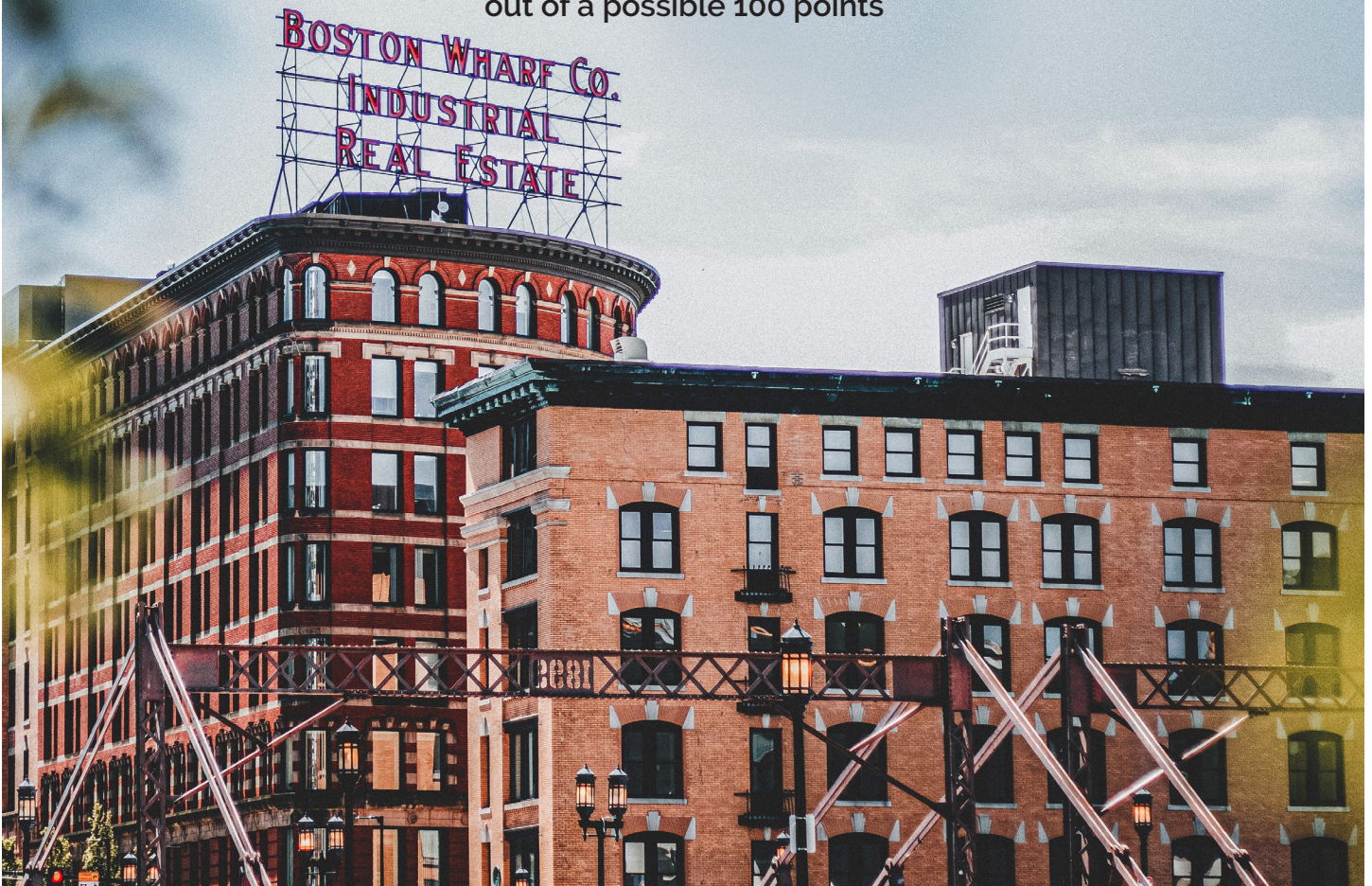


LGBTQ+ Business Climate Score Massachusetts

91.67

out of a possible 100 points



Out Leadership's Business Climate Index for the 50 United States is an assessment of states' performance on LGBTQ+ inclusion. It measures the impact government policies and prevalent attitudes have on the LGBTQ+ people residing in each state, quantifying the economic imperatives for inclusion and the costs of discrimination. It equips business leaders and policy makers with a clear sense of the most impactful steps states can take to make themselves more hospitable to forward-thinking, innovative, inclusive businesses.

Color Coding

NO RISK	LOW RISK	MODERATE RISK	NOTABLE RISK	HIGH RISK
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For more context around these scores, and to learn more about the criteria we used to assess how state laws, actions and attitudes toward LGBTQ+ people create business and talent risks, please visit www.outleadership.com/staterisk

Massachusetts



Legal & Nondiscrimination Protection

Massachusetts has comprehensive non-discrimination laws that cover sexual orientation as well as gender identity and expression. Trans people can apply for birth certificate gender marker changes online, and they don't require surgery.

20_{/20}



Youth & Family Support

The state bans conversion therapy for minors. There are strong and comprehensive discrimination protections for youths in foster care, and there's no religious exemption available to adoption agencies. Single and partnered LGB people can adopt children in Massachusetts, but the law doesn't explicitly apply to potential trans parents.

18.67_{/20}





Political & Religious Attitudes

The state's Governor and both of its U.S. Senators have lengthy, committed track records supporting LGBTQ+ diversity, inclusion and equality.

20_{/20}



Health Access & Safety

LGBTQ+ people in the state are covered by comprehensive hate crimes protections. State employee healthcare and Medicaid must cover transition-related expenses. Private insurance must cover "medically necessary" trans healthcare costs but what meets those qualifications can be subject to debate. Discrimination on the basis of HIV status is banned.*

15_{/20}



Work Environment & Employment

11% of transgender employees in Massachusetts reported being harassed in the past year due to their gender identity, and 23% reported mistreatment such as being forced to use a restroom not matching gender. 20% of LGBTQ+ individuals in Massachusetts reported food insecurity, nearly double that of their non-LGBTQ+ peers (12%). In addition, 21% of LGBTQ+ individuals in Massachusetts report making more less \$24,000 per year. LGBTQ+ individuals in Massachusetts report unemployment at the same rate of their non-LGBTQ+ peers, 6%.

18_{/20}

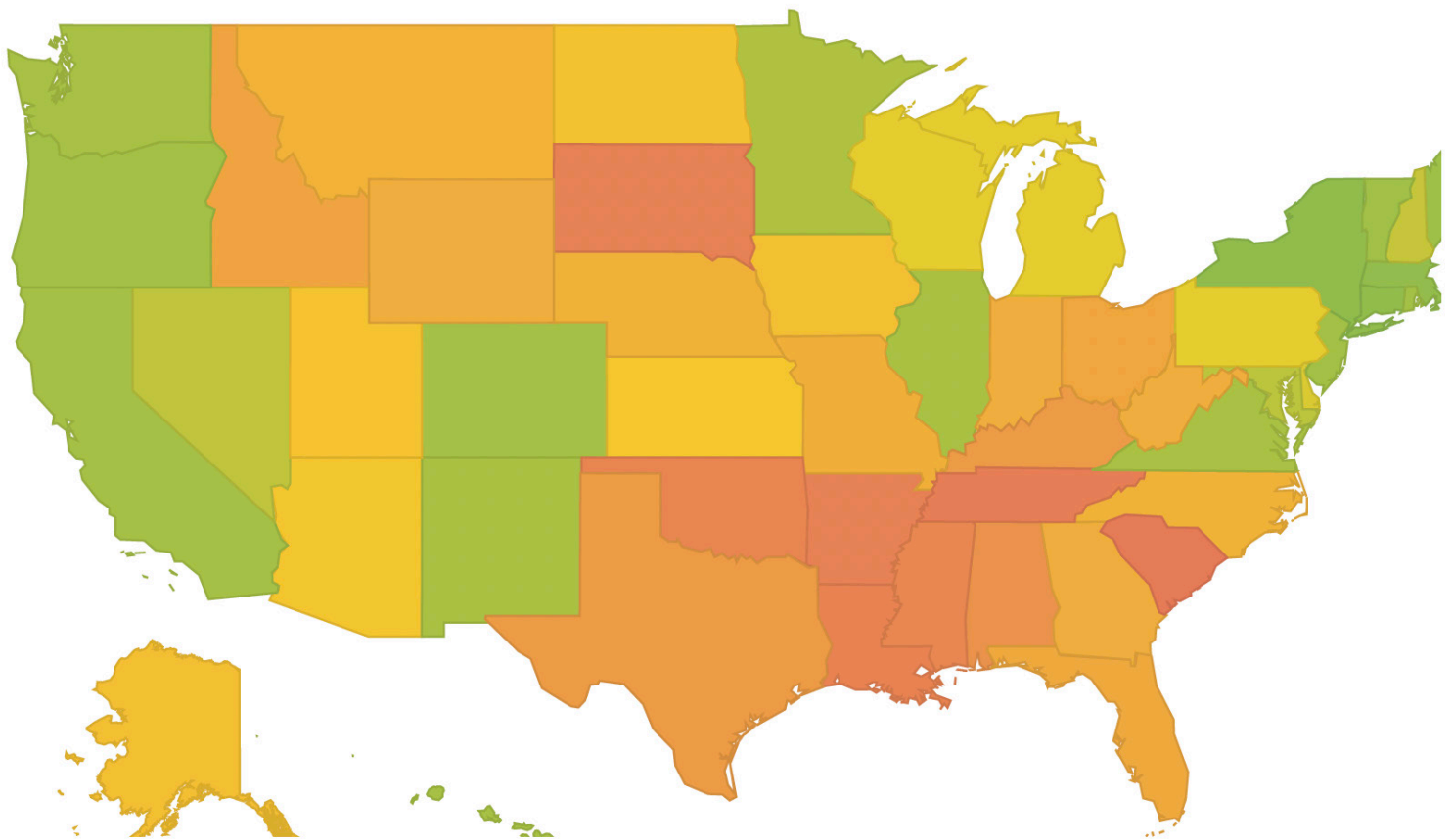
A Note on Methodology

Download this report to learn how and why Out Leadership created the LGBTQ+ Business Climate Index for the 50 U.S. States, with important details about our methodology, including our data standards and practices. NOTE: *HIV criminalization laws are discriminatory and ineffective. These laws fail to account for advances made in treating and controlling HIV, may deter people from getting tested and seeking treatment, and can exacerbate the stigma targeting people living with HIV and LGBTQ+ people.



United States Heat Map

The legal and cultural situation for LGBTQ+ people varies widely across the country. This map, based on each state's total Business Climate Score, illustrates the states where LGBTQ+ people are empowered to participate more fully and openly in the economy, and the states that are lagging behind.





Massachusetts Talking Points

5.4% of Massachusetts residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$26 billion – it's a market my business can't afford to ignore.

When LGBTQ+ employees don't feel welcome at work, they're less likely to stay, and employee turnover is a drag on the state economy and business competitiveness. It costs companies an average of \$12,422 to replace an employee in Massachusetts, and it can cost up to \$472,455 to replace senior executives. Massachusetts and the businesses operating there have strong financial incentives to create inclusive workplaces in the interest of keeping these costs down.

Massachusetts's comprehensive nondiscrimination law protects LGBTQ+ people, so the state is already experiencing the positive economic impacts of such policies. One estimate suggests that the state's economy may have grown 3%, or \$16.2 billion, thanks to its inclusive approach. That said, there's still a gap between policy and culture, and organizations in Massachusetts have a business imperative to ensure that LGBTQ+ people feel welcome in their workplaces.

'Millennial and Gen Z consumers prefer to do business with companies with LGBTQ+ friendly advertising and policies – 54% say they're more likely to choose an LGBTQ+ inclusive brand over a competitor – which is why it's important that Massachusetts continue to foster a business environment where being inclusive is supported.



Regional Context

The Northeast

Out Leadership and FCB partnered on original market research into the attitudes of American workers on LGBTQ+ inclusion, which fielded in 2019 and 2020. These briefs as a whole will be updated on an ongoing basis by Out Leadership because we recognize the ever-changing nature of policy on the local, state, and national level.

The Northeast has the lowest percentage of those who are out at work (49.6%). LGBTQ+ workers in urban environments, however, do feel slightly more comfortable talking about their personal lives vs. urban LGBTQ+ workers for the rest of the country (17% more likely than nationwide). Workers in this region are more likely to hear or engage in negative conversations about LGBTQ+ people at work. Particularly for the non-LGBTQ+ group, which is 23% more likely to report observing or experiencing negative conversations about LGBTQ+ people vs the nation as a whole. Despite being more likely to hear negative conversations at work, workers in this region are the least likely to say that they hear this negativity from state leadership. They are 61% less likely to report that leadership in their state talks about LGBTQ+ people in predominantly negative terms. Like most regions, there is a strong difference between urban and rural audiences, especially for the self-rated importance of team diversity when looking for jobs. LGBTQ+/Allies living in Rural areas care the least about diverse teams when looking for jobs (49% less likely than nationwide). Finally, audiences in the Northeast were 20% more likely to list "Supporting LGBTQ+ Pride celebrations" as one of their top three ways businesses can demonstrate their support for the community.

Unless otherwise noted, all comparisons for more or less likely are compared to the National results. Regional results are based off of 1,500 respondents (LGBTQ+ and Non-LGBTQ+ responses have been weighted to be age-representative for each audience in each region). National results are based off of 600 respondents representative of each audience (LGBTQ+ vs Non-LGBTQ+).

States in the Northeast region included: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont.



Current Legal Status of LGBTQ+ People in Massachusetts

Legal status of the Lesbian, Gay and Bisexual Community

State statutes prohibit discrimination on the basis of sexual orientation and gender identity in employment, housing, public accommodations and credit and union practices.

Sexual orientation and gender identity are covered by Massachusetts' hate crime laws.

Massachusetts also has an executive order that extends the state's equal rights protections to gender identity and expression and covers both public and private-sector workers.

Youth in foster care are protected against discrimination and harassment based on their sexual orientation or gender identity or expression.

Same-sex couples and single LGBTQ+ people can adopt in Massachusetts. There are adoption non-discrimination protections for LGBTQ+ parents, and there is no religious exemption for child welfare services.

A person in a same-sex relationship can adopt their partner's biological child or a court in Massachusetts can grant a second parent adoption. Massachusetts explicitly prohibits discrimination on the basis of HIV status and protects the privacy of people living with the virus.

As of April 2019, it is illegal to perform conversion therapy on LGBTQ+ minors.

Legal Status of the Transgender Community

Massachusetts became the first state to support transgender protections via popular vote. In the first statewide referendum on transgender rights, Massachusetts voters voted "yes" to maintaining a 2016 law that extended nondiscrimination protections to transgender people, including their use of public bathrooms and locker rooms that align with their gender identity.

Transgender people have the right in Massachusetts to use restrooms or locker rooms consistent with their gender identities.



To change gender markers on a birth certificate, applicants submit an affidavit (or fill out an online form). It includes a statement that the applicant has completed "medical intervention," for gender change, but no particular type of surgery is required. The applicant can also submit a certified copy of their court name change decree with the application. A physician must also submit an affidavit or online form stating that the physician is treating the applicant or has reviewed the applicant's medical history.

Transgender people may change their legal gender without undergoing reassignment surgery

To update the name or gender marker on a Massachusetts ID, the applicant must submit a license and ID card application indicating a change of information. The state offers anon-binary gender option. For a name change, a court order of name change is required. For a change in the gender marker, a gender designation change form signed by the applicant is all that's required.

Massachusetts prohibits discrimination in healthcare on the basis of sexual orientation, gender identity and gender expression. Private insurers are prohibited from excluding medically necessary care for gender dysphoria or gender identity, including medically necessary gender surgery and other related healthcare services. Massachusetts Medicaid explicitly covers gender affirmation related healthcare.

Public schools are required to investigate complaints of LGBT Q+ discrimination and harassment and to educate staff annually on harassment prevention and resolutions. The state also has a strong anti-bullying law whose protections extend to private school students.

Government Statements and Actions

The state's openly LGBTQ+ attorney general, Maura Healey, was re-elected for a second term in 2018.

Governor Charlie Baker, a Republican, passed, and then helped uphold, a law extending anti-discrimination protections to transgender people. The state has had a Commission on LGBTQ+

Youth since 1992 which issues annual reports and recommendations to the government.

Impact of LGBTQ+ Discrimination on Business Talent

1 NO RISK

2 LOW RISK

3 MODERATE RISK

4 NOTABLE RISK

5 HIGH RISK

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Brand Risk

1 NO RISK

Companies incur no risk to their brands by operating in Massachusetts, where there are comprehensive LGBTQ+ inclusive nondiscrimination protections and the state's governor and senators have strong pro-LGBTQ+ records.

Client Risk

1 NO RISK

There is no risk of LGBTQ+ or strong ally clients pulling their business from companies operating in Massachusetts in light of the state's business climate or reputation.

Talent Risk

1 NO RISK

Massachusetts has strong legal protections for LGBTQ+ people, making working there attractive to LGBTQ+ professionals.

Marketing Risk

1 NO RISK

There is no risk involved in marketing to the LGBTQ+ community in Massachusetts.

Future Risk

1 NO RISK

Massachusetts recently celebrated a resounding victory for equality at the ballot box, with about 2/3 of voters affirming nondiscrimination protections for transgender people in the state. The state has comprehensive nondiscrimination protections in place and there seems to be low appetite to pursue discriminatory legislation. We currently see no risk of a future negative event.

Socio-cultural Environment of LGBTQ+ People in Massachusetts

Status of LGBTQ+ Organizing and Community

Boston has hosted a pride parade for 49 years. The 2019 parade set records with over 50,000 marchers and a million spectators. The 50th anniversary parade was postponed until 2021 due to COVID-19.

The rainbow flag flies on Boston's city hall for all of pride month annually. Massachusetts has the second highest proportion of LGBTQ+ residents in the country.

Massachusetts is home to some of the institutions of higher education best known for LGBTQ+ inclusion, including Emerson, Tufts, and the Massachusetts Institute of Technology.

Cultural Views of the LGBTQ+ Community

78% of Massachusetts residents favor strong anti-discrimination laws protecting the LGBTQ+ community.

63% oppose allowing religious exemptions that discriminate against LGBTQ+ people in the state.



Partners

Our partnerships make our work possible. The first State LGBTQ+ Business Climate Index released in 2019 was funded by a grant from the Gill Foundation. The Index is based on data graciously shared by the Movement Advancement Project and the Williams Institute. Ropes & Gray is our pro bono legal partner for the CEO Business Briefs globally, and their research informs this Index. FCB partnered with us to conduct original market research into American attitudes toward LGBTQ+ workplace inclusion, informing the Regional Context section of the State CEO Briefs. America Competes supported the development of the scoring for the Risk Assessments, particularly for the Future Risk score.

