

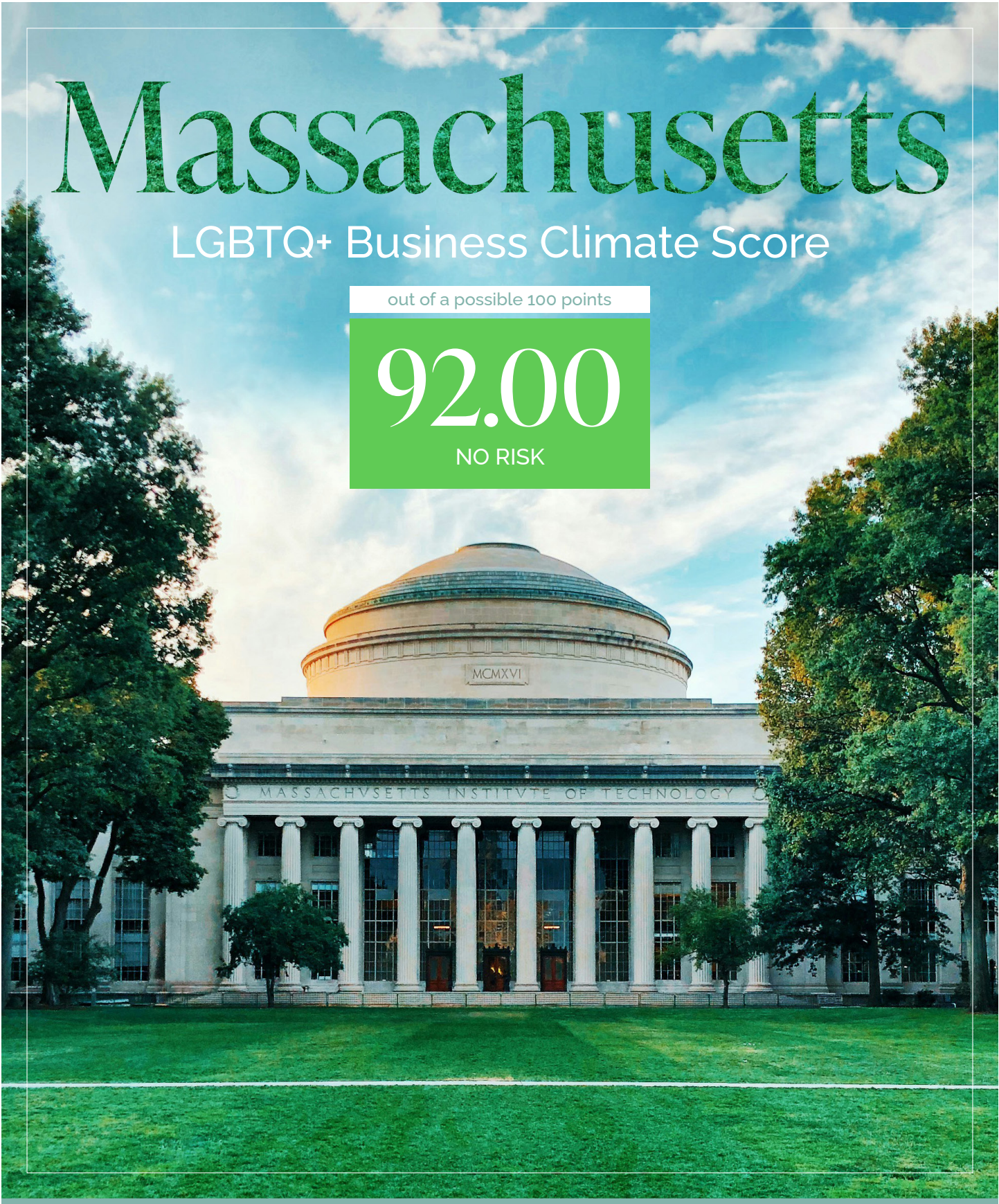
# Massachusetts

LGBTQ+ Business Climate Score

out of a possible 100 points

92.00

NO 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/](https://outleadership.com/driving-equality/us-state-ceo-briefs/)

# Massachusetts



## 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.

19.0<sub>/20</sub>



## 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.

17.0<sub>/20</sub>



## 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.

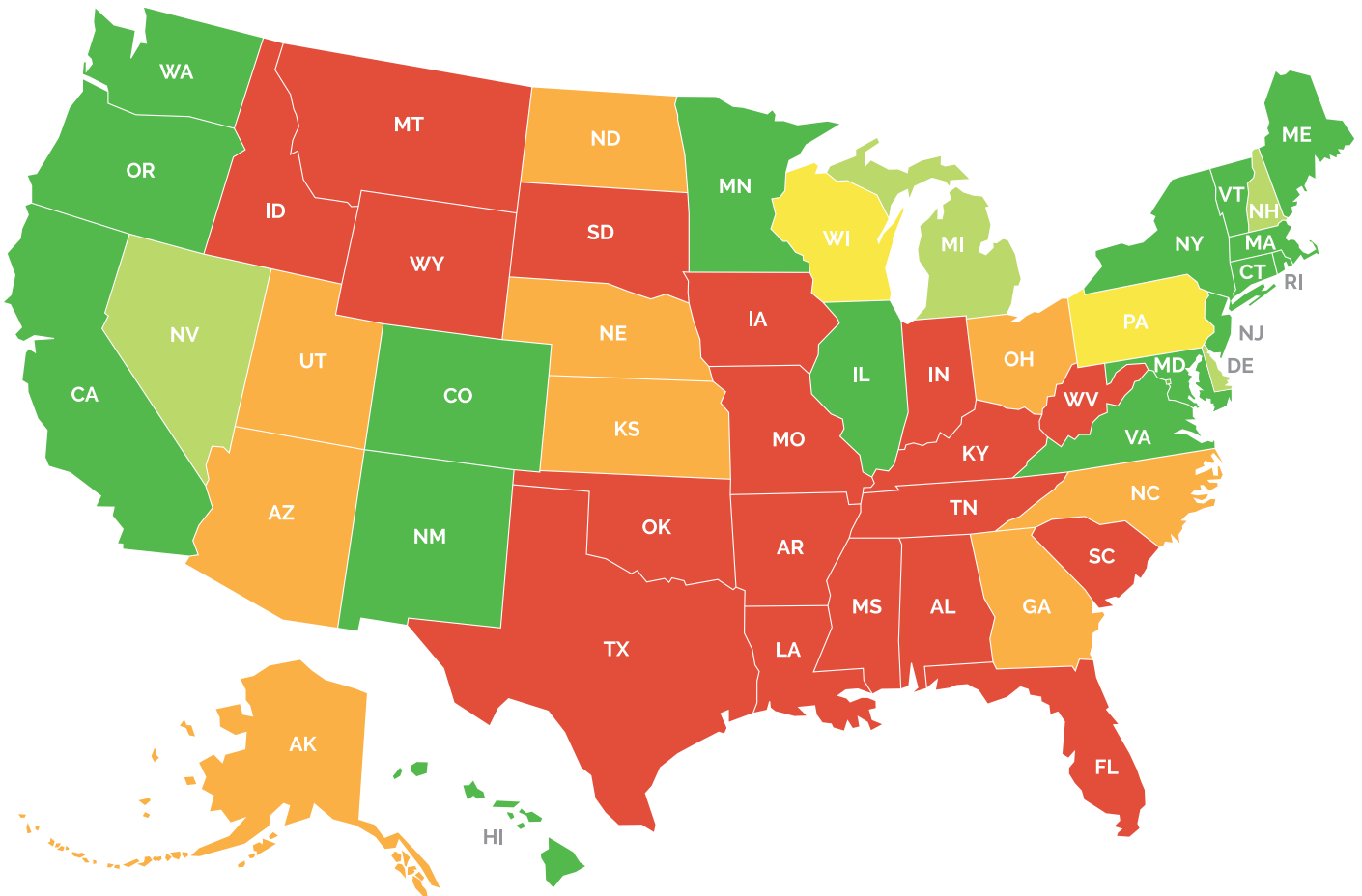
18.0<sub>/20</sub>

## 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

6.5% of Massachusetts residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$21.6 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' 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.

Massachusetts 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 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.



# 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.

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# 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.

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## 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 maintain 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



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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 a non-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 LGBTQ+ 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.

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## Government Statements and Actions

After serving two terms as attorney general, Maura Healey was sworn in as the first woman and first openly LGBTQ+ Governor in Massachusetts history in 2023. Healey recently expressed support for the Mass Parentage Act, a bill that aims to protect the legal rights of LGBTQ+ parents by establishing legal parentage equality for children conceived via assisted reproduction.

In 2016, then-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.

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# Socio-cultural Environment of LGBTQ+ People in Massachusetts

## Status of LGBTQ+ Organizing and Community

Boston has hosted a pride parade for over 50 years. The 2019 parade set records with over 50,000 marchers and a million spectators. Boston Pride, the organization that previously held the pride event, was disbanded in 2021 amid criticisms of a lack of race and transgender inclusion. Boston's pride event will re-commence in June 2023 under a new organization, Boston Pride For The People (BP4TP).

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.

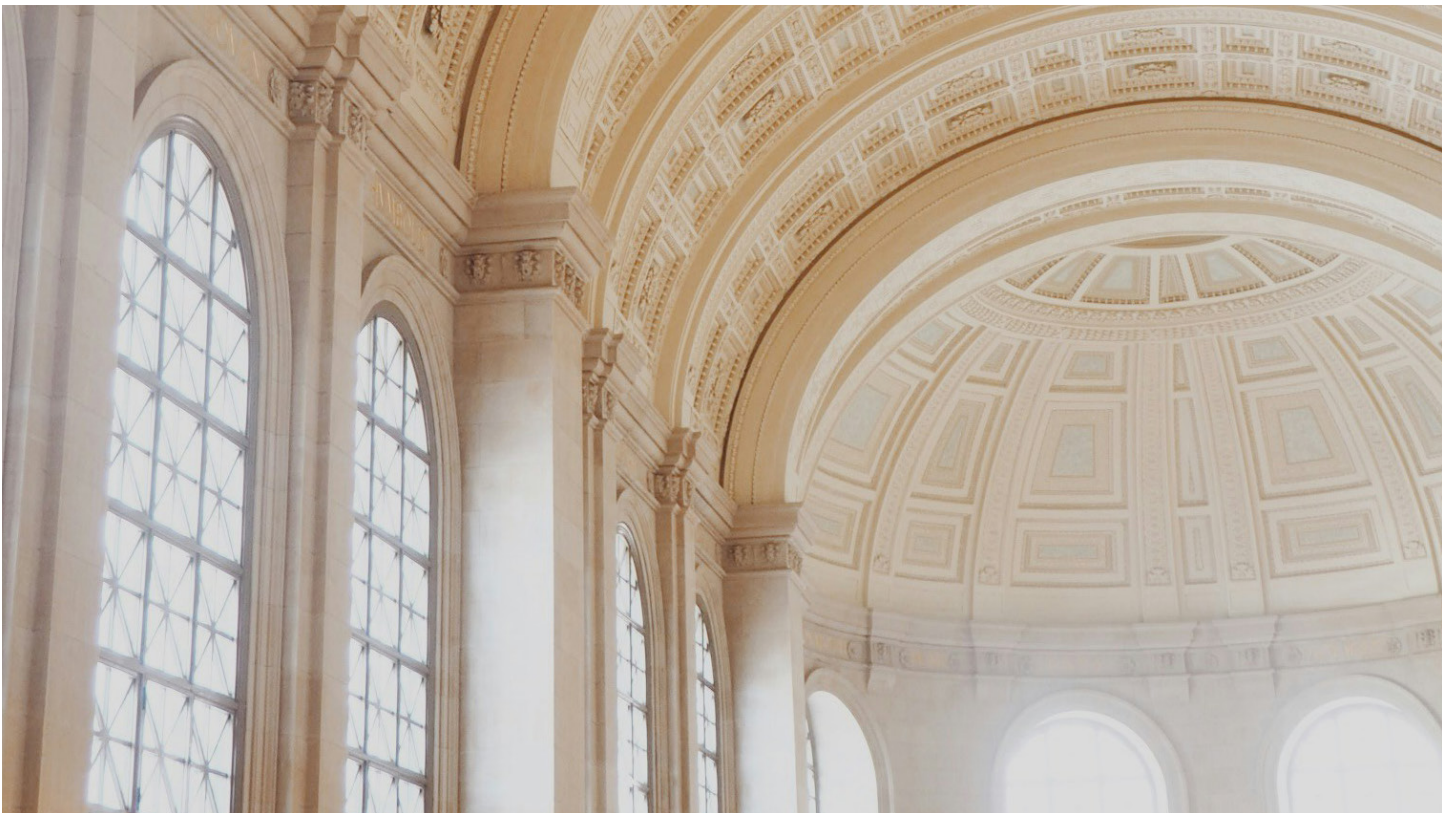
Massachusetts is home to some of the institutions of higher education best known for LGBTQ+ inclusion, including Emerson, Tufts, and the Massachusetts Institute of Technology.

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## 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.

