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Soc 487 – Sociology Practicum

Equal Rights/ Equal Benefits: An Exploration of Domestic Partner Benefits and Employment Protections in Alaska's Private Sector

Introduction

For the spring 2009 semester, I was given the opportunity to participate in a policy internship at the Institute of Social and Economic Research (ISER) under the direction of Diane Hirshberg. Upon the request of the Anchorage based American Civil Liberties Union and the Anchorage Equal Rights Commission, I looked that the availability of health care benefits for employees and same-sex domestic partners in Alaska's private sector. Additionally, I focused on Equal Employment Opportunity and Anti-Harassment policies enforced by companies and whether employers protected sexual orientation under these policies. The entire research process was a valuable learning opportunity and allowed me to not only gather important information about Alaska businesses, but also to develop a better understanding data analysis. After first attempting to collect a random sample of both small and large businesses through a list of all private business licenses in the City of Anchorage, I concluded that, due to time constraints and the inability to collect pertinent data from many smaller businesses, it was necessary to focus my data collection on Alaska's top 50 private employers. While the information that I received from human resource managers - the major source for collected data - has allowed me to better understand available health care benefits, there is much more to be learned in this field. Availability of same-sex domestic partner benefits, along with protection of sexual orientation, is becoming much more common on a national level, and at least some large businesses in the state of Alaska are also offering these benefits and protections to their employees.

Literature Review

To gain a better understanding of the history of same-sex domestic partner benefits and sexual orientation protections, I began my research by reviewing previously reported data on the two subjects. Under federal legislation in the United States,

employers are banned from discriminating on the basis of race, color, religion, sex, pregnancy, national origin, age, or disability. There are currently no federal protections against discrimination based on sexual orientation; however, many state and local governments have chosen to include sexual orientation in their anti-harassment policies. Currently in the United States 12 states and Washington DC have outlawed employment discrimination based on gender identity and sexual orientation. In addition, eight more states have outlawed employment discrimination based on sexual orientation alone (Human Rights Campaign Foundation, 2009). When looking at the private sector, it is evident that protection of sexual orientation is becoming more commonly accepted. In 2000, 51 percent of Fortune 500 companies included sexual orientation in their anti-discrimination and anti-harassment policies. By 2008, 85 percent of Fortune 500 companies had included sexual orientation in these company policies (Human Rights Campaign Foundation, 2009).

At the University of Alaska, the Regent Policy on Nondiscrimination does not include sexual orientation as a protected class against work-related harassment (University of Alaska, 2007). However, a grey area has developed around this subject. At the University of Alaska Anchorage, the Department of Campus Diversity and Compliance includes sexual orientation in its diversity statement and the pursuit of “diversity in all of our educational and employment endeavors” (UAA Department of Campus Diversity and Compliance).

The availability of same-sex domestic partner benefits in private businesses has grown rapidly in the last decade. In a report titled “Working it Out: The Emergence and Diffusion of the Workplace Movement for Gay, Lesbian and Bisexual Rights” by Nicole Rauburn, I learned that the adoption of domestic partner benefits among large corporations began to grow rapidly in the mid to late 1990s. By the fall of 1999, the rate of benefit adoption among major employers in the United States rose to two per week. Additionally, of the first 20 firms to adopt equitable benefits, 16 did so due to internally backed support by gay and lesbian employees (Rauburn, 2004). As reported by the Human Rights Campaign Foundation, in 2003, 40 percent of Fortune 500 companies offered same-sex domestic partner benefits to their employees. This number had increased to 57 percent of Fortune 500 companies by 2008 (Human Rights Campaign

Foundation, 2009). The discussion surrounding same-sex domestic partner benefits in the state of Alaska has risen over the last five years. In 2006, the Alaska State Supreme Court ruled that it was in violation of the Alaska Constitution's equal protection clause to limit employment-related health care benefits to married couples only and that all state employees should be given the opportunity to enroll same-sex domestic partners in these benefit programs (State of Alaska, 2006).

Methods

In developing a survey instrument (Appendix A), I was given a previously used survey by representatives from the ACLU as a similar format to follow. After narrowing down questions used in this survey, I decided to focus on questions about Equal Employment Opportunity policies, what classes were protected under these policies, what benefits were offered to employees and their families, and finally, what documented evidence was required in order to enroll a domestic partner in employment-based benefit programs. By reducing my survey to ten questions, I felt that some employers would be much more inclined to answer my questions, as it would take up less of their own time. Because this project was limited to a small financial budget, phone surveys were to be the main point of contact for employers. I did have access to both fax and e-mail, in order to send official copies of the survey to employers upon their request; however, I did not have the means to mail out surveys to businesses.

The initial goal of this study was to gather information from both small and large private firms in Anchorage, to develop a well-rounded view of our community's private employers. To do this, I used a list of all licensed businesses in the Municipality of Anchorage to create my sample base. After removing all businesses located in Girdwood, along with all sole proprietary establishments, I was left with a list of approximately 8,500 licensed businesses, which I used to develop a random sample of 31 private businesses in Anchorage or Eagle River. After successfully acquiring the contact information for about 15 of the 31 sampled businesses, I was able to complete 7 surveys from my sample. Of those 7 completed surveys, only two employers offered health-care benefits to their employees. Most commonly, businesses that I contacted either refused to participate in my survey, or stated that it was unnecessary to have such services for their

employees, as they had such a small staff. At this point, it was determined by my advisor and myself, that it would be appropriate to focus on larger businesses in order to gather enough information for analysis purposes.

In beginning my focus on larger private businesses, I took advantage of an opportunity to pass out approximately 50 copies of my survey to human resource managers attending a monthly meeting of the Anchorage Society for Human Resource Management. Each employer was given a packet including a cover letter, contact information, and a copy of the survey. This did not turn out to be as successful as was expected, as I received one completed survey back from an employer. I then turned to a list of Alaska's largest 50 employers, published by *Alaska Economic Trends* and the State of Alaska. After calling all 50 employers a maximum of four times and sending written copies of the survey upon request, I was able to collect 25 completed copies of my survey. Because these 25 large businesses were the largest portion of my data, I chose to focus the majority of my data analysis on them.

Results: Health Care Benefits

All Firms

In total I received 32 completed surveys for my study. When looking at the availability of health care benefits for employees of these businesses, and in particular, same-sex domestic partners, I found that 27 (82 percent) offered health benefits to their employees, 26 (79 percent) of businesses offered health benefits to the spouses and dependents of their employees, 12 (36 percent) of businesses offered health benefits to same-sex domestic partners, and 9 (27 percent) offered benefits to opposite-sex domestic partners (Appendix B). Many of the smaller businesses surveyed stated that the reason they did not offer medical benefits to their employees and their families was due to the size of their establishment. Because of limited finances, many small firms cannot afford to supply health insurance to any of their employees.

Largest Firms

In looking at just the 25 large businesses surveyed for this study, I found that 24 (96 percent) of employers offered medical benefits to employees. Additionally, those 24

businesses also offered medical benefits to the spouses and dependents of employees. Almost half the large businesses surveyed offered medical benefits to same-sex domestic partners. 12 employers (48 percent) offered medical benefits to same-sex domestic partners and 9 employers (36 percent) offered medical benefits to opposite-sex domestic partners (Appendix C). It should be noted that no small firms surveyed offered same-sex or opposite-sex domestic partner benefits to their employees. When asking employees what documented evidence was needed in order to enroll domestic partners in medical benefit programs, I received a wide range of answers from respondents. Most commonly, employers required that an employee fill out an affidavit, proving that both partners had been committed to a long-term relationship, for a minimum of one year. Additionally, many businesses asked for proof of shared financial obligations - for example, joint utility contracts, shared ownership of a home, or joint automobile registration. This, however, was not the case for all employers. Multiple employers stated that they did not require any documented proof at the time of enrollment, and only requested documented information from the employee in the case of a company audit.

Anti-Harassment Policies

Of the 32 businesses surveyed, 27 indicated that they had an Equal Employment Opportunity or Anti-Harassment policy in their company. Additionally, 14 of those employers were willing to share what classes were protected under their policies. After collapsing my data, and combining various classes into ten common classes, I found that 6 of those 14 businesses protected sexual orientation under their Anti-Harassment policies (Appendix D). Additionally, no small firms surveyed stated that they protected sexual orientation under anti-harassment policies. Ultimately, I discovered that many private businesses were not willing to share information regarding human resource policies.

Conclusions

As we can see, the presence of same-sex domestic partner benefits and the protection of sexual orientation have become much more common, nationwide, among private businesses in the last ten years. From the data collected in this study, it is evident

that at least some large businesses in Alaska are also offering these benefits and protections. It is important to remember, however, that this sample of businesses is not representative of any particular population. We focused on large businesses in order to utilize our time in the best way possible, thus not presenting an accurate representation of smaller firms around Alaska. From this we can begin understand how larger businesses play an important role in Alaska's communities. Both same-sex domestic partner benefits and protection of sexual orientation under anti-harassment policies were most commonly offered by larger businesses surveyed in this study. Many representatives from smaller businesses that I surveyed stated that they did not offer such benefits nor have such policies due to their lack of employees. Additionally, these respondents stated that if they managed a larger scale staff, they would be open to offering health benefits and anti-harassment protections to their employees.

If given the opportunity to continue my research, I would make a few revisions in my data collection methods. In order to have a more well-rounded representation of all private businesses, I would like to spend more time looking at smaller private businesses. While many of the small businesses surveyed here were too small to offer such benefits to their employees, I feel that with more time and effort, it is possible to reach enough small scale establishments that do offer medical benefits to their employees and their families in order to gather more well rounded information. Additionally, I would like to restructure my questions on protected classes in order to have more precise data for my analysis process. In particular, I would like to structure a more direct question asking employers if sexual orientation is a protected class. I found that because many employers feel that this is private information, it is difficult to collect accurate data that is representative of each business surveyed. It is important to learn from these flaws in order to adjust these methods for future research.

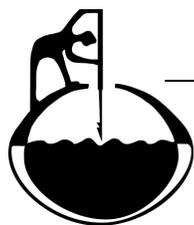
Work Cited

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February 2009

Dear Human Resource Manager:

On behalf of the Anchorage Equal Rights Commission, ISER is conducting a study of benefits available to employees working in private sector businesses in Alaska, as well as on anti-discrimination and harassment policies. Attached is a short survey on these topics, which we would appreciate you completing at your earliest convenience.

We are surveying a sample of businesses, both large and small. We are focusing mostly on Anchorage-based companies but also will be speaking with the larger businesses operating statewide. This data is being collected for research information purposes only.

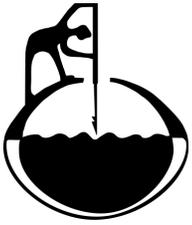
You may return the survey to us via facsimile (907-786-7739), by mail, as an email attachment to Hirshberg@uaa.alaska.edu, or if you prefer to give us this information by phone, leave a message at 907-786-5413 and Katie Marquette, an ISER Policy Research Intern, will get back to you.

We appreciate your participation in this study. If you have any questions or need further information, you may contact me by phone or email.

Thank you!

A handwritten signature in black ink, appearing to read "Diane Hirshberg". The signature is fluid and cursive, with a large initial "D" and "H".

Diane Hirshberg
Hirshberg@uaa.alaska.edu
907-786-5413



UNIVERSITY OF ALASKA ANCHORAGE
Institute of Social and Economic Research

**2009 Survey of Private Sector Benefits and Anti-Discrimination
Policies**

Name of Company: _____

Name of contact person: _____

Phone: _____

Address: _____

1. Total number of employees (part-time, full-time, seasonal, temporary) as of February 2009

2. Total number of employees eligible for company benefits (as of February 2009)? _____

3. Does your company have a written equal employment opportunity, anti discrimination or anti-harassment policy? No ___ Yes ___

3a. If yes, may we have a copy (or if it's on your website direct us to it)?

3b. If you cannot provide a copy, please list your protected classes for us (e.g., race, gender, age, etc.)

4. Does your company offer health benefits to employees? If yes, please continue below.
If no, check here, and return this survey as instructed on the cover letter. _____

5. To which of the following do you offer health insurance benefits?

___ Employees _____ Spouses

___ Dependents

___ Opposite-Sex Domestic Partners

___ Same-Sex Domestic Partners

5a. Comments?

6. To which of the following do you offer dental insurance benefits?

Employees

Spouses

Dependents

Opposite-Sex Domestic Partners

Same-Sex Domestic Partners

6a. Comments?

7. Are you willing to share the name of your health insurance provider?

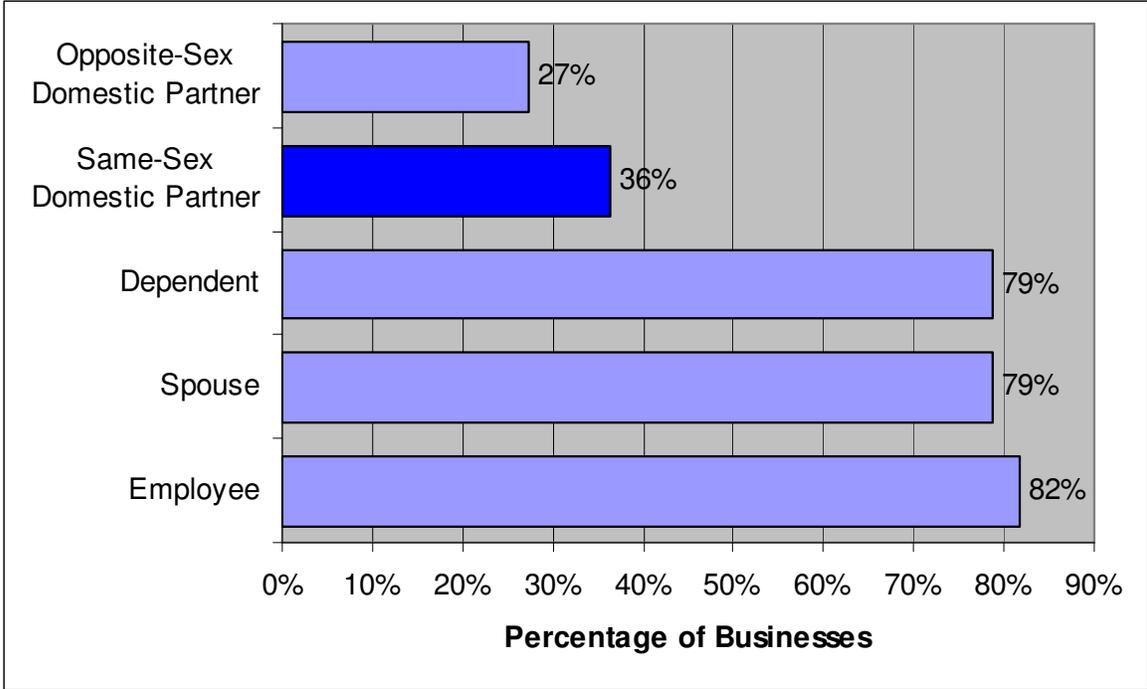
8. If you provide any other benefits to spouses, dependents or partners of employees, please describe (e.g., tuition benefits, travel, family gym memberships, etc.):

9. If you provide domestic partner benefits, what documents and/or evidence are needed in order to enroll in the benefit plan?

10. May we contact you about possible participation in a focus group on employer decision-making about benefits? Yes _____ No _____

Thank you for completing this survey!

Appendix B –
All Firms



Appendix C –
Largest Firms

