

September 2017 | Data Note

Access to Employer-Sponsored Health Coverage for Same-Sex Spouses: 2017 Update

Lindsey Dawson, Jennifer Kates, and Matthew Rae

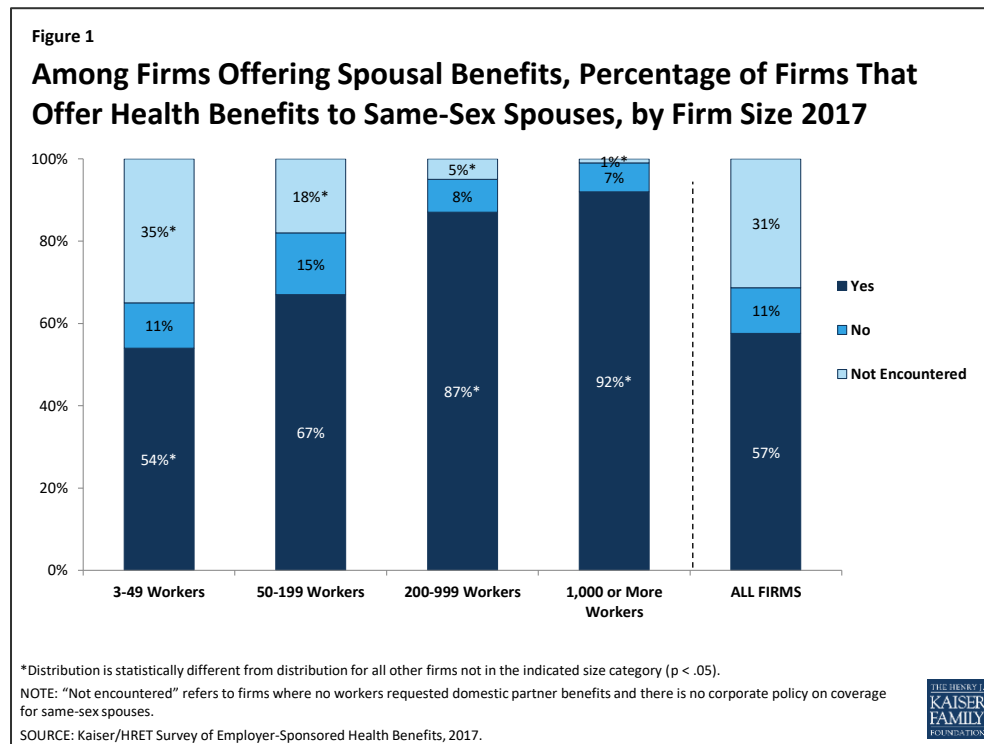
Employer-sponsored health insurance (ESI) covered over half of the non-elderly population in the U.S. in 2015, half of whom received coverage as a dependent.^{1,2} In fact, nearly all employees who have access to health insurance also have access to opposite-sex spousal coverage.³ However, for same-sex couples, this route to coverage has historically been limited and is not a guarantee. Two recent Supreme Court rulings (*United States v Windsor* in 2013 and *Obergefell v Hodges* in 2015) significantly changed the legal landscape for same-sex couples and paved the way for greater access to health insurance through the workplace. Last year, using data collected through the 2016 Kaiser Family Foundation and the Health Research & Educational Trust (HRET) [Employer Health Benefits Survey \(EHBS\)](#), we provided the first national estimates of same-sex spousal health coverage, looking at both the share of firms offering such coverage as well as the share of covered workers with access to spousal benefits. This data note provides an update. To read more about the case law background see our 2016 [data note](#).⁴

Findings

FIRMS OFFERING

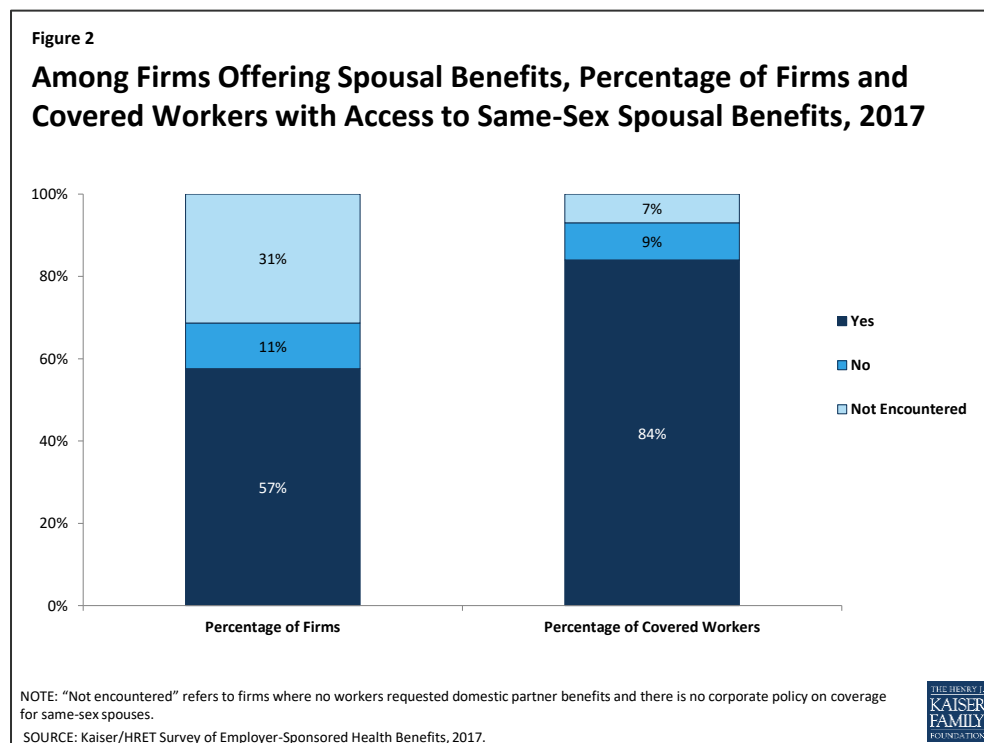
In 2017, more than half (57%) of firms offering health insurance coverage to opposite-sex spouses, also provided coverage to same-sex spouses and 11% did not provide this coverage. Another 31% reported they had not encountered this as a benefits issue. This was driven by small employers (those with fewer than 200 workers), who represent the majority of employers overall (98%)⁵ and are less likely to offer same-sex spousal coverage. Indeed, the likelihood of employers offering same-sex spousal coverage increases with firm size.

Among firms offering opposite-sex spousal coverage, large firms (those with 200 or more employees) were more likely to also offer this benefit to same-sex spouses than smaller firms (88% vs 56%). Almost nine in ten (88%) large firms with opposite-sex spousal coverage offered such coverage, 8% did not, and 4% reported they had not encountered this benefits issue. Among the largest firms (those with more than 1,000 workers), 92% offered coverage to same-sex couples. By contrast, just 56% of small employers (3-199 workers) offered coverage to same-sex spouses. Twelve (12%) percent did not and 32% said they had not encountered it.

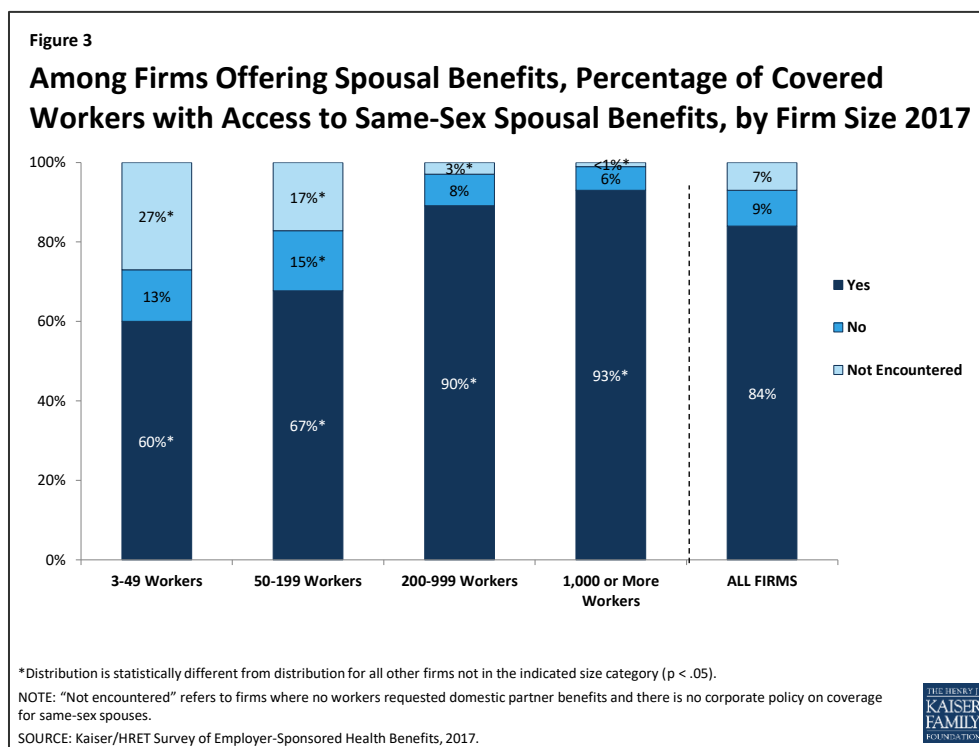


COVERED WORKERS

While the majority of firms in the United States are small, and most do not offer same-sex spousal ESI, the majority of workers are employed by large firms (200 or more workers) (71%), most of whom do offer this benefit. In 2017, among employees who worked at firms offering opposite-sex spousal health benefits, 84% also had access to same-sex spousal coverage; 9% did not have access to this benefit, and 7% worked at firms who reported they had not encountered this benefits issue.⁶



Most covered workers at large firms (those with 200 or more employees) who have access to opposite-sex spousal coverage also have access to same-sex spousal coverage (93%). Just 7% did not, and 1% worked at firms that reported they had not encountered the issue. Among workers at the largest firms (1,000+ workers), the majority (97%) had access to same-sex spousal coverage.



Workers at small firms offering opposite-sex spousal coverage were less likely to have access to health insurance benefits for same-sex spouses, though a majority did (64%). Fourteen percent (14%) did not have access to this benefit and another 22% worked at firms that report they have not encountered this issue.

DOMESTIC PARTNER BENEFITS

Prior to the recent Supreme Court decisions guaranteeing the right to marriage for same-sex couples, domestic partnership benefits provided an important way for same-sex couples to gain access to coverage. Some have raised questions about whether federal and state recognition of same-sex marriage would diminish domestic-partnership benefits but, as was the case in 2016, data from the Employee Health Benefits Survey show no statistical difference between the share of firms offering same-sex domestic partner health coverage in 2017 compared to 2012, among all firms offering health benefits.⁷ Only 1% of firms that previously offered domestic partner benefits discontinued that benefit within 12 month prior to the survey. Further, the survey found that 99% of large firms offering same-sex domestic partner health benefits, also offer same-sex spousal benefits and 52% of large firms offering same-sex spousal coverage, offer same-sex domestic partner coverage. Additional data on domestic partner benefits can be found in the [full EHBS survey](#).⁸

Conclusion

These findings indicate that in 2017, while just 57% of firms offering opposite-sex spousal coverage also offer coverage to same-sex spouses, 84% of covered workers had access to these benefits (see figure 2). Still, not all do and this varies significantly by employer size, with employees at small firms being less likely to have access to same-sex spousal coverage. In some cases, lack of access to this benefit could be a policy decision (11% of firms providing opposite-sex spousal coverage reported that they do not offer coverage for same-sex spouses). In addition, about one third of firms (31%), especially the smallest firms, say they have not encountered this benefits issue. This could be because many of these small firms are likely to be individually or family-run small businesses that may have genuinely not been approached about this as a benefits issue, reflect the relatively recent nature of federal marriage recognition, and/or reflect the reluctance of some employees to proactively seek such benefits, particularly at small firms. Going forward, it will be important to monitor access to same-sex spousal coverage in the workplace over time and against changes in the legal landscape.

Methods

The Kaiser Family Foundation/Health Research & Educational Trust (Kaiser/HRET) 2017 Annual Employer Health Benefits Survey is based on a telephone survey of 2,137 randomly selected non-federal public and private employers with three or more workers. Researchers at HRET, NORC at the University of Chicago, and the Kaiser Family Foundation designed and analyzed the survey. National Research, LLC conducted the fieldwork between January and June 2017. In 2017, the response rate among firms which offer health benefits was 33%. For fuller methods see The Kaiser Family Foundation/Health Research & Educational Trust (Kaiser/HRET) 2017 Annual Employer Health Benefits Survey (2017) available at: www.kff.org/ehbs.

Endnotes

¹ Kaiser Family Foundation. Kaiser Commission on Medicaid and the Uninsured. *The uninsured: A primer—key facts about health insurance and the uninsured in America*. 2015. Available at: <http://kff.org/uninsured/report/the-uninsured-a-primer/>. (See supplemental tables - Table 1: 270.2 million non-elderly people, 55.5% of whom are covered by ESI.)

² Kaiser Family Foundation's analysis of the Current Population Survey.

³ See Exhibit 2.11, *Among Firms Offering Health Benefits, Percentage of Firms That Offer to Spouses, Dependents and Partners, 2016* from The Kaiser Family Foundation/Health Research & Educational Trust (Kaiser/HRET) 2016 Annual Employer Health Benefits Survey (2016). Exhibit available here: <https://kaiserfamilyfoundation.files.wordpress.com/2016/09/8905-exhibit-2-111.png>

⁴ Lindsey Dawson, Jennifer Kates, and Matthew Rae. Kaiser Family Foundation. *Access to Employer-Sponsored Health Coverage for Same-Sex Spouses*. 2016. Available at: <http://www.kff.org/disparities-policy/issue-brief/access-to-employer-sponsored-health-coverage-for-same-sex-spouses/>

⁵ See exhibit M.2, *Distribution of Employers, Workers, and Workers covered by Health Benefits, by firm size, 2016* from The Kaiser Family Foundation/Health Research & Educational Trust (Kaiser/HRET) 2016 Annual Employer Health Benefits Survey (2016). Exhibit available here: <https://kaiserfamilyfoundation.files.wordpress.com/2016/09/8905-exhibit-m-2.png>

⁶ See exhibit M.2, *Distribution of Employers, Workers, and Workers covered by Health Benefits, by firm size, 2016* from The Kaiser Family Foundation/Health Research & Educational Trust (Kaiser/HRET) 2016 Annual Employer Health Benefits Survey (2016). Exhibit available here: <https://kaiserfamilyfoundation.files.wordpress.com/2016/09/8905-exhibit-m-2.png>

⁷ See exhibit 2.13 *Among Firms Offering Health Benefits, Percent of Firms that Offer to Unmarried Same-sex and Opposite-sex Domestic Partners, by Firm Size, 2008-2016*, from The Kaiser Family Foundation/Health Research & Educational Trust (Kaiser/HRET) 2016 Annual Employer Health Benefits Survey (2016). Exhibit available here: <https://kaiserfamilyfoundation.files.wordpress.com/2016/09/8905-exhibit-2-13.png>

⁸ Kaiser Family Foundation & Health Research & Educational Trust. *2017 Annual Employer Health Benefits Survey*. Available at: www.kff.org/ehbs