

# Washington

LGBTQ+ Business Climate Score

out of a possible 100 points

85.83

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/)

# Washington



## 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.

20.0<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.

15.0<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.

13.0<sub>/20</sub>

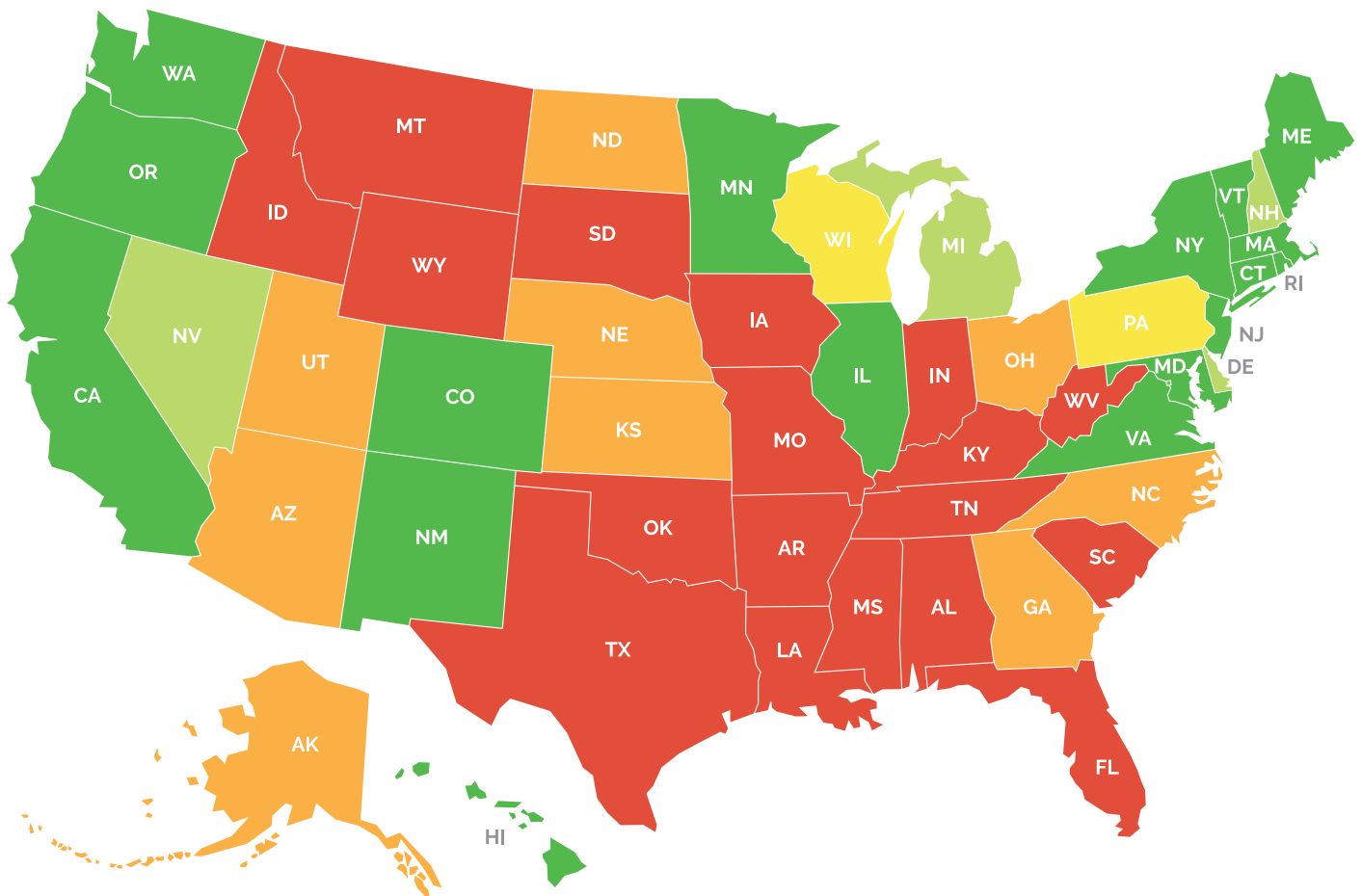
## A Note on Methodology

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.





# Washington Talking Points

6.9% of Washingtonians identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$23.9 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 \$57,480 to replace an employee in Washington, and it can cost up to \$470,000 to replace senior executives. Washington and the businesses operating there have strong financial incentives to create inclusive workplaces in the interest of keeping these costs down.

Washington'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%, thanks to its inclusive approach. That said, there's still a gap between policy and culture, and organizations in Washington have a business imperative to ensure that LGBTQ+ people feel welcome.

Washington 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 Washington 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 brand risk by doing business in Washington, which has comprehensive laws protecting LGBTQ+ people and a correspondingly great reputation.

## Client Risk

1

NO RISK

There's no reason to believe that LGBTQ+ or strong ally clients would pull business from companies operating in Washington, which has publicly prioritizes LGBTQ+ welfare.

## Talent Risk

1

NO RISK

Washington has comprehensive nondiscrimination laws and protections, making it a state top LGBTQ+ talent would prioritize.

## Marketing Risk

1

NO RISK

There's no risk in marketing to the LGBTQ+ community in Washington.

## Future Risk

1

NO RISK

Washington state has state wide nondiscrimination protections in place, and a low and declining volume of discriminatory legislation filed in the past few years. We do not see any risk of a negative event in the foreseeable future.

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# Current Legal Status of LGBTQ+ People in Washington

## Legal status of the Lesbian, Gay and Bisexual Community

Washington state law prohibits discrimination based on sexual orientation and gender identity in housing, employment, education, lending, insurance and public accommodation.

Children in foster care are protected from discrimination on the basis of sexual orientation, gender identity, or gender expression.

Washington's anti-bullying law prohibits bullying on the basis of sexual orientation, gender expression and gender identity.

Washington state does not permit agencies to refuse placements based on their religious beliefs.

Washington does not have a religious exemption law. State legislators introduced one in 2017, but it failed to pass.

It's a Class A felony to administer, transmit or expose another person to HIV "with the intent to inflict great bodily harm," punishable by up to life imprisonment and/or a fine of up to \$50,000.

Washington's health code allows public health officials to request permission to detain people when they "know or have reason to believe" that a person has a sexually transmitted disease and is engaging in behaviors that present an "imminent danger to the public health".

The state's hate crimes protections cover sexual orientation, gender identity, and gender expression.

Licensed clinicians are prohibited from using conversion therapy on minors, but non-licensed counselors who do so aren't breaking the law.

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## Legal Status of the Transgender Community

There has been a nonbinary "x" option available on birth certificates since 2018, and the same option is available on driver's licenses as of October 2019.

Any adult born in Washington can change birth certificate gender markers with a notarized form. A name change requires a court order.



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A name change on a driver's license requires showing evidence that an applicant has legally made the switch, such as a court order or an amended birth certificate.

Changing the gender marker on a driver's license entails submitting a change of gender designation request.

Washington Apple Health, the state's Medicaid program, covers medically necessary surgical and nonsurgical services for transgender individuals. These include services such as gender affirming related hormones, primary care visits, mental health visits, and various surgeries.

Washington's antidiscrimination law prohibits discrimination against transgender individuals in insurance transactions.

Washington's anti-discrimination rules include a provision that trans people cannot be forced to use a gender-segregated facility that is inconsistent with their gender identity. This applies to all places of public accommodation and workplaces with eight or more employees.

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## Government Statements and Actions

Gov Jay Inslee signed a bill banning the gay "panic defense" in March 2020. The state created an LGBTQ+ Commission in 2019 to communicate with the state's LGBTQ+ community, identify and advocate for its needs and push for equity and inclusion in government.

The Governor signed strengthened protections for trans students in the state in July 2019, mandating that each school district follow a central policy with strong anti-bullying and equality protections, and that they appoint a point person responsible for the policy's enforcement.

Seattle Mayor Jenny Durkan was the second-ever openly lesbian candidate elected to lead a major American city.

In June 2019, the state Supreme Court upheld a prior decision against a woman who refused to sell flowers to a gay couple for their wedding. The court ruled the woman violated the state's anti-discrimination and consumer protection laws.



# Socio-cultural Environment of LGBTQ+ People in Washington

## Status of LGBTQ+ Organizing and Community

The state's largest pride event, in Seattle, is 50 years old and attracts hundreds of thousands of attendees from around the region each June.

## Cultural Views of the LGBTQ+ Community

Washington is frequently referred to as one of the United States' most LGBTQ-friendly states, and its largest city Seattle has a thriving LGBTQ+ community, ranked as the fifth largest in the country.

56% of Washingtonians oppose religious exemptions that would allow small business owners to discriminate against LGBTQ+ people.

74% of residents favor LGBTQ+ anti-discrimination 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.

