

# THEM BEFORE US

# HR PRINCIPLES



# WHAT DO CHILDREN HAVE TO DO WITH OUR BUSINESS?

Children matter to your business. All of society needs children to grow into healthy, functional, productive adults. And your future business needs healthy, educated, capable children to fill critical roles at all levels of your company.

Children also matter to your employees. Let's be honest, the little voices who greet them in the evening are the primary reasons your workers punch in every morning. The children of your employees are of supreme importance to your workers, so they must also be of supreme importance to you.

But children also matter to your company because you don't necessarily have the same priorities as your competitors. You not only want to offer a great product and excellent service- you also want to do justice. Especially for those who cannot protect themselves. You want your entire business model to help, not hurt, children.

## WHAT'S THE PROBLEM?

Not every company shares your concern for the least of these. In the business world, there are entire systems and structures aligned against the rights and well-being of children. It's on display when corporations chase high Environmental, Social, and Governance (ESG) scores by offering "family building" Human Resource (HR) benefits. The problem is, when it comes to children, not all families are built equally. Many of those HR benefits strip children of their natural, fundamental rights.

Corporations function as small communities and, especially with cash reserves larger than the gross domestic product (GDP) of some nations, their example can be exported to the broader community. In other words, what happens at Walmart can shape Arkansas.

That's why Them Before Us has created a set of principles that will guide employers of good faith on how to create a children-first policy that will not only benefit their employees but safeguard the rights of children as well. And hopefully, show the larger community how to align their principles around the rights of children.

We aim to encourage companies of all sizes and in all industries to use their corporate influence to advance the interests of children for the sake of the individual child, their employees, and the nation.

For those companies willing to swim against the ESG tides, Them Before Us has developed the following guidelines which outline several ways you can provide benefits that create a just and flourishing culture in your business while also safeguarding the rights of children in the process.

# CHILDREN-FIRST HR BENEFITS SHOULD INCLUDE:



## Natural Procreative (NaPro) Technologies, such as:

- Cycle-charting education and supplies
- Chart consultations
- Bio-identical hormone or nutritional supplementation to address deficiencies
- Surgeries designed specifically around fertility restoration, including targeted endometriosis diagnosis and removal, ovary-preserving cystectomies, etc.

*NaPro Technologies are designed to identify root causes of infertility and resolve them through behavioral, medical, or surgical interventions. The husband, wife, or both may require these therapies so the couple can conceive and sustain pregnancy without artificial interventions.*



## Holistic birth options:

- Doula services (in or out of the hospital)
- Midwife services
- Birth centers
- Attended home births

*Offering options beyond the traditional hospital setting supports the autonomy and primacy of parents as their child transitions from womb to world.*



## Breast pumps and supplies:

*Cost should not be a barrier for proper nutrition of babies via their mother's milk.*



## Family strengthening counseling:

- Premarital counseling
- Marriage counseling
- Family and home-based counseling

*Many plans cover counseling for individuals, but sometimes the “patient” is more than just one member of the family. Fortifying the family unit is essential for child well-being. That may include premarital preparation, stabilizing marriage during seasons of struggle through couples counseling, and healing the family unit through family or home-based therapy.*



# CHILDREN-FIRST HR BENEFITS SHOULD EXCLUDE



## **In vitro fertilization, and related services:**

- Sperm and egg harvesting
- Related services such as hormonal preparation
- Artificial insemination
- Embryo storage
- Third party reproduction such as:
  - Surrogacy
  - Gamete donation

*No child should lose the right to life in the name of “reproductive medicine,” IVF routinely creates excess embryos, destroys and discards those deemed “less fit” or the wrong sex, stores “surplus” children in freezers, and employs abortion as a means of quality control and quantity control. Thus, only about 7% of babies created via IVF are born alive. No child should lose the right to their mother or father in the name of “reproductive medicine.” The use of third-party gametes or wombs always separates children from a biological parent to whom they have a natural right. Severing a child from one or both genetic parents at conception subjects them to identity struggles and the loss of their kinship roots and network and roots. Children develop a foundational bond with their mother in utero which should never be intentionally or commercially severed. When a parental loss occurs due to death, abandonment, or abuse we grieve. Third-party reproduction creates this suffering by design, and should never be subsidized in a health plan.*



## **Abortion and related services, chemical or surgical, including professional and ancillary services such as laboratory or imaging.**

*No child should lose the right to life in the name of “health care.” During pregnancy, the goal must be health and healing for both the mother and the baby.*

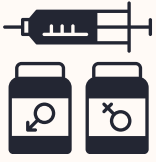


## **Abortifacient contraceptive drugs or devices**

*No child should lose the right to life in the name of “pregnancy prevention.”*



# CHILDREN-FIRST HR BENEFITS SHOULD EXCLUDE



## “Transgender” treatments for minors or adults

- Puberty-blockers
- Cross-sex hormones
- Gender “transition” surgeries
- Ancillary services and products such as binders and dilators, related medications, ongoing laboratory tests, follow-up consultations, or ongoing monitoring.

*No child’s right to bodily integrity should be violated in the name of “transgender treatments.” Children subjected to puberty blockers, cross-sex hormones, and “affirmation” surgeries suffer life-long medical harm. These “treatments” do not transition boy to girl or girl to boy. Rather, they “transition” healthy children into life-long consumers of pharmaceuticals and cosmetic surgeries. Children should not lose their right to their mother or father in the name of an adult’s “transgender treatment.” A child with a parent who “transitions” often processes it as a death - they feel they have lost their mother or father because they have. Confusion and/or rejection of their own masculinity or femininity may follow, as may the dissolution of their parents’ relationship. Adults without children who “transition” often pursue child-harming reproductive interventions when they seek to become parents. But even if they don’t, the blurring of sex-specific lines in society creates a new set of potential harms for children as the privacy rights and safety of children in intimate facilities like bathrooms and locker rooms must be ceded to the desires of transgender adults, as well as the loss of their right to sex-specific activities such as sports, clubs, and fraternal organizations.*



# FAMILY STRENGTHENING BENEFITS TO CONSIDER

## Adoption expense reimbursement for male-female married couples (to the extent permitted by law)

*Adoption is an institution centered around the best interest of children by seeking to mend a child's parental wound. Reimbursement to defray the cost of adoption by male-female married couples should be encouraged via employee benefits programs. Embryo adoption programs or reimbursement may also be considered as a life-affirming protection for abandoned frozen embryos. See addendum for further considerations regarding embryo adoption.*

## Foster care expenses for male-female married -couples (to the extent permitted by law)

- Home study costs
- Home modifications required by home study

*Foster care is a means, either temporarily or permanently, of caring for the most vulnerable children among us. Foster parents deserve not only social support but generous corporate support as well. Employers are encouraged to reimburse any initial or ongoing expenses associated with being a foster family.*

## Group life insurance coverage up to at least 1x the deceased employee's annual salary

*Life insurance mitigates the financial devastation of parental loss. If offering this benefit to \*all\* employees is cost-prohibitive, consider prioritizing employees who are parents of underage children, to the extent permitted by law.*

## Child Care Benefits

- Dependent Care, Flexible Savings Account (FSA) offering and employer contribution
- Supplemental employer-match plus-up program with post-tax dollars
- Partnerships with onsite or near-site childcare providers, including employer tuition subsidies.

*Working parents experience significant stress and lost wages due to the expense and logistic challenges associated with reliable child care. Tax laws allow up to \$5,000 in pre-tax savings for the purpose of covering child care expenses (and other dependent care), including home health care for a sick child. However, most working parents incur far more than \$5,000 in childcare expenses each year. Employers should consider subsidizing this benefit as much as possible with pre-tax dollars. Establishing a program that matches employee savings with post-tax dollars as a supplement to an FSA benefit should also be considered. Subsidizing on-site or near-site daycare options is encouraged.*



# LEAVE POLICIES TO CONSIDER

## Maternity leave, paid for no fewer than 90 days

*Newborns have an existential need to bond with their mothers. That can't happen if they are apart. In addition to paid leave of at least 90 days, mothers should be permitted to extend unpaid maternity leave up to at least six months without a change in job status or requirement to exhaust sick or disability leave.*

## Paternity leave, paid for no fewer than 14 days

*Welcoming a newborn is an all-hands-on-deck operation. The father's assistance in the postpartum phase is essential to a mother's recovery and the family's adjustment. Further, a baby also benefits from dad's immediate presence. Fathers should not be asked to exhaust sick leave prior to accessing paternity leave benefits.*

## Leave donation program

Employees should be able and encouraged to donate sick leave or personal leave days to a colleague experiencing a family crisis such as an illness, death, prolonged pregnancy bed rest, a newborn in intensive care, or other extenuating circumstances requiring extraordinary leave time. For the sake of child well-being, working parents should be supported in these rare cases without being forced to make an impossible choice between their children's well-being or their job.

## Prenatal leave

Prenatal leave permits pregnant workers to access additional sick leave, for medical appointments. This policy should include extended leave for pregnant moms placed on bed rest by their doctor for part or all of their pregnancy, and who can not perform their job functions as a result. If an employer can not afford to offer this benefit, employers may consider offering protracted bed rest as a covered disability claim under their short or long-term disability policies.

## **Bereavement leave, paid**

When a parent dies, children require the comfort of the surviving parent's presence. Paid bereavement, especially for the death of an employee's spouse who has children at home, can mitigate the trauma of the children and help the family heal. Bereavement leave policies should also recognize miscarriage and stillbirth as the loss of a child. A pro-child company recognizes that every child's life matters and employees should not be denied bereavement leave simply because the child they lost was preborn.

## **Sick child / school holiday leave**

This benefit can mitigate the strain of extra leave days needed for parents of children in school or daycare or when the child is ill. Parents should submit the child's school calendar ahead of the school year and employers should strive to accommodate telework when the job function permits.

## **Paid Family Medical Leave**

The Family Medical Leave Act requires employers to offer leave for workers during a medical crisis in the family. However, most workers can't afford to take unpaid leave. Employers should make some portion of this leave a paid benefit so employees are not forced to choose between their livelihood and a family member's emergency care.

# WORKPLACE POLICIES

## Lactation breaks/spaces

Lactating mothers need to maintain their milk supply, even after they've returned from maternity leave. For the benefit of their children, employers should allow these moms the time, privacy, and refrigeration access to support lactation.

## Telework / flexible work hours

Parents face logistical challenges associated with school closures, school holidays, sick days, and many other challenges. Telework and flexible work hours should be offered when possible for self-motivated parents in need of extra flexibility to manage family crises, illness, or scheduling demands.

## Exclude benefits for domestic partners

Employer benefits should not subsidize the practices of domestic partnership, as these household arrangements are less safe and stable for children. Statistically, these households are more likely than married homes to break down. Further, the risk of abuse and neglect greatly increases when the child shares a home with an unrelated male. Corporate benefits should not subsidize child household risk and instability.

## Exclude benefits for same-sex partners

Same-sex couples can not furnish a child with the gender-diverse parenting that maximizes child development and satisfies the child's longing for maternal and paternal love. Further, children must lose one or both biological parents to be raised in their home, and are statistically disadvantaged by being raised by an unrelated adult. Corporate benefits should not subsidize child loss.

# INSURANCE CONSIDERATIONS

- The flexibility to implement many of the above recommendations is tied to the type of health plan an employer offers. Fully insured group plans are primarily regulated at the state level (i.e. subject to all state coverage mandates) and are off-the-shelf products sold by insurance carriers that are not generally customizable. An employer offering a fully insured insurance policy to employees will not be able to modify the benefits covered by the plan, even in the case of a religious employer. Fully-insured plans are the primary health plan option available if an employer is small (fewer than 30-50 eligible employees, depending on risk profile) and secular, meaning not religious. A larger group may be relegated to the fully insured market if it has an unusually adverse risk profile. Fully insured plans are usually the most expensive type of health insurance for employers, and premiums paid to the carrier are used to pay for child-harming procedures by other enrollees at other employers, such as abortion or transgender surgeries. Alternatively, small employers can still choose to offer subsidized membership in a healthcare-sharing organization. See below for more details.
- Level-funded or self-funded health plans are regulated primarily by federal law by ERISA, meaning they are not subject to most state insurance regulations. Level-funded plans tend to be off-the-shelf offerings of large insurance carriers and usually have little flexibility with respect to covered benefits. These plans may be less expensive than a fully insured plan but that's not always the case. Self-funded plans or partially self-funded plans (i.e. with stop loss reinsurance mitigating aggregate risk) are the most flexible options. The employer pays out the medical claims directly and is able to develop the Plan Document that governs coverage in a way that is consistent with the employer's preferences and values, though nondiscrimination laws still apply (barring religious exemption). This structure affords an employer the best chance of implementing these child-first principles.
- Options for self-funding have dramatically expanded in recent years for employers as small as 10, sometimes even 5 employees.
  - Employers with at least 80 enrolled employees can almost always obtain competitive quotes for a self-funded plan and should always consider that option.
  - Employers with 50 or more enrolled employees can usually obtain competitive quotes.
  - Employees with 30 or more enrolled employees can sometimes obtain competitive quotes.
  - As groups get smaller than 30 enrolled employees, the risk profile of the group is critical. For groups who do not have the best risk profile, they might consider offering to subsidize a Health Care Sharing Ministry membership for their employees rather than (or in addition to) offering group health insurance. This will increase the likelihood that child-harming procedures will be excluded.

**For more information or help designing  
a children-first plan, email [Us@thembeforeus.com](mailto:Us@thembeforeus.com)**

# LEGAL CONSIDERATIONS: UNDERSTANDING THE POTENTIAL RISKS AND COSTS OF LITIGATION

This section seeks to best inform you, the small or large business owner, faith or non-profit leader, of the potential legal challenges these stances may invite. As stewards of values-driven organizations, we take seriously our responsibility to craft employee benefits in ways that advance the rights and well-being of all our employees. But we place an especially high premium on fortifying the rights of the most vulnerable: children.

This document outlines our approach to benefits, focusing on both the *exclusion* of certain services that violate children's right to life, to their mother and father, and to an intact, non-medicalized body and *inclusions* that safeguard children's life, family, and body by strengthening the health of the child's parents restoring what may have been lost for the child and reinforcing the family unit.

Because not all households are equal when it comes to the protection and maintenance of the rights and well-being of children, this document makes distinctions between adult decisions and adult relationships. For example, it rejects abortion and contraceptives, refuses to endorse homes that exclude a child's mother or father, and refuses to pay for transgender treatments for both adults and children.

These positions stem from a commitment to uphold child well-being above adult wishes. And that's exactly how a just society, as well as a just corporation, will operate.

We understand that the guidelines we offer are a radical departure from how many large corporations are conducting business these days. And that standing firm on the side of child rights may expose you to legal risk.

An employer's status as a religious organization may afford protection from being forced to subsidize health insurance or other benefits that violate the religious conscience or moral conviction of the employer. The most robust protections exist for employers with a religious legal status, such as churches and religious orders. Privately held companies owned by religious people may also qualify for religious exemptions. Many such situations have not yet been litigated. Employers should consult counsel when determining whether religious exemptions to immoral state or federal laws may reasonably be asserted.



The specific aspects of these child-first principles most likely to be challenged include:

- **Exclusion of Services Related to Abortion and Contraceptives:** Given the legal protections for so-called “reproductive rights” in many jurisdictions, policies excluding abortion and related services may face challenges under laws protecting against discrimination based on sex or pregnancy status. This exclusion is detailed under the section that discusses benefit exclusions, specifically advising against coverage for "Abortion and related services chemical or surgical including professional and ancillary services such as laboratory or imaging" and "Abortifacient contraceptive drugs or devices".
- **Exclusion of Benefits for Same-Sex Partners:** Failing to extend benefits for same-sex partners may be contested under anti-discrimination laws that protect individuals based on sexual orientation. This policy is outlined in the section recommending the exclusion of benefits for domestic partners and same-sex partners, citing concerns about the stability and safety of such household arrangements for children.
- **Exclusion of Transgender Treatments:** Policies refusing coverage of transgender treatments could be challenged as discrimination based on sex or gender identity, in light of evolving legal interpretations and protections for transgender identifying individuals. The document advises against covering "Transgender treatments for minors or adults," including a list of specific treatments and procedures.

We recognize that for businesses rooted in faith, religious exemptions may provide a measure of legal protection. However, religious exemptions do not preclude the possibility of litigation. Legal battles, even when defended successfully on the grounds of religious freedom, can be protracted and financially draining.

This disclaimer serves as a reminder of the delicate balance between exercising religious convictions and the need to advance the mission of your business without unknowingly inviting legal challenges.

We encourage values-driven and faith-filled business owners to consider both the spiritual imperatives and the practical realities of legal risk and financial burden.

While not providing legal advice, our hope is to equip you with the information necessary to make informed decisions that reflect both your child-centric convictions and a prudent awareness of potential litigation.

# ADDENDUM

For those companies and organizations with greater freedom to pursue a holistic, pro-child and pro-family ethic in their policies, practices, and benefits, we've included some additional things to consider in this addendum.

## **Maintain clear policies in your employee handbook and lifestyle commitment**

If your company or organization requires a lifestyle commitment from employees, we recommend reviewing it to make sure that it very clearly states your organization's positions on marriage and family, including assisted reproductive technologies, and to consult with your attorney as you finalize these changes.

## **Establish an internal ethics committee**

For openly religious or values-driven companies and organizations, we recommend creating an internal ethics committee that clearly establishes your organization's positions on marriage and family, including assisted reproductive technology, adoption (including embryo adoption), and sexuality. This will help your organization develop policies and practices that reflect your values, educate your employees on said policies, and put you in a stronger legal position when defending practices that reflect your deeply held beliefs.

## **Consider membership in a religious employers' association**

For businesses that are owned and operated by people of faith, we encourage pursuing membership in a religious employers alliance/association that has legal exemptions for their members from insurance mandates that include child-harming practices such as gender transition, abortion, and ART.

## **Exclude Elective Sterilization**

Children flourish in a life-welcoming environment. Our procreative capacity is good and deserves protection. While sterilization may occur as a byproduct of treating disease, sterilization for its own sake is never necessary. For instance, even though testes may need to be removed during cancer treatment leading to sterility, that doesn't justify elective vasectomy. We recommend excluding:

- Elective hysterectomy
- Elective oophorectomy
- Elective vasectomy
- Long-acting contraceptive devices/IUDs



While elective sterilization of adults is not a direct violation of children's rights, it is part of an ethic that views children as a choice, rather than a gift. Therefore, we continue to make this recommendation for companies and organizations that want to pursue a broader ethic that values children and recognizes that the purpose of sex within marriage includes procreation.

### **Embryo Adoption**

Embryo adoption is a life-affirming way to provide vulnerable humans who are currently abandoned in frozen storage with families and a chance at life. Like other forms of adoption, this ought to be approached in a child-centric manner, recognizing that adoption exists to provide children with a stable and loving family when being raised by their biological parents is not possible. While this is not a strategy to grow your family, it is one of the ways a family grows responsibly, whether or not the adopting parents have struggled with infertility.

When approaching embryo adoption, it's important to make sure that your employees understand your company's policies around ART and embryo adoption and that a clear distinction is made between IVF generally and the process of adopting an embryo. It should be very clear that this is an adoption reimbursement program, not an infertility treatment. Additionally, a distinction should be made between embryo adoption and embryo donation. Children are not goods to be exchanged or donated at any stage in their lives and payment should not be made to the biological parents at any point. Furthermore, the child-protective vetting processes that exist in adoption should not be bypassed simply because of the stage of development of the child being adopted.

If you have a self-funded insurance plan and want to cover embryo adoption while excluding procedures that create life outside of the womb, you may want to consider covering embryo transfer, while being sure to exclude egg harvesting, fertilization, and freezing.



# NEED FURTHER GUIDANCE?

Are you interested in our team training your staff?

Please contact us at  
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You can find more information about

Them Before Us at  
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