

Domestic Partner Benefits F.A.Q.

- Why are domestic partner benefits so important?
- Why does AtMP believe domestic partner benefits should be available to different-sex couples in addition to same-sex couples?
- Which employers offer DP Benefits?
- How can I convince my employer to offer domestic partner benefits?
- My employer offers domestic partner health benefits only to same-sex couples, not to different-sex couples. I think that's discriminatory. Should I sue?
- What will happen to domestic partner benefits plans after some states legalize same sex marriage?
- How widespread are domestic partner benefits?

Answers:

Why are domestic partner benefits so important?

A study by UCLA's Williams Institute (PDF) found that "employers' health insurance coverage for legal spouses places unmarried couples at a disadvantage for obtaining coverage.... [P]eople with same-sex or different-sex unmarried partners are two to three times more likely to be uninsured than married people, even after controlling for factors influencing coverage." The study demonstrates that the number of uninsured people in unmarried couples would drop significantly if employers offered health insurance to domestic partners. However, employers would experience only a small increase in health insurance enrollment and costs if they offered partner coverage.

Why does AtMP believe domestic partner benefits should be available to different-sex couples in addition to same-sex couples?

Domestic partnership and marriage serve different purposes for people in different situations. But people in all situations need equal access to affordable health insurance and other employment benefits. It is not fair to offer benefits only to employees who are married or not allowed to marry. All people should freely choose whether to marry; none should be forced into a complex, often costly legal relationship simply by the need for health care and related benefits.

Although DP benefits are often discussed as a gay issue, and although some employers and registries decide to limit their definition of "domestic partner" to same-sex couples only, the fact is that at least 95% of employers that offer DP Benefits make them available to different-sex couples too.

Which employers offer DP Benefits?

Search the Human Rights Campaign's list of employers with domestic partner benefits. This site links to regularly updated lists of companies that offer domestic partner benefits.

How can I persuade my employer to offer domestic partner benefits?

If you want to convince your employer to offer domestic partner benefits, there's nothing that can compete with *The Domestic Partnership Organizing Manual for Employee Benefits* by Sally Kohn (1999). This thorough manual includes suggestions for how to argue your case, how to organize with other employees, lists of employers that already offer the benefits, a variety of ways to define domestic partnership, sample policies, and other resources. The Manual is put out by the Policy Institute of the National Gay and Lesbian Task Force, but the information contained within applies to all unmarried partners. You can download the manual (PDF) from the web for free.

The book *Unmarried to Each Other: The Essential Guide to Living Together as an Unmarried Partner* is another good source of information on domestic partner benefits. It includes a chapter on arguing for domestic partner benefits, which includes advice on organizing at your workplace, responses to common arguments against DP benefits, and tips on how to convince your employer to expand a gays-only policy to include different-sex couples (it can be done!). You can support AtMP by buying this book from us online.

Finally, check out the guide for organizing at your job that was published by the Human Rights Campaign: *How to Achieve Domestic Partner Benefits in Your Workplace*.

My employer offers domestic partner health benefits only to same-sex couples, not to different-sex couples. I think that's discriminatory. Should I sue?

We agree that it's discriminatory, since benefits make up a substantial part of an employee's compensation. Providing health benefits for one

employee's family member but not another's violates the basic policy of equal pay for equal work, and could be considered discrimination on the basis of sex, gender, sexual orientation, and marital status.

However, there have been several lawsuits in situations like this, where an employee with a different-sex domestic partner sued his/her employer because the employer offered benefits only to same-sex domestic partners. So far, these lawsuits have never been successful. This doesn't mean these cases haven't been discriminatory -- it simply means that courts need some awareness raising (recall court decisions that upheld discriminatory laws against interracial marriage and gay sex, which were eventually overturned as times changed). You can read our comments about a 1999 NY case [here](#), or read about a 2006 WA case [here](#).

If your goal is to get benefits for your different-sex partner, at this time we don't recommend lawsuits. Many people have been successful at expanding policies that were originally limited to same-sex partners, but the strategies that have been effective are education, organizing with other employees, letters, meetings, patience, and persistence. See the links above on this page for suggestions. You probably won't be able to get benefits this week or even this month using these old-fashioned organizing techniques. But in the long run, we believe you're more likely to get what you want this way than through a court.

What will happen to domestic partner benefits plans after some states legalize same sex marriage?

While some employers will end their DP benefits plans, rationalizing that same-sex couples can simply get married to get benefits, we believe most employers will and should keep their plans. Read our [op-ed](#) on the subject to learn more. Major LGBT groups like the HRC, NGLTF, and GLAD agree with us: see our [joint statement](#), released June 2004, urging employers in Massachusetts to maintain their DP benefits plans even though same-sex marriage is now legal in that state.