

Legislative Council 立法會
Meeting on 20/8/2001 會議

Chung To 杜聰
Chi Heng Foundation 智行基金會

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Mr Stanley Ma Kin Hung
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RE: Subcommittee to Study Discrimination on the Ground of Sexual Orientation

Dear Mr. Ma,

Chi Heng Foundation is pleased to be invited to attend the meeting organized by the Subcommittee to Study Discrimination on the Ground of Sexual Orientation to be held on August 20.

Chi Heng Foundation aims to promote equal opportunities and eliminate discrimination. We believe people, regardless of their sexual orientations, should be entitled to all civil rights and social benefits, including equal rights to access medical benefits, public housing, etc. and the right to form family. I hereby submit a report published in the United States on domestic partnership. Although the report was catered for the U.S. society, it offers a comprehensive and useful reference for us in Hong Kong.

Chi Heng Foundation will submit more information regarding discrimination on the ground of sexual orientation in the next few days.

Should you have any questions, please do not hesitate to contact me

Thank you in advance for your assistance. I look forward to seeing you.

Sincerely,

Chung To
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HOW DOMESTIC PARTNERSHIP IS DEFINED

Just as the term "family" can be described in a variety of ways, the construct "domestic partner" does not adhere to one, universal definition. Instead, each company, university, state or local government must choose how to define the concept in their benefits administration. While it may seem like a lot to tackle, DP benefits plans are actually rather simple to design and implement. The information in this section is designed to assist employee organizers, managers and human resource specialists in establishing DP benefits.

DP or Not DP ... While "domestic partnership" is the most common term, companies have demonstrated some creativity in generating substitute terminology, including:

- Life partner
- Spousal equivalent
- Functional marriage equivalent
- Alternative family
- Family type unit

Yet terms are less important than the meanings behind them. What matters most is that the domestic partnership be defined in a fair and inclusive manner so that the term becomes synonymous with fully valuing family diversity.

Core Definition In general, "domestic partnership" has been defined as an ongoing relationship between two adults of the same-or opposite-sex who are:

- (a) sharing a residence,
- (b) over the age of 18,
- (c) emotionally interdependent,
- (d) and intend to reside together indefinitely.

Beyond this basic framework, however, employers have defined DP in a number of ways to determine which members of an employee's family will qualify to receive benefits.

Who Will Be Included **SAME-AND OPPOSITE-SEX POLICIES**

Ideally, employers include unmarried, opposite-sex partners as well as same-sex partners in their DP benefits policies. The goal of DP benefits is to allow the concept of family to include a diversity of relationships, including those that are not formally recognized through marriage. Many heterosexuals have strong personal, political, philosophical, economic, or religious reasons for not pursuing legal marriage. A benefits policy which includes unmarried, heterosexual couples acknowledges these personal choices and expands the definition of "domestic partnership" to better recognize the true diversity of families.

SAME-SEX ONLY POLICIES

Many employers choose to extend benefits only to the same-sex domestic partners of employees, excluding unmarried, opposite-sex couples. Their rationale for doing so is that heterosexual employees have the option of marriage, whereas GLBT employees do not have the same legal ability. This logic is flawed in that it discriminates against employees on the basis of marital status, and several same-sex-only policies have been legally challenged based on this argument. For example, *Bell Atlantic is currently being sued by a heterosexual domestic partner who is denied benefits by the company's same-sex-only policy.* Whether or not the courts deem such policies to be discriminatory in the legal sense, same-sex only policies are clearly exclusionary. Today, more and more employers are opting for a broader definition of "domestic partnership" that includes opposite-sex and same-sex partnerships.

FYI...

The State Labor Commissioner of California ruled that the Oakland, CA, same-sex-only benefits policy discriminates against heterosexuals in violation of the labor code.⁵ Similarly, the University of California same-sex DP benefits policy has been criticized as highly discriminatory.⁶

ALL-INCLUSIVE POLICIES

A select number of employers have chosen to allow more flexibility in the definition of DP. Most notably, BankAmerica allows employees to designate any member of their household as a recipient of their health benefits, whether the person be a married spouse, unmarried domestic partner or relative, such as a sibling or parent.⁷ While few employers have adopted this type of policy, it is by far the most ideal, allowing for a wide variety of family relationships, intimate or otherwise, which exist and granting workers the security they need to meet their family obligations.

Still, this policy option often requires that the non-DP or non-spouse beneficiary be a dependent of the employee under IRS regulations (i.e., received more than 50% of financial support from the employee). Ideally, companies would allow employees to designate any one member of their household (and their dependent children) to receive benefits, regardless of their dependent status.

FYI...

The San Francisco-based Catholic Charities allows an employee to "designate a legally domiciled member of the employee's household as being eligible for spousal equivalent benefits."⁸ Catholic Charities adopted their more-inclusive policy as a means of offering domestic partnership benefits without acknowledging intimate same-sex or unmarried opposite-sex relationships in specific.

DOMESTIC PARTNERS' CHILDREN

Whether adopting a same-sex or same- and opposite-sex definition of DP, employers must decide if they will include the dependent children of domestic partners in their coverage. Since traditional benefits policies include the dependent children of an employee's spouse, even if the employee is not the natural or adoptive parent of the children, it is most equitable for benefits to be extended to the dependent children of domestic partners as well.

AFFIDAVITS

Some employers ask employees to sign an affidavit verifying the existence of the domestic partnership and attesting to certain conditions (e.g., financial interdependence, sharing a common residence). In the context of these affidavits, employers often require that employees provide additional documents

Verifying the Domestic Partnership

The NGLTF Domestic Partnership Organizing Manual

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to back up the assertions in the affidavit such as proof of a joint checking account to ensure financial interdependence.

While we understand the importance of verification, we note that this is a highly inequitable process, as married employees are rarely asked to show their marriage certificate. Also, many partners or families, although residing together in a committed fashion, maintain separateness in terms of personal finances and property ownership. Generally, in considering what is required to prove domestic partnership, an employer should consider what it requires of married couples and try to be as equitable as possible in defining DP. It is discriminatory to require domestic partners to jump through hoops that married couples are exempt from.

An employer should consider what it requires of married couples and try to be as equitable as possible in defining domestic partnership.

IBM has devised one practical solution for their DP policy: "You do not have to submit the signed, notarized affidavit to IBM to enroll a domestic partner for benefit coverage. However, you must keep the affidavit in a safe place, as the administrators of the IBM benefit plans may, in their discretion, require submission of the affidavit of domestic partnership at some future time in determining

the eligibility for plan coverage or in deciding whether or not to pay/provide benefits. For example, IBM may request that the signed, notarized affidavit be made available for retirement benefits, death benefits, and so on, just as we may request that a marriage certificate to prove the eligibility of a spouse."⁹ Hollywood Supports, an organization that lobbies for DP benefits plans in the entertainment industry, has proposed another equitable alternative, by drafting an affidavit which asks that all employees declare their marriage, common law marriage, or spousal equivalent relationship. While the Hollywood Supports model requires domestic partners to provide proof of financial interdependence and mutual residence, it also requires that an employee registering a spouse for benefits provide a marriage certificate. Hence, their policy model is very equitable.¹⁰

Employers are often concerned that employees will drive up health care costs by falsifying a partnership in order to obtain health care for a sick friend. Hence, many employers require that the DP exist for some length of time — usually six months — and require some proof of the relationship before the partner can receive benefits. Yet this also sets a higher hurdle for domestic partners than for married couples: Under most benefit policies, an employee can marry a sick friend and, one day later, cover him/her under the company health plan. In either situation, it is unlikely that an employee would try to obtain benefits for an ailing acquaintance as many health insurance programs have complex guidelines for covering pre-existing conditions. Moreover, to date, there have been no reports of fraud involving DP registration. Yet if the employer feels the need to create waiting periods, it is most equitable for the same waiting periods to be imposed on married employees' relationships.

If an affidavit is used, employees should be aware that such affidavits may result in unintended legal consequences—such as support payment or assertion of rights to community property—in the event of termination of the relationship. Employees should also note that signing an affidavit to designate a domestic partner to receive health benefits, for instance, does not necessarily mean that the domestic partner is automatically the recipient of life insurance or retirement plan funds.

REGISTRIES

Alternatively, some employers in jurisdictions with domestic partnership registries may require that employees register their domestic partnership officially in order to qualify for DP benefits. This is often the case for government employees in municipalities with DP registries, where the government may require that employees register their relationships with the city in order to claim DP benefits. Here too, though, inequities exist. Some companies require that employees with registered domestic partnerships provide proof of registration, although married couples do not have to provide their marriage certificates. Moreover, some employers ask for documentation of financial interdependence or mutual residence in addition to proof of DP registration.

TERMINATION OF PARTNERSHIP FORMS

Often, employers who require that partners complete affidavits to obtain benefits create complementary documents in the event of the termination of the partnership. The forms are generally uniform, requiring that the employee attest that he/she and his/her partner no longer meet the criteria of domestic partners. Generally, the employee is expected to provide a copy of the completed termination to his/her domestic partner if the partner is still living.

Workplace benefits can be broken down into two categories, often referred to as "soft" and "hard."

SOFT BENEFITS are lower cost, non-health benefits that may include, among other benefits:

- Bereavement and sick leave
- Adoption assistance
- Relocation benefits
- Child resource and referral services
- Access to employer recreational facilities
- Participation in employee assistance programs

Inclusion in employee discount policies

HARD BENEFITS are generally insurance benefits that may include:

- Medical benefits
- Dental and vision care
- Dependent life insurance
- Accidental death and dismemberment benefits
- Tuition assistance
- Long-term care
- Day care
- Flexible spending accounts

It should be noted that, beyond this list, there are over 400 benefits in the public and private sector that are extended on the basis of marital status from which domestic partners are excluded.¹¹

According to federal regulations, only dependent children and spouses can qualify for COBRA (Consolidated Omnibus Budget Reconciliation Act of

Types of Benefits Offered

1995 which provides for continuation of benefits). However, many employers choose to formulate COBRA-like policies to cover domestic partners and their dependent children upon termination of employment or the DP itself.

It is most desirable to offer the full-range of benefits to domestic partners that are offered to employee spouses. Yet many employers offer only a few soft benefits to domestic partners, generally for cost-related reasons (for more on this, see the "Arguing the Case" section of this manual on page 9). Acquiring soft benefits is an important step toward full and equal treatment, but companies should carefully consider the repercussions and implications of ruling out the extension of comprehensive benefits. Wherever possible, employers should extend the same benefits to domestic partners as they extend to spouses. This is the most fair and equitable thing to do.

Suggested Policy The best policy is the broadest and most equitable policy. That is, the ideal DP policy covers the widest range of family types while keeping definitions and registration requirements comparable to those imposed on married couples. If the employer wishes to request a signed affidavit from unmarried couples, then a marriage license or similar affidavit should be requested from married couples. If a spouse's children are provided health insurance even if they are not legally related to the employee, then the domestic partners' children should also be covered. And, to the fullest extent possible, whatever benefits are offered to spouses should be available to domestic partners. If the goal of DP benefits is truly equity, then the best policy is one which is as equitable as possible in all its dimensions.

Moreover, an ideal DP policy covers a wide range of family types. If possible, an employer should offer benefits to same- and opposite-sex couples, both romantic and non-romantic, as well as partners' children. By crafting an inclusive policy such as this, the employer allows the employee to define his or her own family and responds to that family's needs. Moreover, an inclusive policy is more flexible and can adapt to employee family structures as they continue to change.

WHO SUPPORTS DOMESTIC PARTNERSHIP

Over 790 employers offer domestic partnership benefits, including approximately:

Employers

- 570 companies, foundations and nonprofit organization such as Microsoft; BankAmerica; The United Way; Fox Inc; Intel; and the San Francisco Giants
- 87 cities, counties and states such as Atlanta, GA; New York, NY; Pima County, AZ; the State of Oregon; and the State of Vermont
- 141 universities and colleges such as Iowa State University; Harvard University; College of Charleston; and University of California

According to From Rights to Wrongs: Public Opinion On Gays & Lesbian Americans Moves Toward Equality, a report written by Alan Yang for the Policy Institute of the National Gay and Lesbian Task Force in 1998, national surveys conducted by the Princeton Survey Research Associates (PSRA) indicate growing support for benefits for "gay spouses." For instance, in 1997, 62% of PSRA respondents indicated support for gay partners receiving equal access to inheritance benefits.¹²

The Public

Religious organizations belonging to a host of faith traditions have affirmed domestic partnership benefits by offering them to their members and/or employees.¹³ Organizations representing several faiths have extended these benefits, including:

Religious Groups

- Episcopalian (Episcopal Church of the United States)
- Unitarian Universalist (National Headquarters)
- Jewish (Union of American Hebrew Congregations)
- Quaker (American Friends Service Committee)
- Catholic (Archdiocese of San Francisco)

In 1997, in support of a proposed DP bill in the State legislature, the California branch of the American Association of Retired Persons (AARP) and its legislative chair, Jack Philp, expressed the following views:

Senior Citizen Organizations

"This bill would aid, strengthen, protect, and promote committed family relationships by extending, to unmarried couples, a limited number of rights and privileges enjoyed by married couples... This is an issue of importance to the senior community due to the large number of senior citizens who gain companionship, security, and independence by living with a partner, but choose not to marry due to laws and regulations governing Social Security benefits, pensions, and family obligations."

People such as senior citizens who receive government benefits are subject to a cut in benefits upon marriage. Hence, many groups of people in this position

support domestic partnership as a means of recognizing their relationships while keeping much needed benefits.

Unions

In 1991, the AFL-CIO (American Federation of Labor - Congress of Industrial Organizations) issued the following policy resolution on "Benefits for Changing Families":

Whereas, Employer provided health-care coverage, sick and family responsibility leaves, and bereavement leaves for spouses of employees are important elements of of any benefit package; and

Whereas, Fewer than 30 percent of American families fit the traditional definition of family -- two parents living with children; and

Whereas, Eligibility for fringe benefits is often based upon a definition of family which fails to recognize change in family composition in the United States, resulting in a lack of coverage for many individuals;

and

Whereas, These fringe benefits are, on average, equivalent to 40 percent of total compensation; and

Whereas, The United States has not enacted legislation to create universal access to health insurance or family leave; and

Whereas, Jurisdictions have begun to offer fringe benefits to unmarried employees and there partners; therefore, be it

RESOLVED: That AFL-CIO will work as appropriate to insure that fringe benefits are extended to all persons living in a household as a family.²⁹

Several other labor organizations offer DP benefits, such as:

American Federation of State, County, and Municipal Employees Council 57, 67, 82, 829

International Alliance of Theatrical Stage Employees Local 16

International Brotherhood of Electrical Workers, Local 18

Oil, Chemical and Atomic Workers Union

Professional Musicians Union Council #47

Teamsters Local 70

Women's Groups

The National Organization for Women and its president, Patricia Ireland, have endorsed DP legislation, and DP benefits are offered to the partners of NOW employees. In one letter regarding the issue of DP benefits, Ireland called for "employers to eliminate all discrimination in the workplace -- including discrimination based on marital or family status."

ARGUING THE CASE FOR DOMESTIC PARTNERSHIP BENEFITS

Many arguments have been advanced to support or derail the enactment of DP benefits. This section summarizes the primary rationales on both sides of the issue. Years of experience prove that the fears surrounding DP policy enactment are baseless—rooted more in prejudice than solid fact.

IT IS A MATTER OF FAIRNESS

Over 1,000¹⁴ companies currently include sexual orientation in the list of protected categories in their non-discrimination policies. Increasingly, employers have realized that failing to provide equal benefits to employee's partners, regardless of sexual orientation, violates the nature of these policies. Additionally, many employers have extended benefits to same- and opposite-sex partners of employees, in accordance with policies barring discrimination based on marital status. In other words, with benefits comprising about 40% of the average employee's compensation, an employee who does not receive benefits for his/her partner due to his/her marital status and/or sexual orientation is at a significant disadvantage.

Also, allowing employees to designate any member of their household family, including non-romantic domestic partners, contributes more to even greater fairness and equity in the workplace. Through this option, more employees have the opportunity to participate in benefits compensation programs and receive the added salary component to which coupled employees have access.

IT MAKES COMPANIES MORE COMPETITIVE AND PRODUCTIVE

In an increasingly competitive workplace, it is getting harder and harder for employers to find talented and qualified employees. Comprehensive benefits packages are highly enticing in the hiring process, and benefits packages that do not address the full range of our families exclude many qualified applicants. The issue also affects the rising population of women and young people in the workplace, who typically hold more progressive attitudes and value a workplace that appreciates diversity. The fair and open recognition of diversity in the workplace contributes to employee satisfaction and performance: an employee who is able to be open about his/her sexual orientation and family life will be more productive at work and better able to participate fully in team projects. Conversely, if a company does not offer DP benefits, current employees may be lured away by those employers who do.

IT IS A MAINSTREAM BUSINESS PRACTICE

Included in this manual's "Appendix" page 120 is a listing of companies which currently offer benefits to the domestic partners of their employees. Within that list, there are some noticeable industry groupings. Entertainment and technology companies, financial and

Arguments For Domestic Partnership

FYI

"The Importance of Diversity"

Like many organizations, Schwab is a team of diverse individuals working together to meet the needs of a varied and dynamic market. But we're also different in a significant way: we believe that fostering the strengths of a diverse work force has distinct strategic business advantages. Diversity brings to Schwab:

- **Innovative Business Solutions:** Employees from varied backgrounds offer different perspectives and innovative solutions.
- **A Competitive Advantage:** Striving to employ a work force that reflects the diversity of the Company's customer base offers many advantages, including a better ability to understand customers' needs, giving Schwab a competitive edge in the marketplace.
- **Productivity:** Striving to provide a work environment that enables diversity to flourish and encourages each employee to contribute his or her own form of creativity and innovation.

Charles Schwab, Co.
Diversity Literature

legal firms, and hospitals lead the pack. They are also among the most successful industries in the country (accounting for over 30% of the gross domestic product).¹⁵ In 1997, KPMG Peat Marwick released a survey of 1,502 companies with 200 or more employees. The study found that 13% of respondents provide health benefits to non-traditional partners. Among companies with more than 5000 employees, the number jumped to one in four.¹⁶

Some companies are bold pioneers in all of their pursuits, including DP benefits. Others prefer to blend in with their competitors where workplace policies are concerned. As one strategy of making the process easier, Outfront in Minneapolis gathered human resources (HR) presidents from several companies in the Twin Cities area to learn about and discuss DP benefits. Eventually, when the companies decided to enact DP benefits policies, they did so as a group.

FYI...
In 1996, Lafayette College surveyed 23 of their comparison institutions (including Amherst, Oberlin and Vassar) and found that 95% offer domestic partnership benefits.

In considering the extension of DP benefits, many HR executives and employee organizers often find it useful to network with other companies in their industry or geographical region to learn about their DP benefits plans. For instance, most colleges and universities have a set block of institutions—similar in size, location, or applicant population—to whom they compare themselves, and schools are often compelled to enact DP benefits policies upon learning that a majority of their comparison group has done so. Overall, the number of employers offering DP benefits is steadily increasing, and, in most cases, there is no fanfare involved.

IT ATTRACTS CONSUMERS AND SUPPORT FOR THE COMPANY

Increasingly, the GLBT community's potential as a market has become apparent to corporate leaders. Mainstream gay magazines are filled with advertisements from major corporations, and many companies, including Bell Atlantic and Aetna, have retained consultants specializing in GLBT marketing. Yet consumers are savvy, and companies are too. Both parties realize that it is contradictory for a company to try and market to the GLBT community without demonstrating that the community is valued in the company's workforce. These values are reflected in their benefits policies as well.

Consumers are often faced with choices in purchasing products and services. GLBT consumers look more favorably on those companies that include DP benefits in their workplace policies and companies often use this to their advantage. A recent advertising campaign launched by Levi Strauss and Co.—one of the first companies to offer DP benefits—features a spread of GLBT activists and community members wearing Levi's Dockers pants. The ad is being run in national GLBT magazines and is based on Levi's experience that the GLBT market is highly loyal to their products. In other words, GLBT people are a product-loyal market that many companies would like to tap. Companies such as IBM, Microsoft, and American Express have recognized the value of the GLBT community for quite some time through their advertising and hiring campaigns.

Arguments Used Against Domestic Partnership

IT WILL COST TOO MUCH

The most common reason cited by companies who do not implement DP benefits is the perception that to do so would be cost prohibitive. However, evidence compiled from employers who have made the change indicates these concerns are baseless. In the survey of 20 public sector policies presented in the "Appendix," on page 40 only five governments reported tracking DP benefits costs. Among these five, costs fell between 0.96 and 1.06 percent of total health care costs. This low cost stems from low participation: a 1993 report found that, on average, less than five percent of employees enroll for DP benefits, and, commonly, less than two percent enroll.¹⁷ Another report, published in 1992 by the Stanford University Subcommittee on Domestic Partners' Benefits, argued that same- and opposite-sex DP enrollment ranges between 0.5 and 2.5 percent.¹⁸ Enrollment is low for three primary reasons.

1. Many GLBT employees fear that by coming out of the closet to enroll for DP benefits, they will face workplace discrimination.
2. While spousal benefits are tax exempt, DP benefits are considered taxable income according to the IRS, making employees less likely to opt for DP coverage because it increases tax liability.
3. Many domestic partners already obtain health care benefits from their own employers.

Regardless of the low enrollment numbers, many employers fear that domestic partners will have more expensive health needs than married couples. Specifically, many employers unfairly associate same-sex partners, particularly gay men, with HIV/AIDS and presume that their needs will adversely affect insurance costs. Yet this fear, rooted in prejudice, is baseless. For instance, the lifetime cost of HIV treatment averages \$19,000, which is equal to or less than the cost of cancer care or an organ transplant. A premature birth can cost \$1,000,000.¹⁹

Despite rationales to the contrary, some HMOs and insurance providers add surcharges to the premium base when asked to include DP benefits in their coverage, usually ranging from 0.5 to 5.0% of the premium rate. However, in most cases, the surcharge is eventually reduced or eliminated based on experience. For example, Stanford University challenged their insurance carrier for levying a "rate load," and the surcharge was ultimately dropped. Similarly, the City of Berkeley in California was levied a 2% loading charge by Kaiser Permanente when Berkeley first began offering DP benefits. The charge, to cover expected additional claims and costs, was eventually dropped after experience failed to justify it.²⁰

The final point to stress is that employers cannot exclude GLBT employees in order to reduce their health care costs. Employers don't bar employees from getting married or having kids, both of which raise health plan costs. If a company cares about its employees and about the values of fairness and nondiscrimination, it should treat all employees equitably, no matter the pricetag.

FYI...

"You don't manage medical benefit costs by excluding a community of people."

Russ Campanello,
Lotus Development
Corporation²¹

IT WILL LEAD TO FRAUD AND ADMINISTRATIVE PROBLEMS

Sometimes, employers are concerned that DP benefits will be difficult to administer, but in reality there is little administrative difference between DP benefits and spousal benefits. The primary administrative factors involve informing the employee population when the DP benefits are adopted and providing enrollment information. Some policies may also require that an additional form be created and filed, but these added documents can be avoided by establishing a policy that does not require an affidavit or any proof of relationship. (Beyond these points, other administrative obstacles and related solutions are outlined in the "Special Issues" section of this manual on page 15.)

Employers also worry that employees will falsify domestic partnerships in order to receive insurance for sick friends. Their fears are countered by the facts:

1. Gay and straight employees are no more likely to falsify domestic partnerships than they are marriages. In fact, to date, no cases of domestic partnership fraud have been reported.
2. Especially for GLBT employees, the serious consequence of coming out in the workplace tends to dissuade falsehood in order to claim DP benefits.
3. Affidavits, if required, are legal documents which carry consequences for falsehood.
4. Employees could just as easily marry a sick friend in order to obtain health coverage for him/her. However, given the complex guidelines for pre-existing conditions noted earlier, this too is highly unlikely.

Hence, if an employer trusts its employees with the operations of the company, they should trust them in this regard as well. Creating a domestic partnership policy with minimal requirements in terms of documentation fosters a more trustworthy and equitable environment and alleviates most concerns about ongoing administrative details.

IT WILL PROVOKE A BACKLASH

Many companies refrain from enacting DP policies because they fear backlash from customers and/or employees. While public and employee reaction is a factor managers must consider, experience shows the positive reactions to DP benefits far outweigh the negative. According to the National Lesbian and Gay Journalists Association (NLGJA), executives at Time Warner were so pleased by the positive publicity they received after covering domestic partners that they considered DP benefits to have been a "smart business move."²²

Occasionally, boycotts are threatened, but they rarely have lasting results. After the Walt Disney Company adopted DP benefits in 1996, the Southern Baptist Convention announced a boycott of Disney for deviating from traditional family values. However, the boycott failed; 70% of Americans rejected the idea flat out.²³ Even fewer actually participated.

Generally, employees react most negatively to same-sex only DP benefits, charging that the policy excludes unmarried heterosexual couples. Of course,

employers are easily buffered from this charge by adopting a broad definition of DP in their benefits policy. Occasionally there is still an uproar; an executive from one company noted that when their DP benefits policy was passed, they received 16,000 pieces of mail, half good, half bad. "People threatened to stop buying our products, and some people quit. But those who quit obviously didn't support any aspect of the diversity that we have always tried to promote."

It is also important to note that, though a company may lose consumers by enacting DP benefits, they may also gain consumers as well. In most cases, though, DP benefits are enacted and any negative response from the public is minimal.

IT IS MORALLY WRONG

A number of employers deny DP benefits since they do not want to be viewed as endorsing choices they find morally wrong, whether same-sex relationships or unmarried cohabitating heterosexual relationships. One top-level manager with these views can single-handedly prevent DP benefits from being enacted. However, these employers should be reminded that a full diversity of ideas and values, including their own, can be allowed in the workplace. Also, it is important to note that DP benefits are not "special" rights. After all, heterosexual spouses already receive the same benefits. Rather, DP benefits are a means to equality for all members of the workplace.

FYI...

A few employees have cited instances where they approached management and asked, "Why doesn't the company offer domestic partnership benefits?" and the managers simply shook their heads, said "I don't know," and the next day, changed the policy. It's not usually that simple, but often the most obvious things can be overlooked.

MARRIAGE REMOVES THE NEED FOR DOMESTIC PARTNERSHIP

Many employers think that the possibility of legalizing same sex marriage precludes the need for DP benefits policies. This argument is flawed in three regards:

1. Gay marriage is not yet legal, and significant obstacles to its recognition exist. In 1996, Congress passed and the President signed the Defense of Marriage Act (DOMA), which among other things defines marriage to be between a man and woman only for the purposes of Federal law. Subsequently, 30 states have passed laws banning same-sex marriage²⁴. Hence, even if same-sex marriage become legal in a few states, same-sex relationships will by no means be universally recognized nor equated with heterosexual marriages in the eyes of the law for years to come.
2. Even if same-sex marriage were to become legal in some locations, not all same-sex couples would wish to marry, just as not all heterosexual couples opt to marry. Many individuals have moral, religious, political or otherwise personal objections to the institution of marriage and prefer define their intimate relationships outside of the marital framework.
3. There are still many partnerships of a familial yet non-romantic nature that deserve to and can benefit from DP policies.

WE HAVE NO GAY PEOPLE HERE

Simple as it may sound, many employers don't offer DP benefits because they don't think they need to. Many employers fail to recognize that there are GLBT people in their workplace, a problem helped in no small measure by the vastness of the corporate closet. Other companies look into DP benefits but wait for employees to request them before they consider changing policy. One manager said, "I don't foresee DP benefits happening right now because no one has really even started talking about it. I think once employees start to request it, then we will take a look at it."²⁵ In other words, sometimes employers just need to be asked.