a Fulton County, Ga., judge ordered Georgia Insurance Commissioner John Oxendine to lift his statewide ban on domestic partnership health insurance benefits. The judge condemned the commissioner's actions (including his refusal to approve

any insurance policy in the state providing for domestic partners even after the Georgia Supreme Court had ordered such action), calling them unlawful, "outside the scope of his authority," and "an abuse of discretion." The court also adamantly rejected the commissioner's view that non-marital relationships are immoral. Oxendine has declined to appeal the ruling, paving the way for both public and private entities in the state of Georgia to offer domestic partner coverage. *City of Atlanta v. Oxendine*.

#### *Employment Cases*

The 8th Circuit Court of Appeals found that a plaintiff's claims of anti-gay harassment could possibly support a claim of sex discrimination. The plaintiff was taunted by co-workers, who perceived him to be gay. The court held that rumors about the plaintiff's sexual orientation could be construed as an effort to "debase his masculinity," thus constituting sexual harassment proscribed by Title VII of the Civil Rights Act of 1964. *Schmedding v. Tnemec Company Inc.*, 187 F.3d 862 (8th Cir. 1999).

A three-judge panel of the U.S. Court of Appeals for the 9th Circuit said in a side note that discrimination against individuals based on their gender identity *may* be illegal under Title VII of the 1964 Civil Rights Act. The judges relied on a 1989 U.S. Supreme Court ruling, which said using sexual stereotypes about gender roles in making employment decisions was a violation of Title VII, to question whether employment discrimination based on gender identity is also covered by Title VII.

In this case, a prison inmate, Crystal Marie Schwenk, a self-identified transsexual, accused a guard at the state penitentiary in Walla Walla, Wash., of violating her civil rights after repeated unwanted sexual overtures and an attempted rape. Schwenk sued the guard under the federal Violence Against Women Act. Prison guard Robert Mitchell argued that the act should be interpreted to apply only to violence against *women*, and that Schwenk, as a pre-operative transsexual, was a man.

The court rebuffed Mitchell's argument by noting Mitchell's actions stemmed "from the fact that the victim was a man who 'failed to act like' one." Just as discrimination based on gender stereotypes is illegal under Title VII, the court further ruled that the Violence Against Women Act also outlaws violence based on gender identity or gender stereotyping.

The court's decision may affect future discrimination cases involving gender identity; however, the opinion is only controlling in Western states within its jurisdiction and is subject to review by the full Court of Appeals and the Supreme Court. Interestingly, the 9th Circuit is the most frequently reversed circuit in cases going to the Supreme Court. *Schwenk v. Mitchell*.

# WORKPLACE

## CHAPTER 5

### Conclusions

All the signs point to private and public employers continuing to institute non-discrimination policies and domestic partner benefits. As more employers become aware of issues surrounding equality for gender-different employees, we expect they will institute policies to protect these workers as well.

At the same time, LGBT workers will continue to press for the gamut of equal benefits — not just health insurance coverage but every benefit offered to spouses of legally married employees, such as family and medical leave, adoption assistance, relocation expenses, retirement benefits — the list goes on. In addition, gay workers, along with gay consumers and investors, are looking to employers to show a fuller commitment by including sexual orientation and gender identity in all diversity training; engaging in appropriate and respectful marketing to the LGBT community; and becoming involved in charitable organizations benefiting the gay and HIV/AIDS community.

Many of these goals are being met, as an increasing number of LGBT people dare to be open about their lives at work and then ask to be treated equally. Openly gay people are breaking through the “lavender ceiling” at many workplaces, meaning they are

increasingly being promoted to positions where they can influence policies and benefits. Others are sitting on the boards of major corporations, which again, has an impact on how companies behave, much as the presence of women, African Americans and Latinos in boardrooms has had an impact.

But even if all these criteria are met, LGBT workers still face other challenges. Ending the taxability of domestic partner benefits is one. (The value of DP benefits is taxed as imputed income to the employee.) Others include passing federal laws to prohibit job discrimination based on sexual orientation or gender identity and winning full equal marriage rights in every state.

These are long-range goals, for certain, but they are all important, they are all possible and they are all about basic equality.

# WORKPLACE

## ENDNOTES

1. "State Legislative Update as of July 12, 2000," National Gay and Lesbian Task Force, Washington. States that considered favorable bills relating to sexual orientation were: Alabama, Arizona, Georgia, Hawaii, Iowa, Kentucky, Maryland, Maine, Nebraska, New York, Virginia, Washington and West Virginia. State bills that also included gender identity were: California, Colorado, Illinois, Michigan and Missouri. Unfavorable bills were considered in: California, Iowa, Kentucky, Michigan, Nebraska, New Jersey, New Mexico and New York.
2. Ibid. States that considered favorable bills relating to domestic partnerships were: Alabama, California, Colorado, Florida, Hawaii, Massachusetts, Maine, New Hampshire, New York, Vermont, Washington and Wisconsin. Unfavorable bills were considered in: Hawaii, Washington and Wisconsin.
3. Speech to First National Dinner, the Human Rights Campaign, Nov. 8, 1997.
4. Badgett, Lee, Colleen Donnelly and Jennifer Kibbe, "Pervasive Patterns of Discrimination Against Lesbians and Gay Men: Evidence from Surveys Across the United States," National Gay and Lesbian Task Force Policy Institute, New York, 1992.
5. "Report on the Status of Lesbians and Gays in Political Science Profession," prepared by the Committee on the Status of Lesbians and Gays in the Profession of the American Political Science Association, *PS: Political Science and Politics*, Vol. 28, No. 3, September 1995. The survey found that 36 percent of respondents had certainly or probably experienced discrimination.
6. Schatz, Benjamin and Katherine O'Hanlan, "Anti-Gay Discrimination in Medicine: Results of a National Survey of Lesbian, Gay and Bisexual Physicians," American Association of Physicians for Human Rights, May 1994. This study found that of 711 survey respondents, 16 percent reported experiencing anti-gay discrimination.
7. Taylor, Verta and Nicole C. Raeburn, "Identity Politics as High-Risk Activism: Career Consequences for Lesbian, Gay and Bisexual Sociologists," *Social Problems*, Vol. 42, No. 2, May 1995.
8. "Anti-Gay Bias Has No Place in Illinois," *Chicago Tribune*, Sept. 12, 1998.
9. Zbar, Jeffrey D., "Dealing with the Labor Squeeze," *Credit Card Management*, New York, November 1998.
10. "Consumers Will Reject Advertisers Associated With Shows Like Dr. Laura, According to New National Survey," *Harris Interactive/Witeck-Combs Internet Survey*, Washington, June 22, 2000.
11. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, religion, sex or national origin. The Age Discrimination in Employment Act of 1967 prohibits employment discrimination on the basis of age. And, the American with Disabilities Act of 1990 prohibits employment discrimination on the basis of disability.
12. Polls noted: June 20, 1977, Gallup Organization, Should 56%, Should not 33%; June 28, 1982, Gallup Organization, Should 59%, Should not 28%; July 21, 1983, Gallup Organization, Should 65%, Should not 25%; Oct. 15, 1989, Gallup Organization, Should 71%, Should not 18%; June 8, 1992, Gallup Organization, Should 74%, Should not 18%; Jan. 14, 1993, *CBS News/The New York Times*, Should 79%, Should not 16%; Feb. 4, 1994, Princeton Survey Research Associates, Should 74%,

Should not 19%; Feb. 24, 1996, *CBS News/The New York Times*, Should 83%, Should not 12%; April 10, 1997, Tarrance Group and Lake Sosin Snell and Associates, Should 80%, Should not 14%; June 21, 1997, *Newsweek*, Should 84%, Should not 13%.

13. *Higgins v. New Balance Athletic Shoe Inc.*, 21 F. Supp. 66, 76 n.10 (D. Me. 1998).
14. "State Legislative Update as of July 12, 2000," op. cit.
15. "Survey of Employer-sponsored Health Benefits," The Kaiser Family Foundation and Health Research and Educational Trust, 1999.
16. "Health Benefits Survey," KPMG Peat Marwick, New York, 1997.
17. Date was estimated for employers where date was not available.
18. "Survey of Employer-Sponsored Health Benefits," op. cit.
19. "State Legislative Update as of July 12, 2000," op. cit.

# WORKPLACE

## APPENDIX I

### Fortune 500 Companies With Non-Discrimination Policies That Include Sexual Orientation

- |    |  |     |   |
|----|--|-----|---|
| 1  | General Motors, Detroit, MI                      | 62  | Freddie Mac, McLean, VA                               |
| 4  | Ford Motor Co., Dearborn, MI                     | 65  | Honeywell, Morristown, NJ                             |
| 5  | General Electric, Fairfield, CT                  | 66  | Walt Disney, Burbank, CA                              |
| 6  | IBM, Armonk, NY                                  | 67  | First Union Corp., Charlotte, NC                      |
| 7  | Citigroup Inc., New York, NY                     | 68  | Wells Fargo & Co., San Francisco, CA                  |
| 8  | AT&T, New York, NY                               | 70  | New York Life Insurance, New York, NY                 |
| 9  | Philip Morris, New York, NY                      | 71  | American Express Co., New York, NY                    |
| 10 | Boeing, Seattle, WA                              | 72  | Loews Corp., New York, NY                             |
| 11 | Bank of America Corp., Charlotte, NC             | 73  | PG & E Corp., San Francisco, CA                       |
| 12 | SBC Communications Inc., San Antonio, TX         | 74  | Conoco, Houston, TX                                   |
| 13 | Hewlett-Packard, Palo Alto, CA                   | 75  | Cigna Corp. & Co., Philadelphia, PA                   |
| 15 | State Farm Group, Bloomington, IL                | 77  | AMR/American Airlines, Dallas, TX                     |
| 16 | Sears, Roebuck and Co., Chicago, IL              | 78  | Bristol-Myers Squibb Co., New York, NY                |
| 18 | Enron Corp., Houston, TX                         | 79  | Sara Lee, Chicago, IL                                 |
| 19 | TIAA-CREF, New York, NY                          | 80  | FleetBoston Financial, Boston, MA                     |
| 20 | Compaq Computer Corp., Houston, TX               | 81  | Sprint Communications, Westwood, KS                   |
| 22 | Lucent Technologies, Murray Hill, NJ             | 82  | Raytheon, Lexington, MA                               |
| 23 | Procter & Gamble, Cincinnati, OH                 | 83  | Coca-Cola, Atlanta, GA                                |
| 24 | Albertson's Inc., Boise, ID                      | 84  | Microsoft Corp., Redmond, WA                          |
| 25 | MCI WorldCom, Washington, DC                     | 86  | UnitedHealth Group, Minnetonka, MN                    |
| 26 | Fannie Mae, Washington, DC                       | 87  | Xerox Corp., Stamford, CT                             |
| 28 | Texaco, White Plains, NY                         | 88  | Lehman Brothers Holding, New York, NY                 |
| 29 | Merrill Lynch, New York, NY                      | 89  | Dow Chemical Co., Midland, MI                         |
| 30 | Morgan Stanley Dean Witter & Co., New York, NY   | 91  | Electronic Data Systems Corp., Plano, TX              |
| 31 | Chase Manhattan Bank Corp., New York, NY         | 92  | J. P. Morgan & Co., New York, NY                      |
| 32 | Target, Minneapolis, MN                          | 94  | UAL/United Airlines Inc., Elk Grove, IL               |
| 33 | Verizon Communications, New York, NY             | 95  | Walgreens, Deerfield, IL                              |
| 34 | Merck & Co. Inc., Whitehouse Station, NJ         | 97  | Federated Department Stores, Cincinnati, OH           |
| 35 | Chevron Corp., San Francisco, CA                 | 99  | Supervalu, Eden Prairie, MN                           |
| 37 | Motorola Inc., Schaumburg, IL                    | 100 | Bergen Brunswig, Orange, CA                           |
| 38 | McKesson HBOC, San Francisco, CA                 | 102 | Tech Data Corp., Clearwater, FL                       |
| 39 | Intel Inc., Santa Clara, CA                      | 107 | Pfizer, New York, NY                                  |
| 40 | Safeway, Oakland, CA                             | 108 | Johnson Controls, Milwaukee, WI                       |
| 42 | E. I. du Pont de Nemours and Co., Wilmington, DE | 110 | Minnesota Mining and Manufacturing (3M), St. Paul, MN |
| 43 | Johnson & Johnson, New Brunswick, NJ             | 113 | Northwestern Mutual Life Insurance, Milwaukee, WI     |
| 44 | Costco Wholesale, Issaquah, WA                   | 116 | Delta Airlines Inc., Atlanta, GA                      |
| 45 | Time Warner Inc., New York, NY                   | 124 | Eastman Kodak Co., Rochester, NY                      |
| 47 | Allstate Insurance Group, Northbrook, IL         | 127 | Washington Mutual Savings Bank, Seattle, WA           |
| 48 | Prudential, Newark, NJ                           | 128 | Nationwide Insurance Enterprise, Columbus, OH         |
| 49 | Aetna Life & Casualty Insurance, Hartford, CT    | 129 | American Home Products Corp., Madison, NJ             |
| 50 | Banc One Corp., Columbus, OH                     | 130 | Hartford Financial Services Co., Hartford, CT         |
| 53 | Metropolitan Life Insurance, New York, NY        | 132 | McDonald's Corp., Oakbrook, IL                        |
| 54 | Goldman Sachs Investment Banking, New York, NY   | 134 | US West Inc., Englewood, CO                           |
| 56 | Dell Computer Corp., Austin, TX                  | 135 | Abbott Laboratories, Abbot Park, IL                   |
| 57 | United Technologies Corp., Hartford, CT          | 136 | Atlantic Richfield, Los Angeles, CA                   |
| 60 | ConAgra Inc., Omaha, NE                          | 138 | Kimberly-Clark, Dallas, TX                            |
| 61 | International Paper, Purchase, NY                |     |   |

139	Warner-Lambert, Morris Plains, NJ	219	Nabisco Group Holdings Corp., New York, NY
141	Viacom Inc., New York, NY	224	Bear Stearns, New York, NY
144	Fluor Corp., Irvine, CA	225	Paine Webber Group Inc., New York, NY
145	Weyerhaeuser, Federal Way, WA	227	PPG, Pittsburgh, PA
146	Cisco Systems, San Jose, CA	232	Principal Financial Group, Des Moines, IA
148	Toys R Us, Framingham, MA	233	John Hancock Financial Services, Boston, MA
150	Sun Microsystems, Mountain View, CA	235	Occidental Petroleum, Los Angeles, CA
151	Anheuser-Busch, St. Louis, MO	236	Unisys, Blue Bell, PA
152	Rite Aid Corp., Camp Hill, PA	237	Columbia Broadcast System (CBS), New York, NY
152	Gap Inc., San Francisco, CA	238	Consolidated Edison Co., New York, NY
155	RJ Reynolds Tobacco, Winston-Salem, NC	243	Baxter Healthcare International, Deerfield, IL
156	Union Pacific, Bethlehem, PA	244	Pharmacia & Upjohn Inc., Kalamazoo, MI
158	Tenet Healthcare, Santa Barbara, CA	247	Rockwell International Corp., Seal Beach, CA
160	Circuit City Group, Richmond, VA	248	Aon Corp., Chicago, IL
164	Whirlpool, Benton Harbor, MI	249	Amerada Hess, New York, NY
165	Northwest Airlines, St. Paul, MN	250	Kellogg, Battle Creek, MI
166	Office Depot, Delray Beach, FL	251	Bank of New York Co., New York, NY
167	Monsanto Co., St. Louis, MO	254	Unicom, Chicago, IL
168	Humana Inc., Louisville, KY	255	Lincoln National, Fort Wayne, IN
171	Pacificare Health Systems, Santa Ana, CA	256	Seagate Technology Inc., Scotts Valley, CA
172	Gillette, Boston, MA	257	Chubb Life Insurance Co. of America, Warren, NJ
173	Massachusetts Mutual Life Insurance, Springfield, MA	259	Safeco, Seattle, WA
175	AmeriSource Health Corp., Malvern, PA	260	EMC Corp., Hopkinton, MA
178	Edison International, Rosemead, CA	261	SCI Systems Inc., Huntsville, AL
179	Household International Inc., Prospect Heights, IL	262	Cummins Engine Co. Inc., Columbus, IN
180	Texas Instruments Inc., Dallas, TX	263	Public Service Enterprise Group, Newark, NJ
181	Illinois Tool Works, Glenview, IL	266	FPL Group Inc., Juno Beach, FL
182	Arrow Electronics, Melville, NY	268	Firstar Corp., Milwaukee, WI
184	Unumprovident Inc., Portland, ME	269	Campbell Soup Co., Camden, NJ
185	Schering-Plough Corporation, Madison, NJ	271	Newell Rubbermaid Inc., Freepport, IL
186	Marsh & McLennan Companies, New York, NY	272	Avnet Inc., Great Neck, NY
187	Colgate-Palmolive, New York, NY	273	CompUSA, Dallas, TX
189	Paccar, Bellevue, WA	278	Anthem Insurance, Indianapolis, IN
190	Northrop Grumman Corp., Los Angeles, CA	279	General Mills, Minneapolis, MN
191	General Dynamics Corp., Falls Church, VA	283	NCR Corp., Dayton, OH
192	Staples Inc., Westborough, MA	284	MicroAge, Tempe, AZ
195	Oracle Corp., Redwood Shores, CA	285	Apple Computer, Cupertino, CA
196	TJX, Framingham, MA	287	CMS Energy Services, Dearborn, MI
197	Nike Inc., Beaverton, OR	288	Mellon Financial Corp., Pittsburgh, PA
198	Entergy Corp., New Orleans, LA	289	CInergy, Cincinnati, OH
200	Marriott International, Bethesda, MD	292	Union Carbide Corp., Danbury, CT
201	Foundation Health Systems, Rancho Cordova, CA	295	ServiceMaster, Downers Grove, IL
202	Navistar International, Chicago, IL	297	R.R. Donnelley & Sons, Chicago, IL
203	Gateway Inc., North Sioux City, SD	297	VF Corp., Wyomissing, PA
204	St. Paul Companies, St. Paul, MN	298	Automatic Data Processing Inc., Roseland, NJ
205	AFLAC Inc., Columbus, GA	301	Central & South West, Dallas, TX
206	Continental Airlines, Houston, TX	304	Gannett, Arlington, VA
208	US Airways, Arlington, VA	305	Mattel Inc., El Segundo, CA
211	Sunoco Inc., Philadelphia, PA	306	PECO Energy, Philadelphia, PA
212	US Bancorp, Minneapolis, MN	309	Ryder System, Miami, FL
217	United Services Automobile Association (USAA), San Antonio, TX	310	Rohm & Haas, Philadelphia, PA
		311	Starwood Hotels & Resorts Worldwide, White Plains, NY

- 312 Avon Products, New York, NY  
313 Science Applications International Corp. (SAIC), San Diego, CA  
314 Champion International, Stamford, CT  
315 Computer Associates International, Islandia, NY  
317 Merisel, El Segundo, CA  
319 Omnicom (Diversified Agency Services), New York, NY  
320 Nordstrom, Seattle, WA  
322 Dole Food Co. Inc., Westlake Village, CA  
324 Air Products & Chemicals Inc., Allentown, PA  
330 Quantum, Milpitas, CA  
331 Applied Materials, Santa Clara, CA  
333 Litton Industries Inc., Woodland Hills, CA  
334 Corning Inc., Corning, NY  
337 America OnLine, Dulles, VA  
339 Southwest Airlines, Dallas, TX  
341 Quaker Oats Co., Chicago, IL  
342 Ralston Purina, St. Louis, MO  
343 Charles Schwab & Co., San Francisco, CA  
344 Consolidated Stores Corp., Columbus, OH  
346 Venator, New York, NY  
354 Pitney Bowes, Stamford, CT  
360 Northeast Utilities, Berlin, CT  
368 Maytag Corp., North Newton, IA  
373 Brunswick Corp., Lake Forest, IL  
376 Hasbro Inc., Pawtucket, RI  
377 B J's Wholesale Club, Natick, MA  
380 Comdisco, Rosemont, IL  
381 Medtronic Inc., Minneapolis, MN  
382 Tandy, Fort Worth, TX  
383 Nash Finch, Minneapolis, MN  
386 FMC Corp., Chicago, IL  
389 Niagara Mohawk Power, Syracuse, NY  
399 Clorox Co., Oakland, CA  
401 McGraw-Hill, New York, NY  
402 Countrywide Credit Industries Inc., Calabasas, CA  
406 Estee Lauder Companies, New York, NY  
409 QualComm, San Diego, CA  
412 Bethlehem Steel, Bethlehem, PA  
419 York International, York, PA  
421 Consolidated Natural Gas, Pittsburgh, PA  
424 Constellation Energy, Baltimore, MD  
429 Avery Dennison, Pasadena, CA  
433 Supermarkets General Holdings Corp., Woodbridge, NJ  
441 US Industries, Iselin, NJ  
443 Barnes & Noble, New York, NY  
445 Hannaford Brothers, Scarborough, ME  
447 Darden Restaurants, Orlando, FL  
449 Armstrong World Industries, Lancaster, PA  
451 Becton Dickinson, Franklin Lakes, NJ  
458 Hormel Foods, Austin, MN  
459 Carolina Power & Light, Raleigh, NC  
463 Amgen, Thousand Oaks, CA  
466 Nextel Communications, Reston, VA  
468 Trans World Airlines, St. Louis, MO  
469 Tenneco Inc., Greenwich, CT  
474 Knight-Ridder Newspapers Inc., San Jose, CA  
477 Times Mirror Co., Los Angeles, CA  
490 New York Times Co., New York, NY  
494 Arvin Industries, Columbus, IN

# WORKPLACE

## APPENDIX 2

### Fortune 500 Companies That Provide Domestic Partner Health Benefits

A	B	C	D	E	F
1	General Motors	Detroit, MI	•		2000
4	Ford Motor Co.	Dearborn, MI	•		2000
6	IBM	Armonk, NY	•		1997
7	Citigroup Inc.	New York, NY		•	2000
8	AT&T	New York, NY	•		1999
10	Boeing	Seattle, WA	•		2000
11	Bank of America Corp.	Charlotte, NC		•	1998
12	SBC Communications Inc.	San Antonio, TX			1998
13	Hewlett-Packard	Palo Alto, CA		•	1997
18	Enron	Houston, TX			
20	Compaq Computer Corp.	Houston, TX		•	1999
22	Lucent Technologies	Murray Hill, NJ	•		1997
26	Fannie Mae	Washington, DC		•	1994
29	Merrill Lynch	New York, NY		•	1999
30	Morgan Stanley Dean Witter & Co.	New York, NY		•	1999
31	Chase Manhattan Bank Corp.	New York, NY		•	1999
33	Verizon Communications	New York, NY	•		1998
35	Chevron Corp.	San Francisco, CA		•	1997
37	Motorola Inc.	Schaumburg, IL	•		2000
39	Intel Inc.	Santa Clara, CA			1997
44	Costco Wholesale	Issaquah, WA		•	1998
45	Time Warner Inc.	New York, NY	•		1994
48	Prudential	Newark, NJ		•	2000
49	Aetna Life & Casualty Insurance	Hartford, CT			1998
54	Goldman Sachs Investment Banking	New York, NY		•	2000
62	Freddie Mac	McLean, VA	•		1998
65	Honeywell	Morristown, NJ	•		
66	Walt Disney	Burbank, CA	•		1996
68	Wells Fargo & Co.	San Francisco, CA		•	1998
71	American Express Co.	New York, NY	•		1997
73	PG & E Corp.	San Francisco, CA		•	1996
77	AMR/American Airlines	Dallas, TX	•		2000
78	Bristol-Myers Squibb Co.	New York, NY		•	1998
80	FleetBoston Financial	Boston, MA		•	1999
83	Coca-Cola	Atlanta, GA	•		2001
84	Microsoft Corp.	Redmond, WA		•	1993
87	Xerox Corp.	Stamford, CT		•	1998
91	Electronic Data Systems Corp.	Plano, TX			1998
92	J. P. Morgan & Co.	New York, NY		•	1997
94	UAL/United Airlines Inc.	Elk Grove, IL	•		2000
97	Federated Department Stores	Cincinnati, OH			1998
102	Tech Data Corp.	Clearwater, FL	•		1998
124	Eastman Kodak Co.	Rochester, NY		•	1997
128	Nationwide Insurance Enterprise	Columbus, OH		•	2000
130	Hartford Financial Services Co.	Hartford, CT	•		1997
134	US West Inc.	Englewood, CO	•		1998
141	Viacom Inc.	New York, NY	•		1993
146	Cisco Systems	San Jose, CA		•	
150	Sun Microsystems	Mountain View, CA		•	1993
152	Gap Inc.	San Francisco, CA	•		1994

**KEY**

- A Rank in Fortune 500  
 B Company Name  
 C Location of Corporate Headquarters  
 D Benefits Offered Only to Same-Sex Domestic Partners  
 E Benefits Offered to Same- and Opposite-Sex Domestic Partners  
 F Year of Implementation

A	B	C	D	E	F
165	Northwest Airlines	St. Paul, MN	•		2001
167	Monsanto Co.	St. Louis, MO			1997
171	Pacificare Health Systems	Santa Ana, CA		•	
177	The Limited Inc.	Columbus, OH			
178	Edison International	Rosemead, CA		•	1998
180	Texas Instruments Inc.	Dallas, TX	•		2000
186	Marsh & McLennan Companies	New York, NY		•	2000
195	Oracle Corp.	Redwood Shores, CA			1993
197	Nike Inc.	Beaverton, OR		•	1994
200	Marriott International	Bethesda, MD		•	1999
201	Foundation Health Systems	Rancho Cordova, CA		•	
204	St. Paul Companies	St. Paul, MN		•	1995
206	Continental Airlines	Houston, TX			2000
208	US Airways	Arlington, VA		•	2001
212	US Bancorp	Minneapolis, MN			2000
232	Principal Financial Group	Des Moines, IA			
233	John Hancock Financial Services	Boston, MA	•		1998
236	Unisys	Blue Bell, PA	•		1999
237	Columbia Broadcast System (CBS)	New York, NY			1999
244	Pharmacia & Upjohn Inc.	Kalamazoo, MI		•	
255	Lincoln National	Fort Wayne, IN			1997
256	Seagate Technology Inc.	Scotts Valley, CA		•	1998
257	Chubb Life Insurance Co. of America	Warren, NJ			1996
259	Safeco	Seattle, WA	•		1999
260	EMC Corp.	Hopkinton, MA		•	
262	Cummins Engine Co. Inc.	Columbus, IN			2000
272	Avnet Inc.	Great Neck, NY	•		2000
278	Anthem Insurance	Indianapolis, IN	•		1999
279	General Mills	Minneapolis, MN			2000
283	NCR Corp.	Dayton, OH	•		1998
285	Apple Computer	Cupertino, CA	•		1993
302	IKON Office Solutions	Malvern, PA		•	1998
305	Mattel Inc.	El Segundo, CA		•	1998
311	Starwood Hotels & Resorts Worldwide	White Plains, NY		•	1999
312	Avon Products	New York, NY		•	1998
313	Science Applications International Corp. (SAIC)	San Diego, CA		•	2000
315	Computer Associates International	Islandia, NY		•	
319	Omnicom (Diversified Agency Services)	New York, NY		•	
320	Nordstrom	Seattle, WA		•	
331	Applied Materials	Santa Clara, CA		•	
337	America OnLine	Dulles, VA		•	1994
343	Charles Schwab & Co.	San Francisco, CA			1993
381	Medtronic Inc.	Minneapolis, MN		•	2000
399	Clorox Co.	Oakland, CA			1999
401	McGraw-Hill	New York, NY		•	1998
406	Estee Lauder Companies	New York, NY	•		1998
409	QualComm	San Diego, CA	•		1997
443	Barnes & Noble	New York, NY			1995
466	Nextel Communications	Reston, VA		•	1999
474	Knight-Ridder Newspapers Inc.	San Jose, CA	•		1997
477	Times Mirror Co.	Los Angeles, CA			1998
490	New York Times Co.	New York, NY	•		

# WORKPLACE

## APPENDIX 3

### Businesses Endorsing the Employment Non-Discrimination Act

#### Major Corporations

AT&T, New York, NY  
 Bell Atlantic, New York, NY  
 Ben & Jerry's Homemade Ice Cream, South Burlington, VT  
 Borland International, Scotts Valley, CA  
 Digi-Net Syndication, Tampa, FL  
 Eastman Kodak, Rochester, NY  
 FleetBoston Financial Corp., Boston, MA  
 Franklin Research, Boston, MA  
 General Mills, Minneapolis, MN  
 Hill and Knowlton, New York, NY  
 Honeywell, Moristown, NJ  
 Imation, Oakdale, MN  
 Louis Dreyfus Corp., Wilton, CT  
 Merrill Lynch, New York, NY  
 Microsoft, Redmond, WA  
 Millipore Corp., Bedford, MA  
 Pacific Telesis, San Francisco, CA  
 Prudential Insurance Co., Newark, NJ  
 Quark, Denver, CO  
 The Quaker Oats Company, Chicago, IL  
 Triarc Beverage Group, White Plains, NY  
 Wainwright Bank, Boston, MA  
 Xerox, Stamford, CT

#### Small Businesses

Ansafone.com/Ephonamation.com, Santa Ana, CA  
 Atlanta Computer Group, Alpharetta, GA  
 Billingsley Co., Dallas, TX  
 Bridge Capital, Irvine, CA  
 Crow Design Centers, Dallas, TX  
 Donato's Pizza, Boston, MA  
 Far West Management, Santa Ana, CA  
 Homewood Suite Hotels, Lewisville, TX  
 I Love Flowers, Dallas, TX  
 James Daniels & Associates, Fort Worth, TX  
 Microtek Inc., Chicopee, MA  
 Morrisey Associates Inc., Chicago, IL  
 Nims Associates Inc., Dallas, TX  
 Odell & Associates, Dallas, TX  
 Replacements Ltd., Greensboro, NC  
 Resource One, Columbus, OH  
 Riverview Center for Orthopedic Rehabilitation, Columbus, OH  
 Saddleback Interiors, Corona Del Mar, CA  
 Southern Enterprises Inc., Dallas, TX  
 The Feed Bag Restaurants, Dallas, TX  
 Triton Funding Group, San Francisco, CA  
 Voice Publishing Co. Inc., Dallas, TX  
 Winninghabits.com, Dallas, TX  
 Wyndham Jade, Dallas, TX

## W O R K P L A C E

**About the Authors**

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Kim I. Mills, director of the Human Rights Campaign's education department, supervises HRC WorkNet. She speaks frequently about GLBT workplace issues and has written on the subject for publications including *The Dallas Morning News*, *Harvard Business Review*, *ACA Journal* and *The Diversity Factor*. Mills is a member of the National Advisory Board of the Pride Collaborative, a GLBT workplace advocacy organization based in San Francisco, and sits on the Employer Advisory Committee of the Institute for Gay and Lesbian Strategic Studies based in Amherst, Mass.

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