

Indiana

LGBTQ+ Business Climate Score

out of a possible 100 points

48.27

HIGH 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/

Indiana



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.

9.60_{/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.

6.50_{/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.

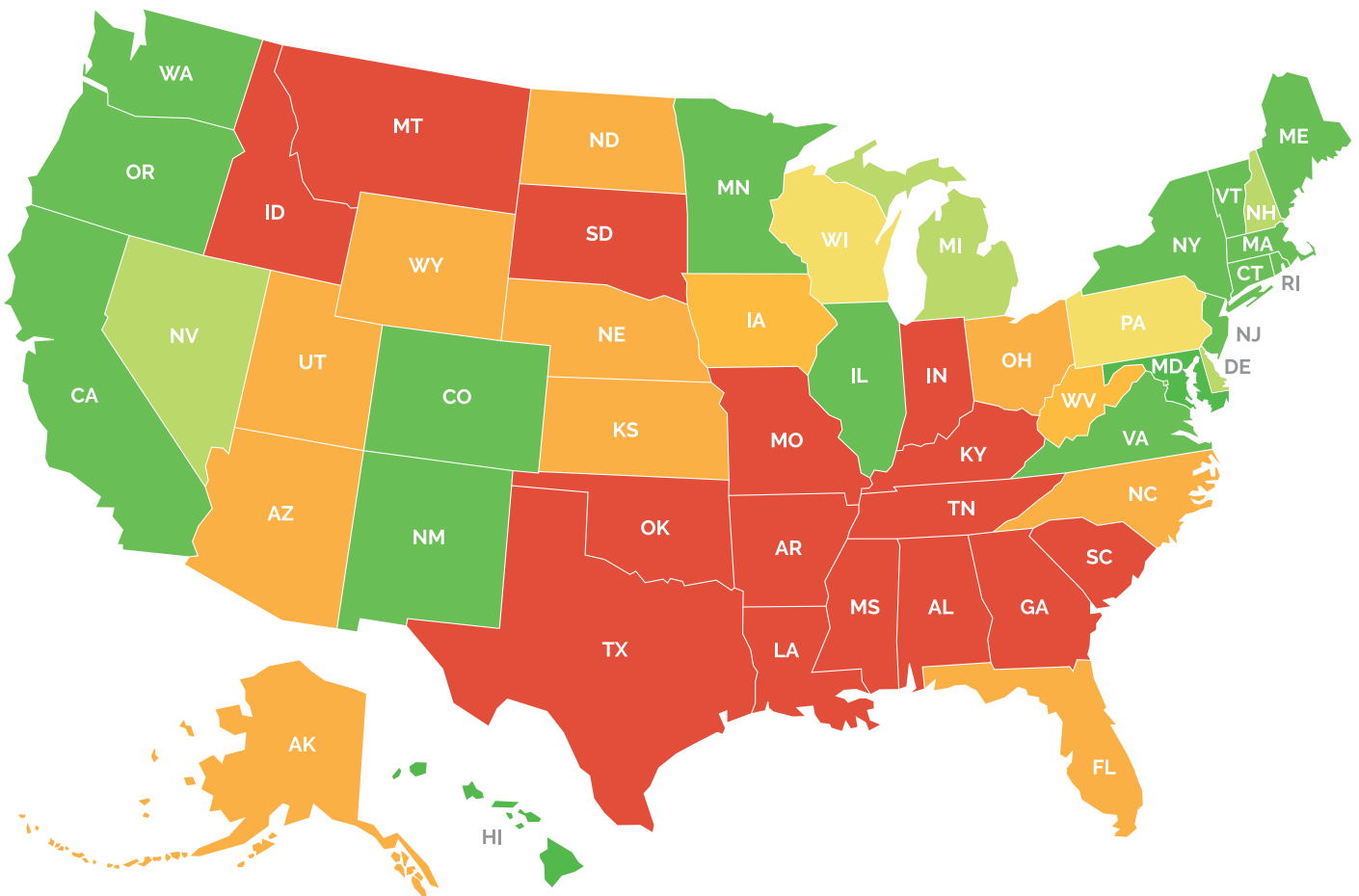
11.0_{/20}

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.





Indiana Talking Points

4.5% of Indiana residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$14 billion – it's a market my business can't afford to ignore.

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

Indiana 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.

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 \$8,790 to replace an employee in Indiana, and it can cost up to \$316,794 to replace senior executives. Indiana and the businesses operating there have strong incentives to create inclusive workplaces in the interest of keeping these costs down.

Increased hostile policy toward the LGBTQ+ community will have a negative impact on companies ability to attract and retain top 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 Indiana create a business environment where being inclusive is supported.

Community leaders in Indiana should take steps to ease stigmatization of trans people – equality is good for everyone's bottom line.

Regional Context

The Midwest

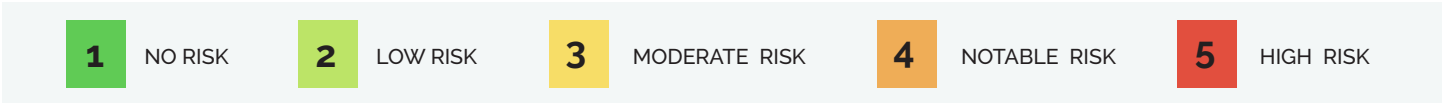
Out Leadership and FCB partnered on original market research into the attitudes of American workers on LGBTQ+ inclusion, which fielded in 2019 and 2020. These briefs as a whole will be updated on an ongoing basis by Out Leadership because we recognize the ever-changing nature of policy on the local,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

Impact of LGBTQ+ Discrimination on Business Talent



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<h2>Brand Risk</h2> <p>5 HIGH RISK</p> <p>Companies incur high risk to their brands by operating in Indiana, where there are no statewide LGBTQ+ inclusive nondiscrimination protections and the state's Senators have negative voting records on LGBTQ+ issues. The state's reputation on LGBTQ+ issues was significantly tarnished by the 2015 battle over the RFRA law, and in 2019 Governor Holcomb signed hates crime legislation specifically excluding gender identity.</p>	<h2>Client Risk</h2> <p>3 MODERATE RISK</p> <p>There is moderate risk of LGBTQ+ or strong ally clients pulling their business from Indiana in light of the state's business climate and image.</p>
<h2>Talent Risk</h2> <p>4 NOTABLE RISK</p> <p>LGBTQ+ professionals are likely to consider Indiana's legal and social environment unfriendly. There is no statewide LGBTQ+ inclusive nondiscrimination law, and transgender people are specifically excluded from hate crimes protections, making working in Indiana comparatively unattractive to LGBTQ+ talent.</p>	<h2>Marketing Risk</h2> <p>4 NOTABLE RISK</p> <p>There is notable risk involved in marketing to the LGBTQ+ community in Indiana, where political conversations around LGBTQ+ equality have reached an uneasy détente.</p>
<h2>Future Risk</h2> <p>4 NOTABLE RISK</p> <p>The state is still suffering some negative brand impacts from a major, headline-making discriminatory event in 2015. While appetite for similar policies appears to have diminished, there remains a notable risk of future negative events.</p>	

Current Legal Status of LGBTQ+ People in Indiana

Legal status of the Lesbian, Gay and Bisexual Community

Indiana's nondiscrimination laws for employment, housing, public accommodations, or education do not specifically enumerate sexual orientation or gender identity as protected classes.

Indiana does not place restrictions on adoption by same-sex couples or single LGBTQ+ individuals. A federal court overruled a state law preventing both parents in same-sex couples from being recognized on their child's birth certificate in 2017. The Supreme Court declined to hear an appeal on the case in late 2020.

Indiana does not have a law that specifically allows adoption agencies to deny adoptions based on religious beliefs.

The Indiana Bill of Rights for Youth in Foster Care and Code of Conduct for Indiana Department of Child Services includes nondiscrimination protections on the basis of sexual orientation and gender identity.

Legal Status of the Transgender Community

Indiana residents must fill out a verified petition to submit to the clerk of court and receive a court order to change their name and/or gender marker on a birth certificate.

Indiana residents may change their gender on state IDs by submitting either a birth certificate showing change of gender or "a physician's signed and dated statement" that the person "successfully underwent all treatment necessary to permanently change" gender. This does not necessarily require surgery.

In March 2019, Indiana became the fifth state to offer a third gender option for driver's licenses – in this case, the option is "nonbinary."

Multiple anti-trans laws have been introduced and 2 have passed this year including the limitation of access to gender affirming care. Others are likely to be signed in the coming months including discussion of gender identity in the classroom, public accommodation access in line with your gender identity and parental rights acts.



Government Statements and Actions

State Rep. J.D. Ford, who became Indiana's first openly gay state legislator when he was elected in 2018, introduced a conversion therapy ban into the general assembly in early 2021. The topic was previously introduced, unsuccessfully, in the 2019 session.

In 2019, Indiana adopted a hate crimes law that references sexual orientation by pointing to the state's previously adopted hate crimes reporting statute. However, the new statute does not include gender or gender identity as enumerated protected classes, and instead criminalizes an intent to harm based on a person or group's "real or perceived characteristic, trait, belief, practice, association, or other attribute."

On August 3, 2018, Governor Eric Holcomb released a policy statement protecting state employees from discrimination on the basis of sexual orientation or gender identity, among other enumerated classes.

2020 presidential candidate Pete Buttigieg came out in 2015 during his first term as mayor of South Bend. He was re-elected by a landslide.

The governor has signed 2 anti LGBTQ+ bills into law in this legislative session, both around access to healthcare.

Socio-cultural Environment of LGBTQ+ People in Indiana

Status of LGBTQ+ Organizing and Community

After Indiana's state legislature passed (and Mike Pence, then governor, signed) the state's RFRA law in 2015, Tim Cook and other prominent business leaders spoke out about how the law would hurt their ability to attract and retain talent there. An addendum protecting LGBTQ+ people from discrimination was added less than a month later. Still, a tourism group calculated that the state lost \$60 million in business in the wake of the bill's passage.

A private religious school fired a guidance counselor for her same-sex marriage, leading state lawmakers to discuss withholding voucher funding from schools that discriminate against LGBTQ+ people. A gay couple who worked for church-run schools were also fired in 2019, and a state trial court dismissed their legal challenge in 2021.

Cultural Views of the LGBTQ+ Community

A tax prep professional made national news in February 2019 after refusing to prepare the taxes of a married lesbian couple. A law professor told the Washington Post that the woman didn't break any laws, because Indiana doesn't offer statewide discrimination protections for LGBTQ+ people.



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.

