

Delaware

LGBTQ+ Business Climate Score

out of a possible 100 points

70.83

LOW RISK

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 outleadership.com/driving-equality/us-state-ceo-briefs/

Delaware



Legal & Nondiscrimination Protection

The Legal and Nondiscrimination Protections section includes two subsections: The **Personal Legal Scale** assesses the state's laws directly impacting LGBTQ+ individuals. This includes processes for transgender people to change their gender markers on birth certificates and driver's licenses, as well as protections for individuals in housing, the workplace, public spaces, foster care, and more. **Two Nondiscrimination Protections Scales** assess the extent to which LGBTQ+ people are protected under state law. One evaluates nondiscrimination laws related to employment and the other evaluates any nondiscrimination laws related to housing, public accommodations, credit and lending.



Youth & Family Support

The Youth and Family Support section contains three subsections. The **Family Support Scale** measures how supportive the state is of LGBTQ+ people who are in or wish to start families. Elements of this scale include: the percentage of LGBTQ+ families raising children, and whether state family leave laws cover same-gender couples and allow workers to care for the children they are raising. The **Children and Youth Scale** assesses the resources available to LGBTQ+ children and youth in the state, including whether the state has non-discrimination laws and policies for LGBTQ+ students. The **Targeted Laws** section evaluates states on whether they ban discussion of same-gender marriage in schools, and whether they ban conversion therapy for minors.





Political & Religious Attitudes

The Political and Religious Attitudes section contains two subsections. Taken together, these scales assess the tone of the state's conversation around LGBTQ+ rights. The **Religious Protections Scale** assesses the extent and impacts of a state's constitutional or statutory religious exemption laws, and whether state law provides for targeted religious exemption from laws governing child welfare services, private wedding services, and the provision of medical care. The **State Leadership Scores** are Out Leadership's unique measures evaluating the state's most senior elected officials – the Governor and the two U.S. Senators – and assessing how they've represented their views of LGBTQ+ people in speeches and in their political platforms, and in terms of how they've acted with regard to laws impacting LGBTQ+ equality.

14.00_{/20}



Health Access & Safety

The Health Access and Safety section contains two subsections. The **Health Scale** assesses LGBTQ+ people's access to insurance and medical care in each state, giving particular emphasis to the most economically precarious and vulnerable members of the community. The **Safety Scale** is based on two significant laws protecting or criminalizing behaviors affecting LGBTQ+ people. It asks whether the state protects LGBTQ+ people in its hate crime laws. It also assesses whether the state criminalizes exposure to or transmission of HIV.

15.00_{/20}



Work Environment & Employment

The Work Environment and Employment section contains two subsections. The **Work Environment Scale** assesses transgender individuals' experiences at work, including incidences of verbal harassment, sexual assault, and other mistreatment. The **Employment Scale** is based on assessments of LGBTQ+ employment in the state. This scale includes the percentage of LGBTQ+ people making less than \$24,000 annually (approximately the current Federal poverty line), and the differences in unemployment rates and food insecurity between LGBTQ+ and non-LGBTQ+ identified individuals.

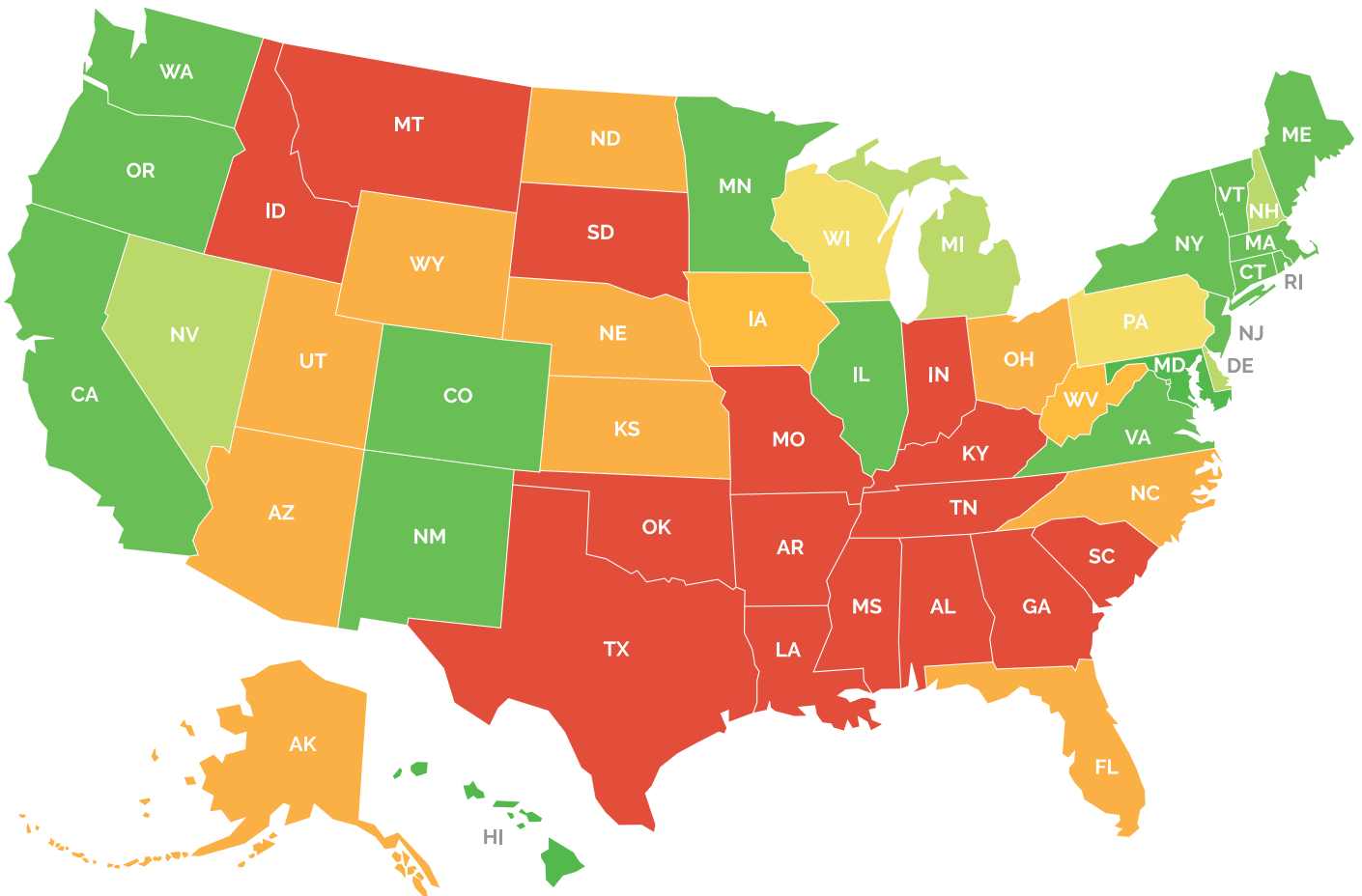
7.00_{/20}

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.





Delaware Talking Points

Delaware has made real and exciting progress when it comes to building acceptance for LGBTQ+ people within its legal system and in terms of cultural attitudes - leaders have the opportunity to build on a strong foundation for equality.

4.5% of Delaware residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$2.2 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 \$10,440 to replace an employee in Delaware. The state and the businesses operating there have strong incentives to continue to create inclusive workplaces in the interest of keeping these costs down.

Nondiscrimination policies allow LGBTQ+ people to participate more fully in the economy. If Delaware strengthened its enforcement of discrimination laws, the economic impact would be significant. One estimate suggests that Delaware's economy could grow by up to 3%, or \$2.1 billion.

Delaware has a favorable economic environment for business investment – but taking steps to make LGBTQ+ people feel safer and more included would better enable companies to attract top LGBTQ+ talent.

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 Delaware continue to create 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.

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 brand risk by doing business in Delaware, which has strong LGBTQ+ protections and a positive reputation for equality.

Client Risk

1

NO RISK

There's no reason to believe that LGBTQ+ or strong ally clients would pull business from companies operating in Delaware, where pro-LGBTQ+ state leaders regularly speak out against discrimination.

Talent Risk

2

LOW RISK

Delaware has comprehensive nondiscrimination and hate crime protections, along with favorable laws around surrogacy and adoption, but reported levels of workplace harassment are relatively high, which might make LGBTQ+ professionals considering working in the state think twice.

Marketing Risk

1

NO RISK

The majority of Delawareans favor LGBTQ+ rights and protections, making marketing to the LGBTQ+ community there a risk-free proposition.

Future Risk

1

NO RISK

Delaware has no recent history of negative bills filed, and we would not expect that to change in the foreseeable future. We assess this state as currently having no risk of a negative, headline-making event.

Current Legal Status of LGBTQ+ People in Delaware

Legal status of the Lesbian, Gay and Bisexual Community

Delaware has a comprehensive nondiscrimination law inclusive of sexual orientation and gender identity, which applies to housing, employment, insurance, public accommodations and public works contracting.

The state's anti-bullying and harassment laws protect LGBTQ+ students.

Delaware law permits any unmarried adult or married couple to petition a court for adoption of a child. The state does not permit secular adoption agencies to decline – prospective parents based on religious beliefs, although religious institutions may claim an exemption.

Second parent adoption is permitted only if you are married.

Surrogacy contracts are legal for same sex couples.

Delaware's hate crime laws have specified sexual orientation as a protected class since 2001, and gender identity since 2013.

The state banned conversion therapy for minors in 2018.

Legal Status of the Transgender Community

To amend a birth certificate, Delaware requires an affidavit from a medical or mental health professional stating that the applicant has had surgical, hormonal, psychological or other treatment appropriate for the individual for the purpose of gender transition. Neither surgery nor name change are required.

If someone wishing to amend the gender marker on a driver's license is also planning a name change, the latter must be completed first. A licensed provider must sign a specific request form for the gender marker change.

Delaware bans insurance exclusions for transgender healthcare, and therefore requires insurance to cover gender affirmation surgery.

Government Statements and Actions

In 2020, with her election to Delaware State Senate, Sarah McBride became the state's first openly trans legislator. McBride and the state's other two openly LGBTQ+ lawmakers created an LGBTQ+ Caucus in May 2021.

In May 2021, a bill that would expand the circumscribed definitions of gender identity and sexual orientation written into the state's nondiscrimination laws in 2009 passed the general assembly and headed for the state senate.

An executive order issued on August 11, 2009 protects employees of the state's executive branch departments and agencies from discrimination on the basis of sexual orientation or gender identity.

Delaware was the 11th State to legalize marriage equality, two years before Obergefell v. Hodges did so nationally.

In 2013, former Governor Jack Markell signed legislation adding gender identity and expression to the state's anti-discrimination and hate crimes protections.

In 2018, Democratic Governor John Carney signed a law banning gay conversion therapy for minors in the state, making Delaware the 15th state to have done so.

At a 2011 celebration for the repeal of Don't Ask Don't Tell, Coons described the repeal as "one of the biggest steps forward we've made for equality."

He also said that Republican opponents of LGBTQ+ equality "profoundly misread the young people of America, who are far more open and tolerant, welcoming, and inclusive than generations before them, particularly around LGBTQ+ issues."

Socio-cultural Environment of LGBTQ+ People in Delaware

Status of LGBTQ+ Organizing and Community

Delaware has an active LGBTQ+ community, particularly in connection with the statewide celebration of Pride Month. Festivals and events occur throughout the month of June in Wilmington, Rehoboth Beach, and other municipalities.

CAMP Rehoboth, an LGBTQ+ organization and resource center in Rehoboth Beach, hosts a variety of programs and support groups. Its list of LGBTQ+ resources includes over 20 statewide organizations supporting LGBTQ+ issues like wellness, HIV/AIDs, and legal justice. Delaware had its first-ever state pride parade in June 2019. The 2020 version was canceled due to the COVID-19, but the 2021 celebration is already booked.

Cultural Views of the LGBTQ+ Community

As of 2017, a poll found that 58% of Delaware residents supported same-sex marriage. The same poll also found that 68% of Delawareans supported an anti-discrimination law covering sexual orientation and gender identity, while 21% were opposed. 60% of respondents opposed a religious based refusal to serve LGBTQ+ People, with only 28% in favor.

In 2018, a proposed regulation would have required transgender children to get their parents' permission to attend school in their chosen gender. It was eventually shelved after thousands of people made public comments on both sides of the proposal.



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.

