



**PRIDE** IN MY WORKPLACE

A BEST PRACTICES  
GUIDE FOR NEW YORK  
STATE BUSINESSES  
TO SUPPORT LESBIAN,  
GAY, BISEXUAL,  
AND TRANSGENDER  
EMPLOYEES

EMPIRE STATE  PRIDE AGENDA

PRIDE IN MY WORKPLACE

The mission of Pride in My Workplace is to encourage workplaces in all sectors of the workforce throughout the State of New York to be free of discrimination and to affirm the presence and contributions of their lesbian, gay, bisexual and transgender (LGBT) employees. The program seeks to develop relationships with employers and build strong alliances with business leaders to further the goal of achieving equality and justice for all LGBT New Yorkers.

SPECIFIC GOALS OF THE PROGRAM INCLUDE:

- Educate employers and employees about the Sexual Orientation Non-Discrimination Act (SONDA) and the value of creating affirmative workplace policies for LGBT employees and their families.
- Publicize best practices and encourage all employers to adopt them.
- Organize to increase the number of LGBT Employee Networks in New York State.
- Encourage employers in the private sector to act as advocates for LGBT equality & justice.

Pride in My Workplace celebrates the achievements of employers and individual New Yorkers at its annual "Equality@Work Awards Luncheon" during Pride Month every June.

Pride in My Workplace is a program of the Empire State Pride Agenda Foundation, a non-partisan, 501(c)(3) research, education and advocacy organization. The Foundation is affiliated with the Empire State Pride Agenda, Inc.

On the cover: The inspiration for the pink male and female figures is the often quoted statistic that 1 in 10 people are LGBT.

This guide is available in PDF format on the Empire State Pride Agenda website at [www.prideagenda.org](http://www.prideagenda.org).

EMPIRE STATE  PRIDE AGENDA

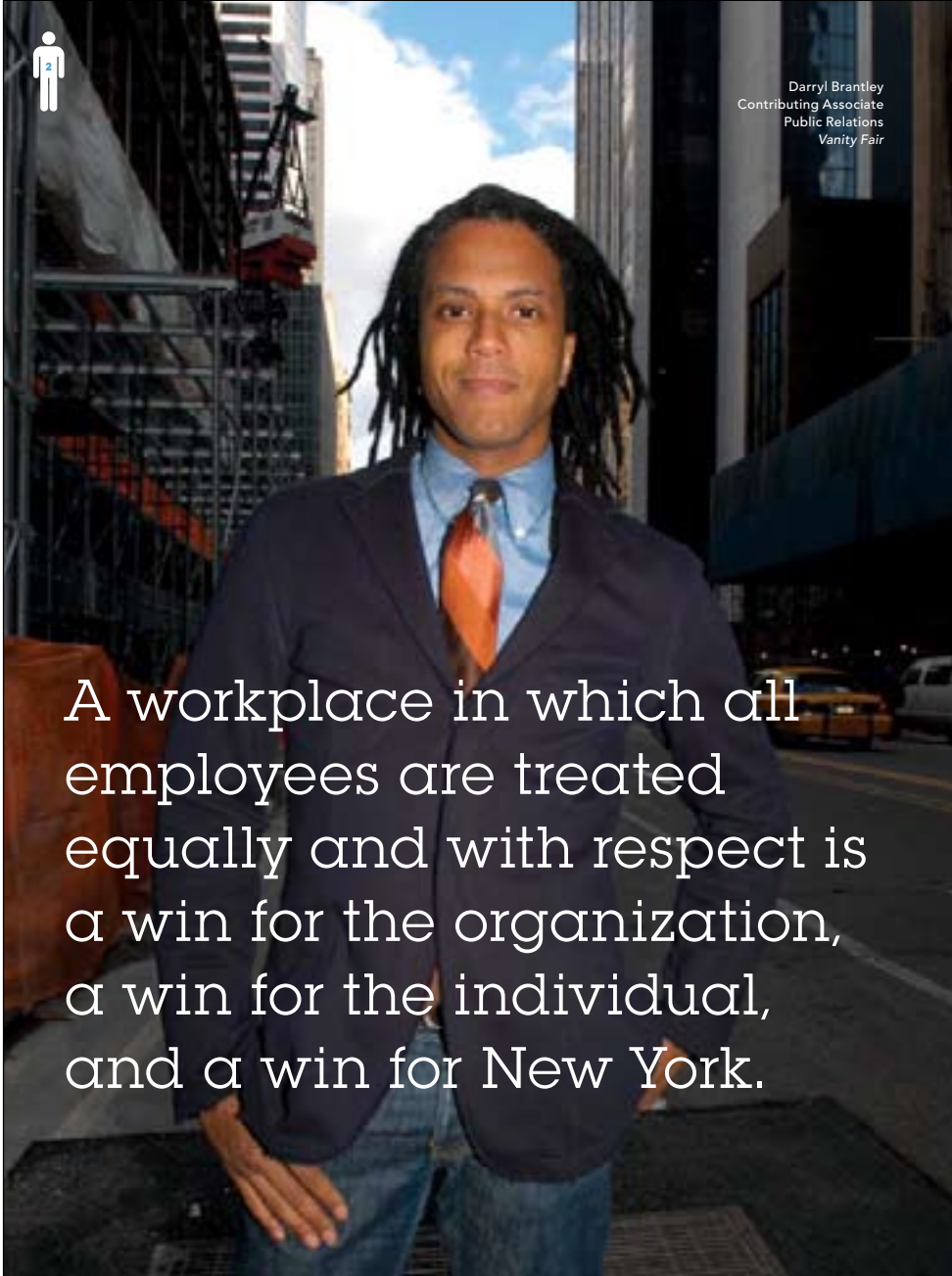
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Darryl Brantley  
Contributing Associate  
Public Relations  
*Vanity Fair*

A workplace in which all employees are treated equally and with respect is a win for the organization, a win for the individual, and a win for New York.

## INTRODUCTION

### The Benefit to Employers of Supporting LGBT Employees

Providing a non-discriminatory workplace regardless of sexual orientation is the law in New York State. It is also the right thing to do, and it is good for business. Increasing numbers of employers recognize that it makes sound business sense to have a diverse employee base. Diversity is not about singling out one group for special treatment, but rather about embracing the value in difference and creating an inclusive workplace environment. People with diverse backgrounds bring different approaches to leadership and problem solving, generating and sharing ideas, and building relationships, all of which have an impact on the bottom line.

New York employers are leading the way. This means that many New Yorkers work for organizations that follow not just the letter of the law, but its spirit. Unfortunately, not all LGBT employees in New York are working in such a supportive work environment. And when employees are not comfortable in their work environment, or feel they are not being treated as equals in terms of the administration of benefits and other policies, employee recruitment, retention and productivity is hindered.

We believe that workplaces in which all employees are treated equally and with respect are a win for the organization, a win for the individual, and a win for New York. With that in mind, we offer this guide to give employers the information they need to provide a safe and supportive work environment for LGBT employees.

#### How to Use this Guide:

The purpose of this guide is to provide employers with an overview of how to make your workplace a safe and supportive environment for your LGBT employees.

- Overview of certain legal requirements for New York State employers
- Beyond the law – the top six best practices for affirming your LGBT employees
- Resources for further information
- Glossary of terms

As discussed on the next page, this guide is not intended as legal advice and may not be relied upon as such.





## The Benefit to Employers of Supporting LGBT Employees continued

### DOES THIS GUIDE OFFER LEGAL ADVICE?

No. This guide does not offer legal advice and may not be relied upon as such. This guide was produced in the Spring of 2006 and reflects certain relevant legal requirements at that time. Legislative and case law in the area of rights associated with sexual orientation and gender identity and expression are rapidly evolving. To ensure compliance with federal, state and local law related to sexual orientation or gender identity and expression, we strongly encourage you to consult your legal advisors.

### DOES THIS GUIDE GIVE TIPS ON MARKETING TO LGBT CONSUMERS?

Not specifically. This guide is a tool for businesses in their role as employers. It does not include specific marketing tools on reaching LGBT customers. However, Pride in My Workplace does consider marketing to the LGBT community as a best practice because it demonstrates to your employees that you care about and value the LGBT community, which in turn helps with recruitment and retention.

The companies that made it onto the DiversityInc Top 50 Companies for Diversity are only 7 percent of all Fortune 500 companies yet generate 22 percent of the total gross revenue of all Fortune 500 companies. The stock-price correlation further proves the value. The 43 publicly traded companies in this year's DiversityInc Top 50 Companies for Diversity list had a 23.5 percent higher return than the Standard & Poor's 500 when measured over a 10-year period with dividends reinvested.

— DiversityInc, June 2005

### OVERVIEW OF ADVANTAGES FOR EMPLOYERS

At a minimum, New York businesses can reduce the risk of legal liability and litigation by making efforts to avoid discrimination based on sexual orientation—and, in some localities, based on gender identity and expression. Going beyond that minimum to foster a diverse and inclusive workplace is usually based on a company's commitment to principles of fairness and inclusion. But these policies can also be good for business, as documented by DiversityInc (see box at left). Companies promoting diversity attract new business and retain existing business, as they attract the best talent and retain the best talent.

### RECRUITMENT AND RETENTION: MAINTAINING THE COMPETITIVE ADVANTAGE

An employer's most valuable asset is its employee population. How do you attract and retain the best talent? By valuing all employees through policies that allow them to provide for their families and through a workplace culture that encourages appreciation of, and respect for, differences. Inclusion breeds loyalty, and creating a loyal workforce reduces the time and expense associated with employee turnover.

### EMPLOYEE PRODUCTIVITY

Employees who have to worry about their uninsured partner, who feel uncomfortable being out at work, or who feel isolated because they feel they are the only ones struggling with these issues have been shown to be less productive. If your LGBT employees feel



## Approximately half of the Fortune 500 companies offer domestic partner health benefits.

comfortable and supported in their work environment, they will be able to focus more effectively on the work of the company, thereby increasing productivity.

### BRAND LOYALTY

National surveys have documented that the LGBT community demonstrates brand loyalty to companies which have policies of equal treatment. "Seven in ten (70%) gay, lesbian and bisexual respondents say they are extremely or very likely to consider a brand that is known to provide equal workplace benefits for all of their employees, including gays and lesbians."<sup>1</sup>

### THE RIGHT THING TO DO, FOR SO MANY REASONS

A growing number of employers believe it makes sound business sense to have a diverse employee base. We hope this guide can offer your organization information about best practices to ensure that your workplace is inclusive and diverse, and, as a result, more successful.

<sup>1</sup> Harris Interactive, 2/4/05  
[www.harrisinteractive.com/news/allnewsbydate.asp?NewsID=889](http://www.harrisinteractive.com/news/allnewsbydate.asp?NewsID=889)



(from left)  
Lynette C. Kelly  
Kimberly Hogg

On January 16, 2003,  
New York State enacted  
the Sexual Orientation Non-  
Discrimination Act (SONDA).

# LEGAL OBLIGATIONS

## On Sexual Orientation and Gender Identity/Expression in New York

### LAWS RELATED TO SEXUAL ORIENTATION

On January 16, 2003, New York State enacted the Sexual Orientation Non-Discrimination Act (SONDA). This law amends the New York State Human Rights Law (Article 15 of the Executive Law) to prohibit discrimination on the basis of sexual orientation in employment, public accommodation, housing, education, credit, and other areas of everyday life.

Every employer subject to the law must post the official New York State SONDA posting in a conspicuous and well-lit place at or near where work is performed. Employers can supplement this legal minimum with the Pride Agenda SONDA poster.

Currently there are no federal laws prohibiting discrimination based on sexual orientation in employment. However, employers should be aware that legal protections from sexual harassment in the workplace can also impact the treatment of LGBT employees. The U.S. Supreme Court has found that sexual harassment between people of the same sex, regardless of the sexual orientation of either the perpetrator or the target, is just as

actionable as harassment between members of the opposite sex. Prohibited sexual harassment would include both requests for sexual favors (“quid pro quo” sexual harassment) and sexually offensive behavior that leads to an oppressive work environment. It is important that employers investigate complaints that involve anti-gay epithets or other sexually explicit behavior that might be interpreted as sexual harassment.

### EMPLOYEE RIGHTS UNDER SONDA

Consistent with other provisions of New York’s Human Rights Law, under SONDA, an employee who believes s/he has been discriminated against based on his/her actual or perceived sexual orientation can file a complaint against the employer either with the New York Division of Human Rights ([www.dhr.state.ny.us](http://www.dhr.state.ny.us)) or in state court.

### RESOURCES FOR EMPLOYERS

For more information about complying with SONDA, contact the New York Division of Human Rights by visiting [www.dhr.state.ny.us](http://www.dhr.state.ny.us) to find the nearest regional office.

### Employer Obligations Under New York State Law

Under SONDA, employers with four or more employees may not make decisions based on a person’s actual or perceived sexual orientation in any area of employment, including:

- Hiring
- Promotion
- Job assignments
- Compensation
- Termination



## Legal Obligations on Sexual Orientation and Gender Identity/Expression in New York continued

### LAWS RELATED TO GENDER IDENTITY AND EXPRESSION

As of the spring of 2006, neither federal nor New York state law explicitly prohibit discrimination based on gender identity and expression. However, some state and federal courts have interpreted laws that prohibit sex or disability discrimination as affording protection to individuals harassed or discriminated against because they do not comply with societal gender norms. However, the law in this area remains unsettled.

As of the spring of 2006, five New York cities and two New York counties have amended their non-discrimination laws to explicitly protect people on the basis of gender identity and expression. The cities are Albany, Buffalo, Ithaca, New York City, and Rochester. The two counties are Suffolk County and Tompkins County.

### EMPLOYER RESPONSIBILITIES

Employers doing business in the above-mentioned municipalities and counties who are covered by these laws may not discriminate based on gender identity and expression in hiring, promotion, job assignments, termination, and compensation of employees or prospective employees.

### EMPLOYEE RIGHTS UNDER THE LAW

If an employee believes that they have experienced discrimination based on their gender identity or expression, they have the legal right to file a complaint

at the municipal level. In New York City, an employee can file a complaint with the City Human Rights Commission ([www.nyc.gov/cchr](http://www.nyc.gov/cchr)) or sue in court.

In municipalities and counties where there are no explicit laws protecting individuals based on gender identity and expression, an aggrieved employee can file a claim based on sex discrimination which may be successful based on previous court rulings. In Buffalo, an employee can fill out a Complaint Form with the Buffalo Commission on Citizens' Rights and Community Relations at [www.city-buffalo.com/document\\_899\\_122.html](http://www.city-buffalo.com/document_899_122.html) or call 716-851-8000.

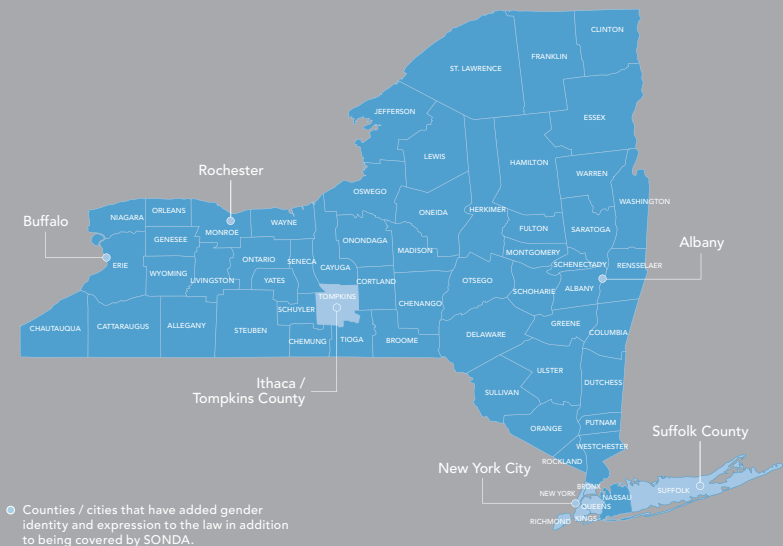
### EMPLOYER RESOURCES ON LOCAL TRANSGENDER LAWS

For more information about complying with the New York City law, there are guidelines from the New York City Human Rights Commission at [www.nyc.gov/html/cchr/pdf/trans\\_guide.pdf](http://www.nyc.gov/html/cchr/pdf/trans_guide.pdf), or you can contact the Commission at 212-306-5070 or [www.nyc.gov/cchr](http://www.nyc.gov/cchr).

The Buffalo Commission on Citizens' Rights and Community Relations is responsible for investigating and recommending action on violations of its human rights code. You can contact the Commission at 716-851-8000 or [www.city-buffalo.com/document\\_899\\_122.html](http://www.city-buffalo.com/document_899_122.html). For information on other local laws, consult with your attorney or contact the city or county agency responsible for enforcing the law.

The Sexual Orientation Non-Discrimination Act (SONDA) prohibits discrimination based on sexual orientation throughout New York State.

In addition, five New York cities and two counties have amended their non-discrimination laws to explicitly protect people on the basis of gender identity and expression.





## SUCCESS STORIES

"I am a Vice President at the JPMorgan Investment Bank. The fact that JPMorganChase's EEO policy is inclusive of sexual orientation and gender identity tells me that my employer not only values me as an employee, but values me as a person. Our EEO policy, and enforcement of our policy, creates a diverse and safe workplace for everyone."

Kurt Giehl  
JPMorganChase  
& Co.



## BEST PRACTICES

## 1 Equal Employment Opportunity Statement

## INCLUDING "SEXUAL ORIENTATION" AND "GENDER IDENTITY AND EXPRESSION" IN YOUR EEO POLICY

Adding "sexual orientation" and "gender identity and expression" to your existing EEO policy reinforces the cultural values of your company and helps to create a more respectful and inclusive environment for all employees. Of course, employers in the State of New York are already obligated to comply with SONDA, regardless of the enumeration of "sexual orientation" in the company's EEO policy. Similarly, employers covered by gender identity and expression local ordinances are obligated to comply with those.

## GETTING TOP MANAGEMENT APPROVAL

Creating or revising an EEO policy requires that you have the support of your organization's senior leaders. A culture of respect and inclusion starts at the top.

## Publicizing and Enforcing Non-Discrimination Policies

- Employees need to know about your non-discrimination policy.
- Your non-discrimination policy should also prohibit harassment of any kind.
- Outline a clear grievance procedure.
- Communicate a no retaliation policy.
- Build a reputation that you take complaints seriously.

It is easier to obtain the support of senior management when those individuals understand how an EEO policy is consistent with the mission and values of your organization.

## A MODEL EEO POLICY

Because EEO policies can set the tone for fostering a workplace respectful of employee diversity, we recommend the creation of a written EEO policy. Here is a model that is based on actual corporate policies:

NewYorkCorp is committed to maintaining a work environment free of harassment, discrimination, intimidation or retaliation.

NewYorkCorp does not discriminate against any employee or applicant for employment because of race, color, religion, gender, national origin, veteran status, disability, age, citizenship, marital or domestic/civil partnership status, sexual orientation, gender identity or expression, or because of any other criteria prohibited under applicable law. NewYorkCorp administers all terms, conditions and privileges of employment on a non-discriminatory basis, including, but not limited to, recruiting and hiring (including recruitment advertising), promotions and transfers, performance appraisals, training, job assignments, compensation, termination of employment, and benefits.

If a NewYorkCorp employee believes that a violation of this policy has occurred, s/he should take immediate action by contacting his/her supervisor or Human Resources representative. If a job applicant believes that a violation of this policy has occurred, s/he should contact his/her Staffing representative, or a Company Human Resources representative. Retaliation, intimidation or discrimination against employees or applicants who report violations is strictly prohibited, and will be considered to be a violation of this policy.

NewYorkCorp will investigate reports of policy violations expeditiously and as discreetly as possible. Employees who violate this policy will be subject to disciplinary action, up to and including the termination of employment.



### SUCCESS STORIES

"I work as a Group VP of Product Design and Development for Kenneth Cole in New York City. When I was sent to work in Italy for one and a half years, my employer paid for my partner to relocate with me. Furthermore, they paid for his Italian language lessons, helped him find a job and treated us the same way they do any family that moves to a new place at the company's request. They went the extra mile for my family, and that made me happy to go the extra 7,000 miles for Kenneth Cole."

Robert Mingione  
Kenneth Cole Productions, Inc.

(from left)  
Robert Mingione  
John Donahue



## BEST PRACTICES

### 2 Employee and Domestic Partner Benefits

#### A NOTE ON "EMPLOYEE BENEFITS"

"Employee benefits" refer to any benefits given to employees as part of an overall compensation package, including but not limited to health insurance, pensions, and bereavement leave. The best practice in this area suggests that employers equalize benefits offered to all employees, regardless of their sexual orientation or gender identity and expression. Thus, offering health insurance benefits to the domestic partners of your employees, if you cover spouses, will send a clear message to your LGBT employees that your organization values all employee families equally.

#### MARRIAGE AND SPOUSAL BENEFITS

As of the spring of 2006, New York does not have a state law or court ruling allowing same-sex couples to marry, although legislation and case law in this area is rapidly evolving. However, because marriage for same-sex couples is permitted in several countries (including Canada) and in the state of Massachusetts, it is possible that an employee may be legally married to his/her same-sex partner and work in New York State. The New York Attorney General and at least one state court have ruled that New York must treat same-sex couples who are legally married in other jurisdictions as legally married in New York. Several municipalities, including Albany, Buffalo, Brighton, Ithaca, New York City, Nyack and Rochester, have done just that. A growing number of private employers in New York have similarly decided to respect the marriages of their gay and lesbian employees who are

legally married in other jurisdictions for the purposes of spousal benefits.

#### DOMESTIC PARTNERS AND PARTNER BENEFITS

Many lesbians and gay men use "domestic partner" colloquially to refer to their loved one or life partner. However, "domestic partnership" can have a specific legal definition under local or state law as well as a specific human resource definition under an employer's policy. Some New York municipalities and counties have created a domestic partner legal status for couples. Some local domestic partnerships create select rights and responsibilities for the couple. Other domestic partnership structures give no substantive rights at all other than having the partnership documented. Currently, New York State does not have a statewide registry, however the cities of Albany, Ithaca, New York City, Rochester, and Southampton, the towns of East Hampton, North Hempstead, Huntington and Southold, and Suffolk and Westchester Counties have created domestic partner registries. For more information on the specific requirements in each city or county, please consult with your attorney or contact your local agencies.

Approximately half of the Fortune 500 companies and approximately 8,000 other employers nationally offer domestic partner health benefits. These employers recognize that employees are more productive if they are not spending time and energy worrying about providing for their families. They also know that employee benefits are a very important tool in employee recruitment and retention.



## Employee and Domestic Partner Benefits continued

If your health plan covers the spouses of employees, your organization can seek to provide equal benefits to unmarried gay and lesbian employees by offering health insurance to their domestic partners. If your organization decides to provide domestic partner health benefits, it can choose to provide these benefits only to same-sex couples, because marriage is an option for heterosexual couples, or it can define domestic partner more broadly and without regard to the sex of the employee's partner. Either way, your insurance carrier may require that you obtain proof of an employee's domestic partner status before providing coverage to the partner.

Registration of domestic partnership with a governmental body pursuant to local law authorizing such registration is one form of proof of status and is often sufficient for benefit enrollment. Another is typically in the form of an employer-created certification of domestic partnership status, especially because not all localities in the state have partner registries. Such certification typically requires that an employee state that s/he is not currently married or in a domestic partnership with anyone else, that s/he has been living with an individual not related to him/her on a continuous basis and is in a close, committed relationship with that individual. Just as an employer would not require an employee who was legally married to attest that they are living together, or that their finances are commingled, it is inequitable to make that requirement of employees in a domestic partnership.

Another option for offering inclusive health benefits is to offer coverage to a "qualified adult." With this approach, an employee is eligible to cover their spouse or one qualified adult. A "qualified adult" can be a domestic partner or an extended family member that meets certain criteria as defined by the plan. This option allows individuals to define families for themselves in an even broader sense than just including domestic partners, and may be appropriate for some employers.

Your insurance carrier may be able to assist you in extending group insurance benefits to domestic partners.

### COST OF PROVIDING DOMESTIC PARTNER BENEFITS

Many employers believe that the cost of providing domestic partner benefits is too prohibitive to justify the good will borne of inclusion. In practice, however, the cost for most employers is relatively minimal, typically 1% more than current benefit costs and almost never more than 2%, according to a study by the Institute for Lesbian and Gay Strategic Studies.<sup>2</sup>

Unlike health benefits provided to heterosexual married spouses, federal law currently requires that the amount spent by an employer to provide health insurance coverage to a domestic partner must count as imputed income for the employee. Hence, an employee availing him or herself of domestic partner coverage bears the burden of this tax disadvantage. A few companies alleviate the

tax disadvantage faced exclusively by gay and lesbian employees (because federal law does not recognize them as 'married' even if they have been married in a jurisdiction where it is legal) by compensating employees for the amount of taxes paid.

For more information regarding the tax implications of providing domestic partnership benefits, we encourage you to consult a benefits or tax specialist.

### HEALTH INSURANCE COVERING THE NEEDS OF TRANSGENDER EMPLOYEES

Some transgender individuals will choose to take hormones and/or have surgical procedures to align their physical anatomy or appearance with their gender identity. A fully inclusive health insurance plan will include coverage for hormone therapy and all medical and mental health care related to transitioning, including coverage for necessary surgical procedures and eligibility for short term disability benefits following surgery.

### SUCCESS STORIES

*"I am the Chief Operating Officer of a group of three cable television networks owned by Viacom, a company that not only offers domestic partner benefits to its employees, but also provides the same level of pension benefits to domestic partners as it would to a surviving spouse. It is a comfort to know that my partner, Gene Martinez, a Managing Director for a leading Manhattan-based real estate company, would receive my pension benefits in the event of my death. I believe I am extremely fortunate to work for a leading global company that clearly recognizes the value and importance of providing equal levels of benefits and protections to all employees and their families."*

**John Cucci**  
Viacom International Inc.

### Other Spousal Equivalency Benefits

- Adoption assistance
- Bereavement leave
- COBRA benefits continuation
- Employee discounts
- Employer-provided life insurance
- Family leave, including parental leave
- Relocation assistance
- Retiree medical coverage
- Supplemental life insurance
- Survivor pension benefits

<sup>2</sup> "Calculating Costs with Credibility: Health Care Benefits for Domestic Partners," *Angles*, Vol 5 Issue 1, November, 2000.

**SUCCESS STORIES**

“Rather than isolating diversity issues into one training module or program, as many firms do, Debevoise has adopted a progressive approach that integrates diversity issues into in-house trainings on communications, negotiation, supervisory skills, team leadership and mentoring. As part of the firm’s award-winning commitment to providing pro bono legal services, we have written amicus briefs for the ground-breaking Supreme Court case *Lawrence v. Texas* and the New York State marriage equality case and have represented gay and HIV-infected asylum seekers and transgender teens. Making LGBT employees feel included is an integral part of the firm’s commitment to collegiality and is one of the many reasons I love working here.”

Dennis Hranitzky, Debevoise & Plimpton LLP



# BEST PRACTICES

## 3 Inclusive Work Environment

### FOSTERING AN INCLUSIVE ENVIRONMENT

One way to create an inclusive work environment in your organization is to offer diversity trainings that provide comprehensive education to employees about many aspects of diversity, including sexual orientation and gender identity and expression. Effective and engaging diversity training will enable employees to gain a better understanding of your organization’s culture of inclusion and respect and to conform their workplace behavior in a manner ensuring that everyone feels comfortable in his/her work environment.

Diversity training should, at a minimum, address inclusiveness through the lens of your organization’s EEO policy and state and local law. Because sexual orientation and gender identity and expression are distinct characteristics, inclusive diversity training should address all of these characteristics.

In conducting diversity training, start with the senior members of your organization. They need to fully understand the importance of respecting staff in all its diversity. Once they are on board, train your front line managers. These individuals usually set the tone for their specific work area. Finally, diversity training should be required of every single employee in the organization.

If your budget allows, it is best to bring in a professional with skill and experience in conducting LGBT-specific workplace diversity trainings. These professionals can help you assess your workplace environment, and

provide effective trainings. Otherwise the in-house trainer should have the specialized knowledge and skills to address this kind of diversity.

### Best Practices Employers Can Adopt:

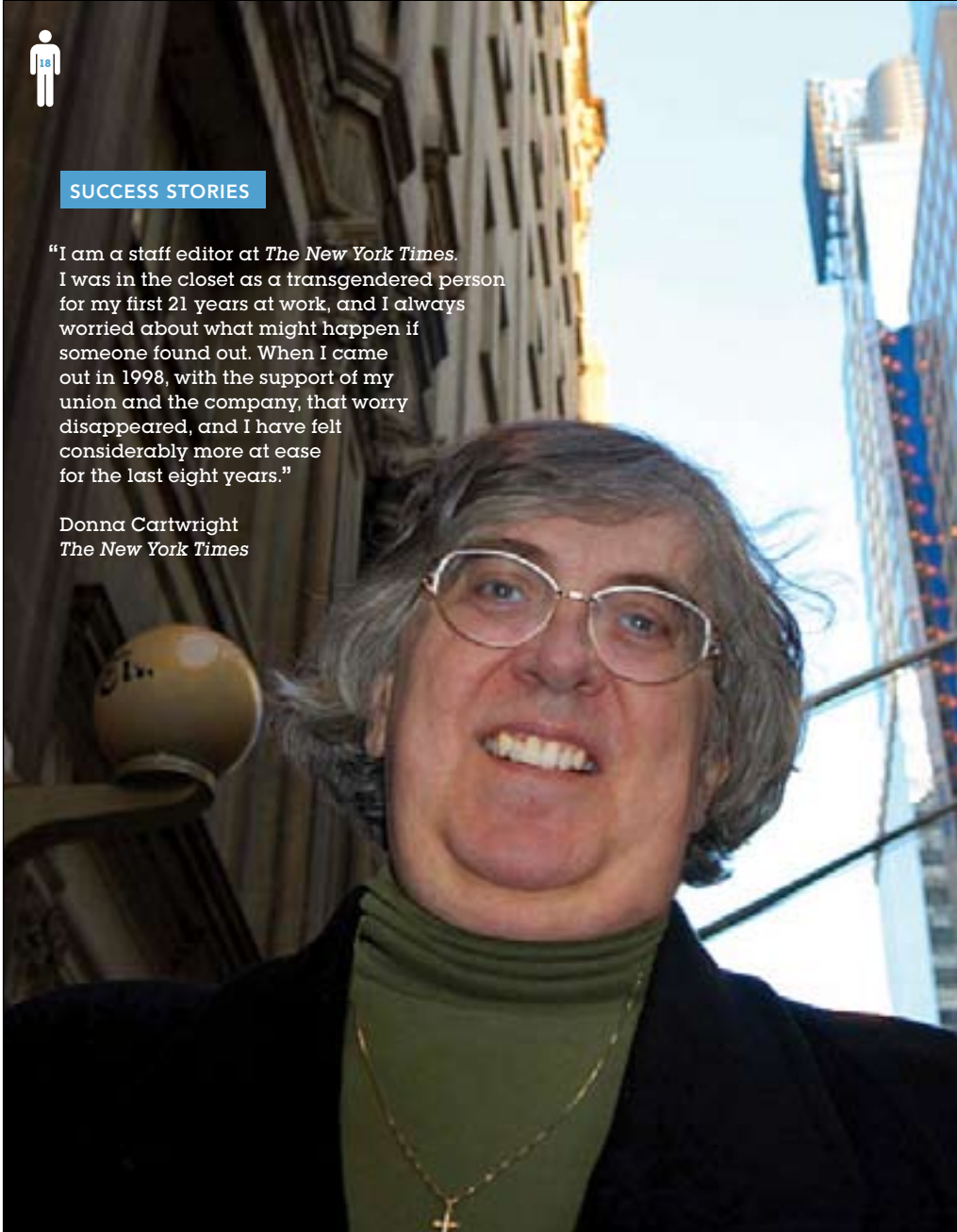
- Use inclusive language in policies on employees’ families. Refer to “spouse or domestic partner” rather than “husband” or “wife.” Include “partner’s parents” as well as “mother-in-law and father-in-law.”
- Make sure that family events are inclusive. For example, if your organization is hosting an event for employees’ children, make it clear that the dependent children of an employee’s domestic partner are welcome.
- Use appropriate pronouns for transgender employees. If an employee is transgender, ask if they would prefer to be addressed with male or female pronouns.
- Provide mentoring to develop LGBT employees. If current employees self-identify as LGBT, make sure they are included in mentoring programs and are given the same professional development opportunities afforded to all other employees.
- Involve the leaders of your LGBT Network to take the pulse of whether LGBT employees feel comfortable in their work environment.



SUCCESS STORIES

“I am a staff editor at *The New York Times*. I was in the closet as a transgendered person for my first 21 years at work, and I always worried about what might happen if someone found out. When I came out in 1998, with the support of my union and the company, that worry disappeared, and I have felt considerably more at ease for the last eight years.”

Donna Cartwright  
*The New York Times*



# BEST PRACTICES

## 4 Supporting Transgender Employees

### WAYS TO SUPPORT TRANSGENDER EMPLOYEES

In addition to including protections based on gender identity and expression in your company’s EEO policy and providing a comprehensive benefits plan that includes reimbursement for all medical and mental health care related to the transitioning process, employers can adopt other policies and practices to support their transgender employees. While this guide will offer a brief description of best practices in this area, for further information we encourage you to review the Human Rights Campaign’s “Transgender Issues in the Workplace: A Tool for Managers,” a detail-rich resource available on the HRC website, [www.hrc.org](http://www.hrc.org).

**Educate your employees about gender identity and expression.** Diversity trainings should be inclusive of all aspects of diversity, including issues of gender identity and expression. Education will help non-transgender employees understand their transgender colleagues and will demonstrate to transgender employees the company’s support and professional respect.

**Have clear guidelines in place for the transitioning process.** Employees who want to transition need to understand the policies and procedures required in the workplace. Policies like the company’s medical leave policy or short term disability plan will apply to every employee. Other policies or guidelines may be more unique to the needs of a transgender person preparing to transition, such as how a manager will assist a transitioning employee in explaining his or her transition to their colleagues.

**Help facilitate name changes and other administrative tasks.** If an employee decides to transition in the workplace, he or she will likely want to change their name. Make sure all the necessary departments are informed so the paperwork process can go smoothly.

**Be sensitive about bathrooms and locker rooms.** This can be a very sensitive topic for transgender and non-transgender employees alike. Most transgender people prefer to use the bathrooms and locker rooms associated with the gender with which they identify, regardless of whether they have had gender reassignment surgery. Other employees may feel uncomfortable with this approach. Single-stall gender-neutral restroom facilities can be one way in which this issue can be resolved.

### Seventeen New York-based Fortune 500 Companies Include Gender Identity and Expression in their EEO Policies (Over 80 of all Fortune 500 companies have done the same)

American Express  
Bristol-Myers Squibb Co.  
Citigroup Inc.  
Corning Inc.  
Eastman Kodak Co.  
Estee Lauder Companies

The Goldman Sachs Group Inc.  
IBM Corp.  
JPMorganChase & Co.  
Keyspan Corp.  
Lehman Brothers Holdings  
Liz Claiborne Inc.

Merrill Lynch & Co.  
MetLife, Inc.  
PepsiCo Inc.  
Pfizer Inc.  
Viacom Inc.



### SUCCESS STORIES

"I am the Chief Human Resources Officer and a Senior Vice President at Eastman Kodak Company. We are an industry leader in imaging because we provide our customers the best value and highest quality products and because we create an environment in which our employees can perform to their fullest potential. As early as 1992, the company officially recognized the Lambda Network to support gay and lesbian employees. This network has impacted several hundred senior Kodak managers through its Annual Management Educational Event and provided education and support to thousands of employees. We believe diverse opinions and fresh ideas create the most competitive solutions, and the Lambda Network helps us recruit, retain and inspire a diverse and inclusive workforce."

Robert Berman, Eastman Kodak Company

(from left)  
Felix Blanco  
Colleen McVeigh  
Robert Berman

# BEST PRACTICES

## 5 LGBT Networks

### ENCOURAGE AND SUPPORT LGBT NETWORKS

Employee Networks are any organizationally-sanctioned group within a place of work whose purpose is to bring together employees with similar interests or characteristics who support the same goals. These groups are often referred to as Employee Networks, Employee Resource Groups or Affinity Groups.

At a minimum, Employee Networks provide an outlet for employees to engage in social and professional networking opportunities among colleagues who might not otherwise have routine contact. Typically, Networks represent groups who have historically had minority representation in the workplace, such as African Americans, Latinos, Asian Americans and women. As such, Networks can offer an opportunity for employees to achieve a better sense of community in the

workplace and can be an important resource for management. To be truly inclusive, Networks should encourage all employees in the company — and not just those who are members of the Network's targeted population — to be involved.

We recognize that not every workplace has Employee Networks. Some businesses are simply too small to accommodate Networks, some may not have considered them and still others may have made a conscious decision not to have them. The best practice advocated here is that any company with pre-existing Employee Networks should also have a Network supporting their LGBT employees and straight allies. And if your business establishes Employee Networks in the future, a network for LGBT employees should be included.

### Employee Networks Can Fulfill a Wide Range of Objectives, Including:

- Educate other employees about historical achievements and contributions as well as current challenges faced by the community.
- Support career development through leadership, mentoring and coaching.
- Provide a forum for business development by bringing employees together across departmental or divisional lines.
- Provide a safe space for employees to "come out."
- Be a link to information and community resources.
- Help with employee recruitment at MBA, Law School, and other professional LGBT Job Fairs.
- Work with HR on enhancing policies and benefits and support the other best practices discussed in this guide.





(from left)  
Jim Pizzo  
Beth Rivera  
Senior HR manager

**SUCCESS STORIES**

“Since 1990, as a private firm and now a public company, CMP Media LLC has long been a model company on Long Island for LGBT community members as well as its employees. Through grants to Long Island and country-wide LGBT nonprofits, CMP Media actively supports LGBT rights and causes. Large grants from our parent company, United Business Media based in London, are combined with volunteer grants from our local Community Connection Foundation for groups such as the Gay and Lesbian Foundation of Long Island, Gay and Lesbian Switchboard of Long Island, Long Island Pride, Long Island Crisis Center/Pride For Youth, Thursday’s Child, PWAC (People Living With AIDS), and Long Island Community Fellowship Food Pantry for HIV/AIDS patients and their families. I am proud to have worked these past 21 years for a company that walks the walk and talks the talk when it comes to supporting my community. CMP Media LLC gets the message and continues to amaze its LGBT staff.”

Jim Pizzo  
Director, Distribution & Production  
CMP Media LLC



# BEST PRACTICES



## 6 Supporting the LGBT Community

**WHY SUPPORT AND ADVOCACY ARE IMPORTANT**

There are many ways an employer can support and advocate for the LGBT community. For the purposes of this guide, support and advocacy refer to anything an employer might do that has a positive impact on the LGBT community as a whole, both inside and outside your company. If your business demonstrates support for other demographic groups, whether by marketing to niche communities, making philanthropic donations, organizing community volunteerism or advocating on public policy, your company should demonstrate the same level of support to the LGBT community. Supporting the community beyond the walls of the workplace itself can speak volumes about how a company values its LGBT employees. And when employees feel

supported and valued, they will respond with increased productivity and loyalty.

**HOW TO SHOW SUPPORT**

Here are some ways that employers can support and advocate for the broader LGBT community.

**Provide philanthropic support to the LGBT community.** If your company provides financial or volunteer support to community-based organizations, include organizations in the LGBT community in your annual giving programs. Your LGBT employees can provide information about organizations that might be appropriate at the local, state or national level.

**Educate elected officials and government agencies about your best practices.** Influential business leaders can provide an important voice in favor of public policy that provides equal treatment for LGBT individuals and their families. Your company can educate policy makers on the many ways that equal benefits and non-discriminatory policies benefit business.

**Include LGBT-owned businesses in your supplier and vendor diversity program.**

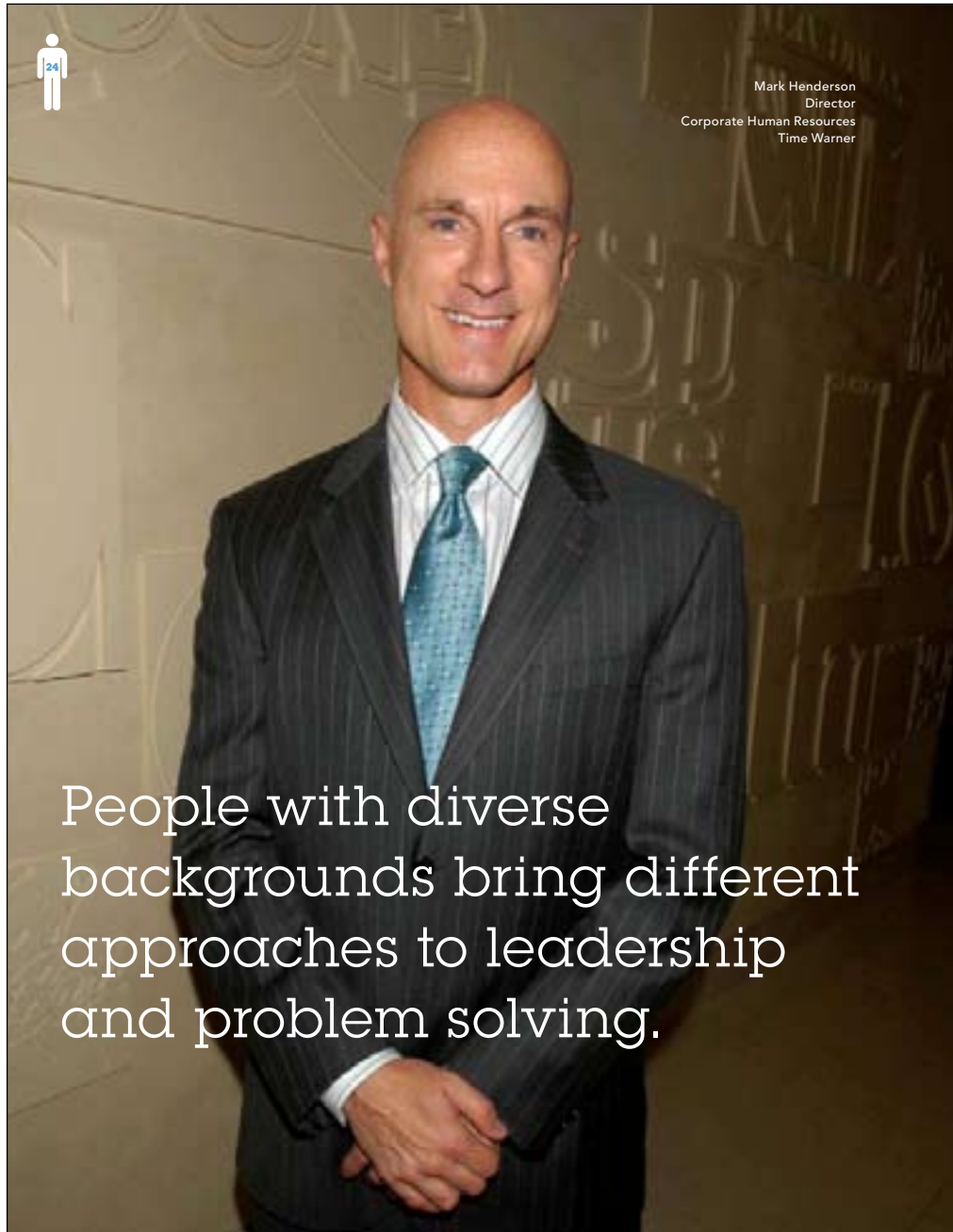
**Market to the LGBT community.** The LGBT community is well-informed about corporate policy, and they reward companies who maintain supportive policies with their business.

**Actively Recruit LGBT Employees.** Reach out to LGBT professional organizations and LGBT associations at undergraduate and graduate institutions. What better way to say you value diversity and this community than by actively seeking LGBT employees?

**Be a Pride in My Workplace Mentor.** If you have been successful in helping your organization establish policies and practices supporting LGBT employees, take the next step by helping another organization do the same. Please contact the Pride in My Workplace Coordinator at 212-627-0305 to get involved.

**Nine major corporations headquartered in NY have endorsed the Federal Employment Non-Discrimination Act (ENDA)**

- AT&T
- Bausch & Lomb
- Corning Inc.
- Eastman Kodak Co.
- Hill and Knowlton
- IBM
- JPMorganChase & Co.
- Triarc Beverage Group
- Verizon Communications



Mark Henderson  
Director  
Corporate Human Resources  
Time Warner

People with diverse backgrounds bring different approaches to leadership and problem solving.

## RESOURCES

### Sources for More Information and Glossary of Terms

**EMPIRE STATE PRIDE AGENDA** [www.prideagenda.org](http://www.prideagenda.org)

**DIVERSITYINC** [www.diversityinc.com](http://www.diversityinc.com)

Annual report on employers with best practices in diversity

**GENDER PUBLIC ADVOCACY COALITION (GENDERPAC)** [www.gpac.org](http://www.gpac.org)

Workplace Fairness resources on transgender employees [www.gpac.org/workplace/](http://www.gpac.org/workplace/)

**HRC** [www.hrc.org](http://www.hrc.org)

Corporate Equality Index [www.hrc.org/Template.cfm?Section=Search\\_the\\_Database&Template=/CustomSource/WorkNet/srch.cfm&searchtypeid=1&searchSubTypeID=1](http://www.hrc.org/Template.cfm?Section=Search_the_Database&Template=/CustomSource/WorkNet/srch.cfm&searchtypeid=1&searchSubTypeID=1)

Publications and Resources: State of the Workforce; Corporate Equality Index; Buying for Equality; Transgender Issues in the Workplace: A Tool for Managers [www.hrc.org/Content/NavigationMenu/Work\\_Life/Get\\_Informed2/Resources1/Publications\\_and\\_Other\\_Resources.htm](http://www.hrc.org/Content/NavigationMenu/Work_Life/Get_Informed2/Resources1/Publications_and_Other_Resources.htm)

**LAMBDA LEGAL DEFENSE & EDUCATION FUND** [www.lambdalegal.org](http://www.lambdalegal.org)

Out at Work: A Guide for LGBT Employees [www.lambdalegal.org/cgi-bin/iowa/btw/index.html?page=btw\\_oaw\\_intro](http://www.lambdalegal.org/cgi-bin/iowa/btw/index.html?page=btw_oaw_intro)

**NATIONAL CENTER FOR TRANSGENDER EQUALITY** [www.nctequality.org](http://www.nctequality.org)

**NATIONAL GAY AND LESBIAN TASK FORCE** [www.nglhf.org](http://www.nglhf.org)

Domestic Partnership Organizing Manual for Employee Benefits [www.thetaskforce.org/downloads/dp/dp\\_99.pdf](http://www.thetaskforce.org/downloads/dp/dp_99.pdf)

**NEW YORK CITY HUMAN RIGHTS COMMISSION** [www.nyc.gov/cchr](http://www.nyc.gov/cchr)

Guidelines on Gender Identity and Expression Non-Discrimination Law [www.nyc.gov/html/cchr/pdf/trans\\_guide.pdf](http://www.nyc.gov/html/cchr/pdf/trans_guide.pdf)

**NEW YORK DIVISION OF HUMAN RIGHTS** [www.dhr.state.ny.us](http://www.dhr.state.ny.us)

**OUT & EQUAL** [www.outandequal.org](http://www.outandequal.org)

Resources [www.outandequal.org/resources/default.asp](http://www.outandequal.org/resources/default.asp)

New York Metro Affiliate [www.outandequal.org/affiliates/ny/default.asp](http://www.outandequal.org/affiliates/ny/default.asp)

Training Programs [www.outandequal.org/programs/default.asp](http://www.outandequal.org/programs/default.asp)

**PRIDE AT WORK, AFL-CIO** [www.prideatwork.org](http://www.prideatwork.org)

Resource for LGBT union members and unionized employers





## Sources for More Information and Glossary of Terms *continued*

### CIVIL UNIONS

An institution created only recently by individual states (as of spring 2006 only Vermont and Connecticut) to give couples all of the state rights and responsibilities that are granted to civilly married couples, but none of the federal rights or benefits.

### DOMESTIC PARTNER AND DOMESTIC PARTNERSHIP

Many lesbians and gay men use "domestic partner" colloquially to refer to their loved one or life partner. But "domestic partnership" has specific legal or employer policy definitions, and may include opposite-sex as well as same-sex couples. "Domestic partnership" is the status granted by some public and private entities (an employer or a local or state government) to legally recognize an unmarried couple. Sometimes domestic partnerships are catalogued in a public registry and create select rights and responsibilities, while others have no substantive rights at all other than having the partnership documented.

### GENDER EXPRESSION

All external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, name, physical characteristics and speech patterns.

### GENDER IDENTITY

A person's innate, deeply felt psychological identification as male or female, which may or may not correspond to the person's body or assigned sex at birth.

### MARRIAGE

A civil, social and spiritual institution often entered into by people in love to make a statement of commitment to their family, friends and community. A civil marriage gives the couple access to a vast array of protections, responsibilities and benefits under state and federal law, many of which currently cannot be replicated in any other way.

### SEXUAL ORIENTATION

That which determines to whom you will become physically and/or romantically attracted. Everyone has a sexual orientation. For the purpose of identifying illegal discrimination, the Sexual Orientation Non-Discrimination Act defines sexual orientation as "heterosexuality, homosexuality, bisexuality, or asexuality whether actual or perceived."

### TRANSGENDER

Transgender is an umbrella term used to designate a community of people who regularly present in a gender different from the sex assigned to them at birth and who live a significant part of their lives in that gender. This includes people who have undergone medical procedures to change their sex and those who have not.

### TRANSITIONING

The process through which a person modifies his/her physical characteristics and/or manner of expression to satisfy the standards of membership in a gender other than the one he/she was assigned at birth. Some people transition simply by living as a member of the other gender, while others undergo medical treatment to alter their physical characteristics.

### ACKNOWLEDGEMENTS

#### Pride in My Workplace Committee:

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#### Thanks for drafting to:

Wendy Doran  
Marla Hassner

#### Legal Editor:

Sally Otos, Esq.

#### Special Thanks to:

Honorable  
Christine Quinn  
*Speaker, NYC Council*

The New York City Council

#### Thanks also to:

Honorable  
Gifford Miller  
*former Speaker, NYC Council*

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Pride Agenda Foundation

Design: Jeremy Mickel  
Photography: Doug Mezslar (except:  
Eastman Kodak Company, p. 20  
Sacha Lecca, Sr., CMP Media, p. 22)

Paid for in part by a grant from the  
Department of Youth and Community  
Development, City of New York.

### EMPIRE STATE PRIDE AGENDA FOUNDATION

The Empire State Pride Agenda Foundation is the non-partisan 501(c)(3) research, education and advocacy organization affiliated with the Empire State Pride Agenda, Inc. The Foundation advances the Pride Agenda's public policy goals by: educating public officials and policymakers; building coalitions and mobilizing allies; and organizing, empowering and educating the LGBT community in urban suburban and rural communities across New York State.

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