

Human Rights Campaign Releases its 2021 Corporate Equality Index Survey

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Last week, the Human Rights Campaign (HRC) opened its 2021 Corporate Equality Index (CEI) Survey. The HRC is widely recognized as one of the nation's foremost advocate organizations for human rights—particularly involving issues of LGBTQ equality. Since 2002, the HRC has solicited participation in its annual CEI Survey as a mechanism to evaluate corporate policies, practices, and attitudes toward LGBTQ issues in the workplace. While intended for Fortune 1000 and AmLaw 200 organizations, the CEI Survey is open to all publicly and privately held, for-profit entities with 500 or more full-time U.S. employees. As detailed in the [2020 CEI Report](#) published in January, 1,059 organizations participated in 2020.

Survey and Evaluation Timeline

The 2021 CEI Survey submission window is open now through September 4, 2020. For organizations invited to participate in the streamlined recertification process (as described in more detail below), the submission window is open through August 7, 2020. Upon close of the submission window, the HRC will review submissions through late October 2020—during this period, the HRC may contact individual organizations to clarify survey responses or request additional plan/policy documentation. Participating organizations can expect the HRC to communicate final scores in November 2020, with the official CEI Report to be published in January 2021. Participating organizations who have not yet received their email link to the 2021 CEI Survey should contact the HRC at cei@hrc.org.

Winston Takeaway: Organizations participating in the CEI Survey for the first time should consider taking advantage of the HRC's offer to provide an "unofficial" review of its CEI Survey submission materials. Requests for an "unofficial" review must be in advance of the September 4, 2020 submission deadline (*note: while there is no set timeframe to request an "unofficial" review, we recommend doing so at least one month prior to the submission deadline*). We have found this "unofficial" review particularly helpful for first-time submitters who may be unfamiliar with the survey process or particular documentary and coverage expectations.

Scoring Criteria

The CEI Survey assigns participating organizations an LGBTQ-equality score based on its policies and practices in each of the four categories highlighted below. Organizations receiving a perfect score are featured in the HRC's annual "Best Places to Work for LGBTQ Equality" publication, are listed in HRC's annual "Buying for Equality Guide," and may use the HRC's annual "Best Place to Work" seal in any marketing/advertising/promotional material. Last year, 686 of 1,059 participating organizations received a perfect 100-point score.

i. Workforce Protection (30 possible points)

- Policies include sexual orientation (15)
- Policies include gender identity/expression (15)

ii. Inclusive Benefits (30 possible points)

- Equivalency in same- and different-sex spousal hard/soft benefits (10)
- Equivalency in same- and different-sex domestic partner hard/soft benefits (10)
- Equal coverage for transgender persons (including no exclusions for medically necessary care) (10)

iii. Inclusivity and Corporate Social Responsibility (40 possible points)

- Three LGBTQ internal training/educational practices (10)
- LGBTQ affinity group or diversity council (10)
- Three efforts of outreach/community engagement (15)
- Corporate social responsibility (5)

iv. Responsibility Citizenship (up to 25 in possible point reductions)

- Large-scale official or public anti-LGBTQ blemish on company records (point reduction determined on a case-by-case basis).

Winston Takeaway: *The HRC has not implemented any changes to the scoring metrics or point allocations for the 2021 CEI Survey. This includes no organization-friendly adjustments related to COVID-19 (note: while certain community outreach and engagement efforts may now be more difficult given social distancing mandates, the HRC is confident that organizations have other "socially distant" opportunities to meet this scoring metric requirement). Finally, the HRC has relayed its expectations of certain heightened policy/procedure documentation requirements this year. These heightened expectations appear to be the product of prior instances in which the HRC has encountered incomplete (and sometimes inaccurate) documentation provided by some participating organizations. It is anticipated that these heightened requirements may only affect a small number of organizations whose documentation in prior years has been deemed inadequate or inaccurate.*

Streamlined Recertification Process for Qualifying Organizations

Starting this year, the HRC has introduced a streamlined recertification process for certain participating organizations that have continually demonstrated LGBTQ inclusivity in their workplace policies and procedures. Participating organizations that have received perfect 100-point scores in each of the last three annual CEI Reports (2018, 2019, and 2020) have been automatically invited via email link to participate in a more streamlined form of the 2021 CEI Survey. The streamlined survey replaces annual documentary and evidentiary requirements with an attestation of the participating organization's continuation of existing policies, practices, and benefits as measured by the CEI Survey. Additionally, these organizations are asked to update items for certain year-over-year changes for items such as (i) number of full-time employees and places of operation; (ii) consumer brands/products to be listed in the HRC's "Buying for Equality Guide"; and (iii) LGBTQ marketing, outreach, recruiting, and philanthropic efforts.

Winston Takeaway: Organizations eligible for streamlined recertification will be expected to complete the CEI Survey in full on a semi-regular basis. While the HRC has not yet provided further detail as to the frequency, qualifying organizations should anticipate being asked to complete the CEI Survey in full once every three years or whenever the HRC implements any significant overhaul to its scoring metrics.

Winston & Strawn LLP is the proud recipient of a perfect 100% CEI Survey score for 12 consecutive years—and we are eager to assist our clients in reaching their own human rights and inclusivity objectives. For additional information or guidance on the 2021 CEI Survey submission process, or in other human rights and LGBTQ workplace initiatives, please contact a member of the Winston & Strawn Employee Benefits and Executive Compensation Practice Group or your Winston relationship attorney.

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