

# Wisconsin

LGBTQ+ Business Climate Score

out of a possible 100 points

**67.47**  
MODERATE 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/)

# Wisconsin



## 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.

17.0/20



## 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.

14.0/20



## 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.

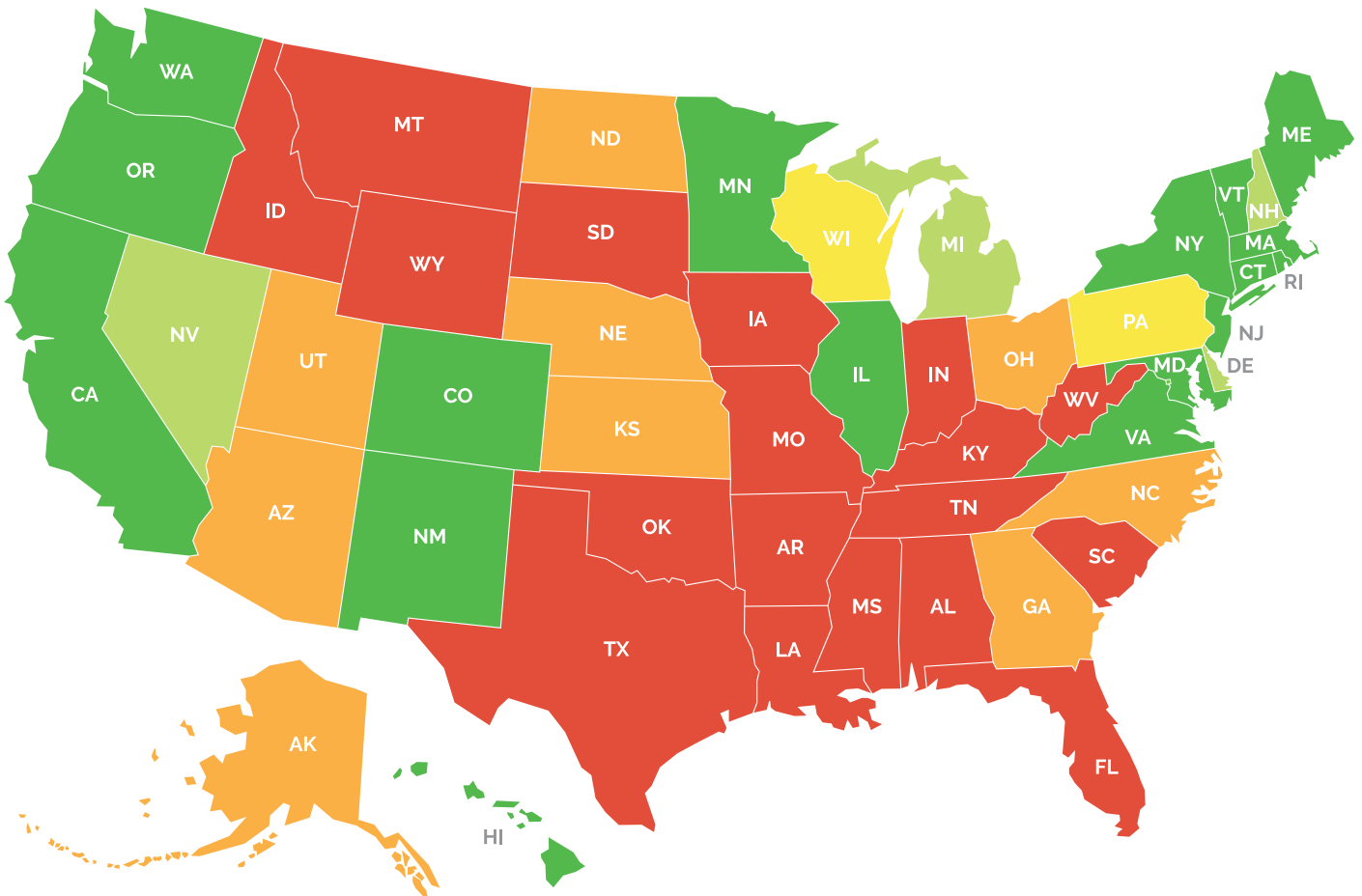
15.0/20

## 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.





# Wisconsin Talking Points

5.7% of Wisconsinites identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$12.3 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 \$9,254 to replace an employee in Wisconsin, and it can cost up to \$330,000 to replace senior executives. Wisconsin and the businesses operating there have strong incentives to create inclusive workplaces in the interest of keeping these costs down.

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

# 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

1

NO RISK

2

LOW RISK

3

MODERATE RISK

4

NOTABLE RISK

5

HIGH RISK

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## Brand Risk

3

MODERATE RISK

Companies incur moderate risk to their brands by operating in Wisconsin, where statewide nondiscrimination protections cover sexual orientation but not gender identity. The governor and one senator are vocally pro-LGBTQ+, while the other senator has an anti-LGBTQ+ voting record.

## Client Risk

2

LOW RISK

There is low risk of LGBTQ+ or strong ally clients pulling their business from companies operating in Wisconsin in light of the state's business climate and reputation.

## Talent Risk

3

MODERATE RISK

LGBTQ+ talent might consider Wisconsin's legal and social environment unfriendly. Statewide nondiscrimination and hate crimes protections cover sexual orientation but not gender identity, both of which could make working in Wisconsin unattractive to LGBTQ+ professionals

## Marketing Risk

3

MODERATE RISK

There is moderate risk involved in marketing to the LGBTQ+ community in Wisconsin, where both statewide nondiscrimination laws and hate crimes legislation protect sexual orientation but not gender identity, and no statewide restrictions exist on the practice of conversion therapy.

## Future Risk

4

NO RISK

The state seems to have little to no appetite to pursue discriminatory legislation, and with a divided government, we currently see no risk of a future negative event.



# Current Legal Status of LGBTQ+ People in Wisconsin

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

Wisconsin has a relatively comprehensive nondiscrimination law inclusive of sexual orientation but not gender identity in employment, housing, the provision of public accommodations, and foster care.

Wisconsin lacks a number of statutes designed to protect LGBTQ+ youth in schools. For example, it does not have anti-bullying laws covering LGBTQ+ youth, nor does it require state curricula to be LGBTQ+ inclusive.

The Wisconsin Fair Employment Law protects state employees and job seekers from discrimination based on sexual orientation but not gender identity by employment agencies, labor unions and licensing agencies.

Wisconsin law and regulations prohibit licensed care centers, foster homes, child placing agencies and group homes from discrimination on the basis of sexual orientation for youth in the child welfare system.



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There are no explicit restrictions on same-sex adoption. Under Wisconsin law, individuals may adopt children without respect to sexual orientation or gender identity. Although the language of the adoption statute has not been amended to include same-sex couples, the Wolf decision mandates that same-sex couples enjoy the same rights as opposite-sex couples.

Same-sex couples in Wisconsin have been able to file for joint adoption and stepparent adoption.

State law does not prohibit agencies from declining adoptive parents due to religious reasons. However, agencies are barred from discriminating against a foster home or foster parent applicant on the basis of sexual orientation (but not gender identity.)

Wisconsin mandates birth certificates that accurately list both parents for the children of married same-sex couples.

Wisconsin does not have religious freedom restoration legislation, but does have RFRA-like protections provided by state court decisions that broadly interpret the "rights of conscience" provision.

Wisconsin's penal code covers hate crimes based on sexual orientation, but not gender identity.

Conversion therapy was outlawed in Wisconsin in March 2022 by Executive Order from Gov. Tony Evers.

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## Legal Status of the Transgender Community

Discrimination on the basis of sexual orientation is illegal in Wisconsin, but gender identity is not included in these protections.

Individuals may obtain a legal name change in Wisconsin by submitting a petition to the court and publishing a notice of the hearing in a newspaper once a week for three weeks prior to the hearing date. The hearing may be waived for the applicant's safety. People on the sex offender registry are not allowed to change their legal names.

Individuals can change their gender markers on birth certificates upon receipt of a court order to "change the name and sex of the registrant due to a medical procedure." (Gender confirmation surgery is required). The birth certificate is amended rather than replaced unless the court order dictates otherwise.

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To change the gender marker on a driver's license, applicants need an affidavit or statement from a physician certifying a gender change.

Wisconsin's state Medicaid policy excluded transgender healthcare from its coverage from 1997 until 2019, after a federal court decided in a class-action lawsuit filed against the policy that it violated the Affordable Care Act, the federal Medicaid Act and the Equal Protection Clause of the Fourteenth Amendment.

Insurance companies are not generally barred from excluding transgender care from coverage. However, in September 2018, a federal court ordered the state of Wisconsin and its insurers to include gender confirmation surgery for its employees under coverage. Wisconsin's Group Insurance Board approved healthcare coverage for gender confirmation surgery for state employees starting on Jan. 1, 2019.

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## Government Statements and Actions

In the 2023-2024 legislative session, Gov. Tony Evers vetoed bills that would have restricted healthcare for transgender youth and banned high school transgender athletes from competing on teams that align with their gender identity.

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board within the state Department of Safety and Professional Standards prohibited conversion therapy in a 2020 rule; in 2021, the state legislature introduced a bill to block the rule from taking effect.

In 2021, lawmakers on the Joint Committee for Review of Administrative Rules voted to let licensed therapists carry out conversion therapy by suspending the rule that bans it. Their action briefly lapsed in December, but a 6-4 vote once again lifted the ban on a temporary basis.

In 2019, Governor Tony Evers signed an executive order prohibiting discrimination on the basis of sexual orientation and gender identity against state employees.

In 2012, Senator Tammy Baldwin became the nation's first openly gay Senator. She continuously fights for equality for the LGBTQ+ community.

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# Socio-cultural Environment of LGBTQ+ People in Wisconsin

## Status of LGBTQ+ Organizing and Community

Milwaukee's PrideFest is the nation's only pride festival held on permanent festival grounds.

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## Cultural Views of the LGBTQ+ Community

The life of an LGBTQ+ person in Wisconsin may be an assortment of positive and challenging experiences, and it is crucial to be cognizant of the state's laws and attitudes toward the queer community.

Wisconsin has laws that safeguard against discrimination based on sexual orientation in areas such as housing, employment, and public accommodations. However, the state does not have laws that protect against discrimination based on gender identity.

Wisconsin has a moderate-sized LGBTQ+ community, especially in larger cities such as Milwaukee and Madison, which offer a variety of resources, support groups, and social events for the LGBTQ+ community.

Twelve parents sued the Madison school district in February 2020 for its affirming, accepting policy toward trans students. The plaintiffs alleged that that acceptance violated their parental rights.

Still, nearly  $\frac{3}{4}$  of Wisconsinites support 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.

