

Corporate Equality Index to Look for Expanded Health Benefits as Measure of LGBT Workplace Equality and Inclusion: Raising the Bar to a Perfect Score

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Thursday, January 12, 2017

Employers looking for strong scores on the **Corporate Equality Index (CEI)** in coming years may have to make some unexpected changes to their health benefit programs.

Benefit programs are one key component of CEI ratings, which are compiled by the advocacy group Human Rights Campaign to measure levels of lesbian, gay, bisexual, and transgender (LGBT) inclusion and equality in the workplace. To attain the highest rating of 100 on the CEI that will be released in 2019 (which will be based on data from the 2018 calendar year), an employer will have to do the following:

- Provide full parity of benefits between same- and opposite-sex spouses as well as for same- and opposite-sex domestic partners. (Some employers have recently reduced benefit offerings for domestic partners as they have expanded offerings for same-sex spouses to meet new legal requirements.)
- Remove any blanket health plan exclusions for gender transition-related care and explicitly affirm coverage for transgender individuals (i.e., benefits available to other employees must extend to transgender individuals and other barriers to coverage, such as separate dollar maximums or deductibles limited to coverage of sex reassignment surgeries and related procedures, must be eliminated). The rule against blanket exclusions is consistent with Section 1557 of the Affordable Care Act, which contains similar rules for certain healthcare-related employers and for certain plans sponsored by other employers that accept federal funds.
- Outside the benefits realm, employers with supplier diversity programs must include LGBT suppliers as part of their procurement outreach efforts.

Some of these changes also are in effect for the 2018 ratings, which will be based on the 2017 calendar year.

The current CEI—which was based on employer responses to the annual CEI survey in addition to publicly available information (e.g., Form 990 tax filings, case law, and verified news reports)—rated 327 Fortune 500 businesses, 102 Fortune 1000 businesses, 156 law firms, and 302 additional major businesses. A record number of 517 employers earned a top rating of 100 percent. The CEI also rated an additional 156 Fortune 500 businesses that did not respond to any annual CEI survey but were evaluating using publicly available information only.

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Source URL: <https://www.natlawreview.com/article/corporate-equality-index-to-look-expanded-health-benefits-measure-lgbt-workplace>