

Hawaii

LGBTQ+ Business Climate Score

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

Hawaii



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.

18.0/20



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.

17.5/20



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.

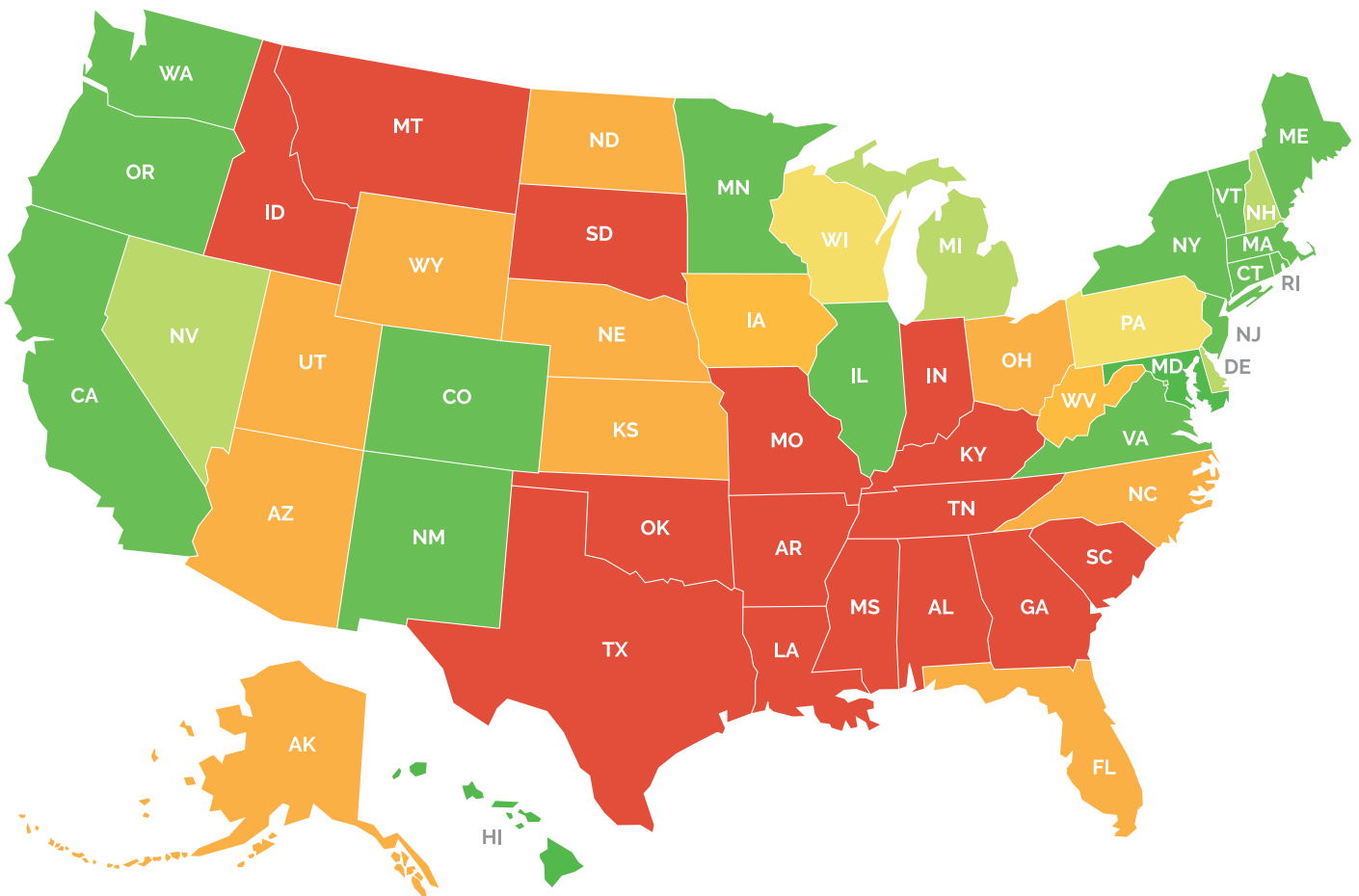
12.0/20

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.





Hawaii Talking Points

4.6% of Hawaiians identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$3.56 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 \$10,410 to replace an employee in Hawaii, and it can cost up to \$429,578 to replace senior executives. Hawaii and the businesses operating there have strong financial incentives to create inclusive workplaces in the interest of keeping these costs down.

Hawaii'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 \$2.65 billion, thanks to its inclusive approach. That said, there's still a gap between policy and culture, and organizations in Hawaii have a business imperative to ensure that LGBTQ+ people feel welcome in their workplaces.

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

Regional Context

The West

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.

Overall, 52.5% of LGBTQ+ workers in the West are out at work. However, urbanicity has a big impact on whether LGBTQ+ workers feel comfortable sharing personal information at work (LGBTQ+ workers are 26% less likely to share when in rural areas vs 4% less likely to share in urban areas compared to national average). There is also a big impact when it comes to age and being open to managers, with older LGBTQ+ workers in this region being more likely to share with their managers than any other age group nationwide (52% more likely). West workers are also 14% more likely to report microaggressions at work which may be why LGBTQ+/Allies are also 15% more likely to say they want to work with companies that are more supportive of LGBTQ+ rights. Even though there are reports of microaggressions in the workplace, workers in this region were 35% less likely to say that the state's leadership talked negatively about LGBTQ+ issues.

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 Western region included: Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.

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 Hawaii, 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 Hawaii in light of the state's business climate or reputation.

Talent Risk

1

NO RISK

Hawaii 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 Hawaii.

Future Risk

1

NO RISK

Hawaii has a trifecta Democratic-controlled state government and has had no discriminatory bills filed in the past two years. The state has statewide nondiscrimination protections in place. We assess no risk of negative, discriminatory events at this time.



Current Legal Status of LGBTQ+ People in Hawaii

Legal status of the Lesbian, Gay and Bisexual Community

Hawaii has a comprehensive nondiscrimination law inclusive of sexual orientation and gender identity.

The state's 2011 Safe Schools Act also introduced specific protections against bullying and harassment based on sexual orientation and gender identity.

State employees have been protected from discrimination on the basis of sexual orientation since 1991, and protections were expanded in 2011 to include gender identity.

There are no explicit restrictions against same-sex adoption, nor against allowing adoption agencies to discriminate against potential LGBTQ+ parents on religious grounds.

Both same-sex parents can be represented on a child's birth certificate. Hawaii's presumed parentage law, combined with its marriage equality law, define a married same-sex couple as the child's parents, by default.

Hawaii does not have a Religious Freedom Restoration Act. However, past state court decisions interpret the state's religious liberty protections as requiring strict scrutiny, similar to an RFRA.

Hawaii does not criminalize knowing exposure to HIV/AIDS.

Hawaii's hate crime protections cover sexual orientation, gender identity and gender expression.

Conversion therapy for minors was banned in 2018.

Legal Status of the Transgender Community

According to the Williams Institute, Hawaii has the highest number of trans persons on a per capita basis.

To amend the gender marker or name on a birth certificate, applicants must submit a \$3 fee and a notarized affidavit from a physician attesting that the person has had "appropriate clinical treatment for gender transition." This doesn't require surgery.

To change the gender marker on a driver's license, which has included a nonbinary option since July 2020, applicants must simply fill out a self-attestation form with their updated gender.

Transgender healthcare is covered under Hawaii's Medicaid. Since 2016, Hawaii has prohibited public and private insurers from denying or limiting coverage for healthcare related to gender affirmation services provided the policy offered that coverage from the get-go.

State law bans discrimination by private insurers on the basis of sexual orientation or gender identity.

Hawaii law explicitly prohibits discrimination based on gender identity in public accommodations.

Government Statements and Actions

A bill that would create an LGBTQ+ Commission in the state passed the House in February 2020. The commission would identify issues facing the community and ensure that there are plans created to address them.

In the 2020 election, out candidate Adrian Tam beat an openly homophobic candidate to become Hawaii's only openly LGBTQ+ state representative.



A bill passed the state house in March 2021 that would establish a task force to look at how to make it easier for LGBTQ+ people to establish parentage in the state.

Former U.S. Rep. Tulsi Gabbard, apologized in a YouTube video in January 2019 for her history of anti-LGBTQ+ stances. She no longer holds those views and is supportive of full LGBTQ+ equality, she said. However, in December 2020, just before she left office, Gabbard co-sponsored a bill that would ban trans women from women's sports.

The U.S. Supreme Court declined in March 2019 to hear an appeal by a Hawaii Bed & Breakfast owner who refused to rent a room to a lesbian couple because it conflicted with her religious beliefs. State courts ruled against the innkeeper multiple times before the nation's highest court declined the case.

The Hawaii State Department of Health has issued two sexual and gender minority reports in recent years (2017, 2018). The latter addressed transgender youth, containing some troubling figures about the challenges transgender youth face compared with cisgender and LGB peers. It also features some good background information on traditional non-binary gender identity in Native Hawaiian and other Pacific Islander cultures.

In recent years the Hawaii Tourism Authority has commissioned LGBTQ+ travel studies to attract LGBTQ+ tourists from the U.S., Canada, Australia, China, Japan, and Taiwan.

There are currently 5 anti LGBTQ+ bills moving through the state legislature but their governor is likely to veto.



Socio-cultural Environment of LGBTQ+ People in Hawaii

Status of LGBTQ+ Organizing and Community

Honolulu's annual pride parade is celebrating its 32nd year in October 2022. The 2019 parade had a record of over 30,000 attendees. The 2020 event was held virtually due to the coronavirus pandemic.

Cultural Views of the LGBTQ+ Community

64% of Hawaiians oppose allowing small business owners to discriminate against LGBTQ+ people on religious grounds.

73% of Hawaiians support LGBTQ+ anti-discrimination laws.



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.

