

LGBTQ+ Business Climate Score

Wisconsin

70.30

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



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

Wisconsin



Legal & Nondiscrimination Protection

There are comprehensive nondiscrimination protections for sexual orientation but not for gender identity. Transgender people in Wisconsin can change their gender markers on their birth certificate, but it requires gender confirmation surgery. Applicants must submit an affidavit from a physician or a court order to change their gender marker on their driver's license.



Youth & Family Support

Conversion therapy is legal statewide but it has been banned for minors in multiple municipalities. The Family & Medical Leave Act is available for partners and spouses.





Political & Religious Attitudes

Both Governor Tony Evers and Tammy Baldwin, the first out lesbian elected to the US Senate, have strong records of voting and speaking out for LGBTQ+ equality. The other senator, Ron Johnson, has a record of voting against LGBTQ+ interests. There are no broad religious exemptions in state law.

17/20



Health Access & Safety

There are hate crimes protections for sexual orientation but not for gender identity. Wisconsin does not explicitly criminalize HIV+ status but it can lead to a heightened penalty in the context of another crime. Medicaid excludes transgender healthcare, and private insurers are not barred from doing the same. State employee coverage includes transgender health services.

14/20



Work Environment & Employment

12% of transgender employees in Wisconsin report being harassed in the past year due to their gender identity, and 18% report mistreatment such as being forced to use a restroom not matching their gender. 17% of LGBTQ+ Wisconsinites report food insecurity, compared to a rate of 11% among non-LGBTQ+ Wisconsinites. LGBTQ+ unemployment (9%) is more than twice the general rate (4%).

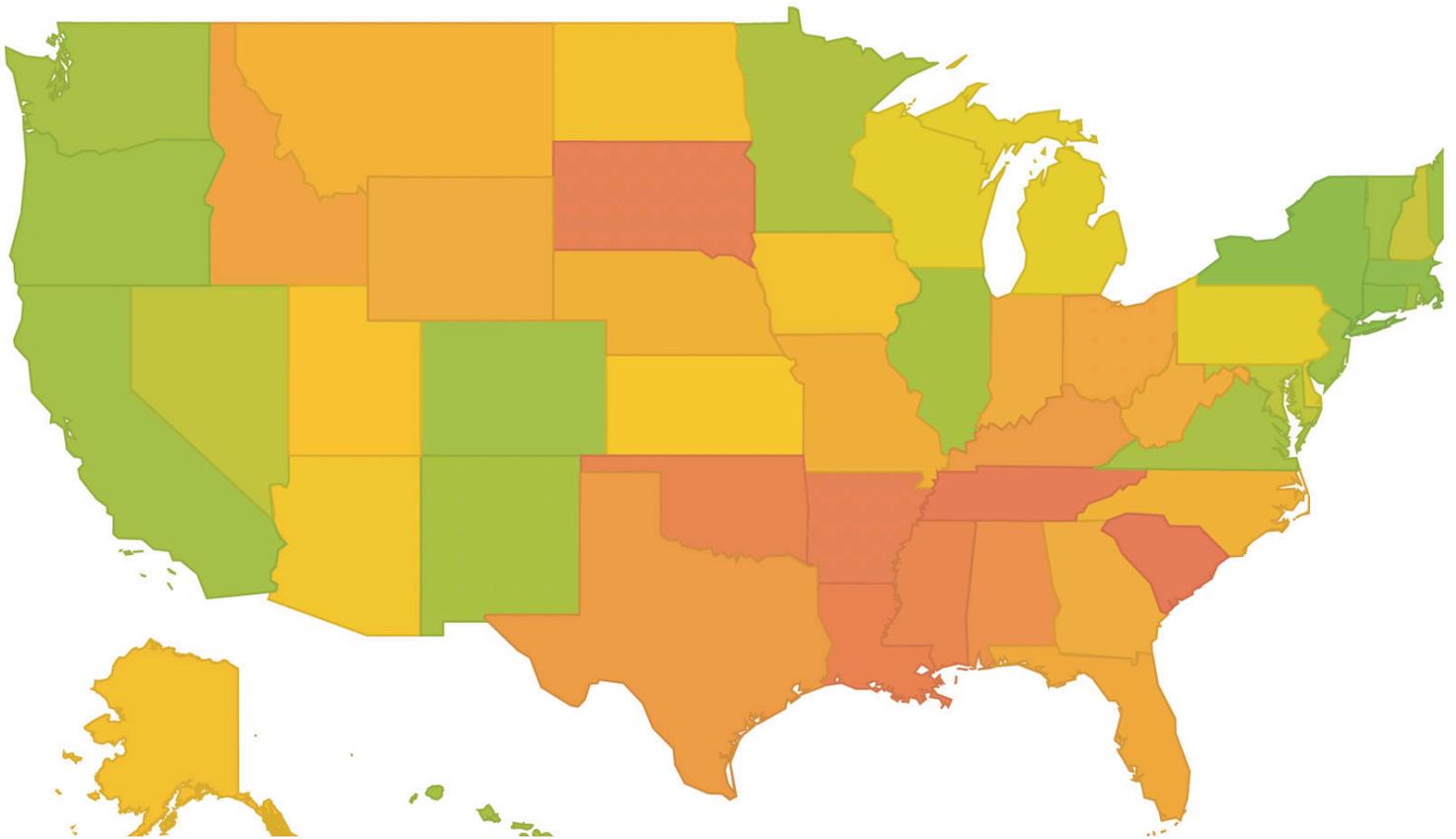
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A Note on Methodology

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.





Wisconsin Talking Points

3.8% of Wisconsinites identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$11.2 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

\$9,254 to replace an employee in Wisconsin, and it can cost up to \$330,000 to replace senior executives. Wisconsin and the businesses operating there have strong incentives to create inclusive workplaces in the interest of keeping these costs down.

Nondiscrimination policies allow LGBTQ+ people to participate more fully in the economy.

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 Wisconsin continue to foster a business environment where being inclusive is supported.

Wisconsin has a regressive attitude towards trans people when it comes to requiring surgery for gender marker changes on official documents, nondiscrimination protections, hate crimes protections, and healthcare coverage. Treating trans people as unequal makes us look complicit if we choose to do business in Wisconsin -- equality is good for everyone's bottom line.

Regional Context

The Midwest

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.

Only 50.8% of LGBTQ+ workers in the Midwest are out at work. They are only slightly more comfortable being open with their managers than other regions (14% more likely), but they are the least likely to cover their identity at work (17% less likely than nationwide). This could be due to the Midwest having the lowest rates for observing microaggressions (23% less likely) and hearing or engaging in negative conversations on average. However, workers in this region do not typically go out of their way to do business with inclusive companies (21% less likely than the nation as a whole). This is primarily driven by those who live in more rural areas where respondents were 85% less likely to do business with companies that are inclusive.

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 Midwest region included: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, North Dakota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

Current Legal Status of LGBTQ+ People in Wisconsin

Legal status of the Lesbian, Gay and Bisexual Community

Wisconsin has a relatively comprehensive nondiscrimination law inclusive of sexual orientation but not gender identity in employment, housing, the provision of public accommodations, and foster care.

The Wisconsin Fair Employment Law protects state employees and job seekers from discrimination based on sexual orientation but not gender identity by employment agencies, labor unions and licensing agencies.

Wisconsin law and regulations prohibit licensed care centers, foster homes, child placing agencies and group homes from discrimination on the basis of sexual orientation for youth in the child welfare system.

There are no explicit restrictions on same-sex adoption. Under Wisconsin law, individuals may adopt children without respect to sexual orientation or gender identity. Although the language of the adoption statute has not been amended to include same-sex couples, the Wolf decision mandates that same-sex couples enjoy the same rights as opposite-sex couples.

Same-sex couples in Wisconsin have been able to file for joint adoption and stepparent adoption.

State law does not prohibit agencies from declining adoptive parents due to religious reasons. However, agencies are barred from discriminating against a foster home or foster parent applicant on the basis of sexual orientation (but not gender identity.)

Wisconsin mandates birth certificates that accurately list both parents for the children of married same-sex couples.

Wisconsin does not have religious freedom restoration legislation, but does have RFRA-like protections provided by state court decisions that broadly interpret the "rights of conscience" provision.

Wisconsin's penal code covers hate crimes based on sexual orientation, but not gender identity.

Conversion therapy was outlawed in Wisconsin on in March 2022 by Executive Order from Gov. Tony Evers.

Legal Status of the Transgender Community

Individuals may obtain a legal name change in Wisconsin by submitting a petition to the court and publishing a notice of the hearing in a newspaper once a week for three weeks prior to the hearing date. The hearing may be waived for the applicant's safety. People on the sex offender registry are not allowed to change their legal names.

Individuals can change their gender markers on birth certificates upon receipt of a court order to "change the name and sex of the registrant due to a medical procedure." (Gender confirmation surgery is required). The birth certificate is amended rather than replaced unless the court order dictates otherwise.

To change the gender marker on a driver's license, applicants need an affidavit or statement from a physician certifying a gender change.

Wisconsin's state Medicaid policy excluded transgender healthcare from its coverage from 1997 until 2019, after a federal court decided in a class-action lawsuit filed against the policy that it violated the Affordable Care Act, the federal Medicaid Act and the Equal Protection Clause of the Fourteenth Amendment.

Insurance companies are not generally barred from excluding transgender care from coverage. However, in September 2018, a federal court ordered the state of Wisconsin and its insurers to include gender confirmation surgery for its employees under coverage. Wisconsin's Group Insurance Board approved healthcare coverage for gender confirmation surgery for state employees starting on Jan. 1, 2019.

Government Statements and Actions

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board within the state Department of Safety and Professional Standards prohibited conversion therapy in a 2020 rule; in 2021, the state legislature introduced a bill to block the rule from taking effect.

In 2019, Governor Tony Evers signed an executive order prohibiting discrimination on the basis of sexual orientation and gender identity against state employees.

In 2012, Senator Tammy Baldwin became the nation's first openly gay Senator. She continuously fights for equality for the LGBTQ+ community.

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

3 MODERATE RISK

Companies incur moderate risk to their brands by operating in Wisconsin, where statewide nondiscrimination protections cover sexual orientation but not gender identity. The governor and one senator are vocally pro-LGBTQ+, while the other senator has an anti-LGBTQ+ voting record.

Client Risk

2 LOW RISK

There is low risk of LGBTQ+ or strong ally clients pulling their business from companies operating in Wisconsin in light of the state's business climate and reputation.

Talent Risk

3 MODERATE RISK

LGBTQ+ talent might consider Wisconsin's legal and social environment unfriendly. Statewide nondiscrimination and hate crimes protections cover sexual orientation but not gender identity, both of which could make working in Wisconsin unattractive to LGBTQ+ professionals.

Marketing Risk

3 MODERATE RISK

There is moderate risk involved in marketing to the LGBTQ+ community in Wisconsin, where both statewide nondiscrimination laws and hate crimes legislation protect sexual orientation but not gender identity, and no statewide restrictions exist on the practice of conversion therapy.

Future Risk

4 NO RISK

The state seems to have little to no appetite to pursue discriminatory legislation, and with a divided government, we currently see no risk of a future negative event.



Socio-cultural Environment of LGBTQ+ People in Wisconsin

Status of LGBTQ+ Organizing and Community

Milwaukee's PrideFest is the nation's only pride festival held on permanent festival grounds.

Cultural Views of the LGBTQ+ Community

Twelve parents sued the Madison school district in February 2020 for its affirming, accepting policy toward trans students. The plaintiffs alleged that acceptance violated their parental rights.

Still, nearly $\frac{3}{4}$ of Wisconsinites support LGBTQ+ antidiscrimination protections.





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.

