

Top 10 LGBT-Employment Friendly States

This report covers:

- States with the most LGBT protections
- The implications of state LGBT laws
- Corporate initiatives in LGBT-friendly states

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Employment opportunities and protections for lesbian, gay, bisexual and transgender (LGBT) individuals have been on the rise in recent years but can vary considerably from state to state. Some states mandate certain legal protections and benefits for LGBTs explicitly while others offer no protections or benefits. In fact, according to the [Movement Advancement Project](#), 52% of the LGBT population resides in states that do not prohibit employment discrimination based on sexual orientation or gender identity. What specifically are LGBT-friendly states doing? A number of states have enacted legislation protecting LGBTs from employment discrimination although no equivalent federal protections currently exist. Several states also permit LGBTs to enter into same-sex marriages (as well as civil unions and domestic partnerships) and provide these couples with the same or similar rights and benefits as heterosexual couples. Moreover, a number of states have enacted legislation banning hate crimes against individuals based on sexual orientation and/or gender identity.

In an effort to better illustrate this growing trend, XpertHR has compiled the below list of the top 10 LGBT-employment friendly states based on their state specific laws which prohibit discrimination, the availability of same-sex marriage and other benefits, the state laws with regard to hate crimes, and the state's generally positive working and living climate for LGBTs.

XpertHR has also considered the corporate environment and included states with a high proportion of company headquarters for companies offering particularly LGBT friendly policies, notably those achieving a perfect score on the [Human Rights Campaign \(HRC\) Foundation's 2013 Corporate Equality Index](#). These employers have been recognized for the following:

- (i) Considering sexual orientation and gender identity protected classes in their discrimination and harassment policies;
- (ii) Creating employee resource groups to provide support to LGBT individuals;
- (iii) Providing benefits to domestic or same-sex partners; and
- (iv) Demonstrating public commitment and support for the LGBT community.

Lisa A. Linsky, Esq. is the Partner-in-charge of LGBT Diversity and Inclusion for international law firm [McDermott Will & Emery](#). The firm has demonstrated a long-term commitment to LGBT workplace diversity and inclusion as evidenced by its 100% score on the HRC Corporate Equality Index every year since 2006. Lisa says,

At McDermott, we believe that our workforce should be representative of the broader society since we are a global firm and serve a diverse client population. We are proud to have been one of the first major law firms in the legal profession to create gender transition guidelines and provide full health insurance for transgender employees, and to gross-up domestic partner health benefits. Being proactive by creating inclusive workplace policies, hosting programs designed to educate our colleagues about issues of importance to LGBT people and our allies and giving back by supporting LGBT organizations in the communities we serve has lead to a more engaged, motivated workforce which serves to further the mission and values of the firm.

Legal protections for LGBTs in the workplace and the extension of benefits to same sex couples are expanding, but it is clear that certain states stand out from the rest. Read on to see XpertHR's pick of the top 10 states offering the most protections and benefits for LGBT employees.

California

General Climate for LGBTs: In the Golden State of California, gay communities have thrived for quite some time, especially in cities like Los Angeles, Hollywood and San Francisco. In fact, in the 1970s, LGBT activist Harvey Milk was the first openly gay man elected to public office in the country (to the San Francisco Board of Supervisors) and he was instrumental in passing one of the nation's first gay rights ordinances in 1978.

Legal Protections: Under California state law, both **sexual orientation and gender identity** are protected classes and therefore cannot be discriminated against in the workplace. In addition, unlike most states, California state FMLA law provides leave and benefits to same-sex couples. In 1999, California became the first state to recognize domestic partnerships. A few years later, it was one of the first states to permit same-sex marriage. With the US Supreme Court's recent decision in *Hollingsworth v. Perry*, 2013 U.S. LEXIS 4919 (2013) regarding Proposition 8, same-sex marriage is once again legal in California. Lastly, LGBT individuals are protected from hate crimes under California state law.

Local Protections: A number of California cities and counties, including San Diego, San Francisco, Los Angeles, Santa Cruz, Oakland, Allegheny County and Santa Cruz County, protect sexual orientation and/or gender identity from employment discrimination.

Corporate Initiatives: Thirty-seven of the companies receiving a perfect score on the HRC Corporate Equality Index are headquartered in California, making it the state with the second highest number of top-ranked HRC Corporate Equality Index workplaces.

California Assembly member Rich Gordon, Chair of the California Legislative LGBT Caucus, told XpertHR that:

California companies and California public policy have been aligned over the past decades to assure that LGBT issues and concerns have been addressed in our workplaces and our communities. California corporations led in recognizing domestic partners, assuring equal health care benefits, and providing affirming workplaces. State and local governments have passed laws that eliminated discrimination in housing and employment, protected young people from bullying in school environments, and guaranteed sensitive and appropriate health services. With the leadership exhibited in both the private and public sector, it is no wonder that California is one of the top LGBT friendly states.

Assembly member Gordon currently represents the 24th Assembly District, which includes Atherton, Menlo Park, East Palo Alto, Woodside, Palo Alto, Los Altos, Mountain View, Sunnyvale, a portion of Cupertino, and the San Mateo County Coastsde.

Connecticut

General Climate for LGBTs: Situated close to the large metropolises of Boston, New York City, and Providence (RI), the State of Connecticut has served as an increasingly liberal corridor and has continually provided LGBT individuals with expanded rights and protections.

Legal Protections: Connecticut state law prohibits employment discrimination based on **sexual orientation as well as gender identity**. Furthermore, Connecticut's hate crime law now covers both sexual orientation and gender identity. Connecticut was one of the first states to recognize the right of LGBT individuals to enter into same-sex partnerships, permitting civil unions since 2005, and same-sex marriages since 2008. Same-sex partners of state employees have been provided benefits since 2000.

Corporate Initiatives: Nine of the companies receiving a perfect score on the HRC Corporate Equality Index by the Human Rights Campaign are headquartered in Connecticut, making it the state with the fifth most top-ranked workplaces, despite Connecticut's smaller size and smaller employer base.

Iowa

General Climate for LGBTs: Despite being situated in the conservative Midwest, the Hawkeye State of Iowa has been a leader in the region when it comes to rights for LGBT individuals. Places such as Iowa City and the University of Iowa have been particularly progressive in terms of reform.

Legal Protections: Iowa became the first Midwestern state to recognize same-sex marriage in 2009. Since 2007, Iowa has prohibited employment discrimination based on **sexual orientation and gender identity**. Iowa's hate crime law covers individuals based on sexual orientation. Benefits to same-sex partners of state employees have been offered since 2003.

Local Protections: Iowa cities and municipalities such as Council Bluffs, Johnson County and Waterloo have also enacted LGBT protections. In 1977, Iowa City was one of the first municipalities to prohibit discrimination based on sexual orientation.

Corporate Initiatives: Interestingly enough, despite the protections afforded LGBTs by law, no companies headquartered in Iowa received a perfect score on the HRC Corporate Equality Index.

Maine

General Climate for LGBTs: Maine is one of the least populous states, but it has more same-sex couples per capita than all but six states, according to an analysis of 2010 US Census data. Additionally, South Portland and Portland, in particular, have become "hot spots" for gay couples.

Legal Protections: Maine has permitted same-sex couples to enter into domestic partnerships since 2004. In 2012, it became the first state to pass a same-sex marriage measure through a ballot vote. The Maine Human Rights Act prohibits discrimination based on **sexual orientation and gender identity or expression**. Furthermore, Maine law specifically prohibits hate crimes based on sexual orientation and permits same-sex partners to take family leave.

Local Protections: In May of 1992, the city of Portland passed the state's first municipal gay rights ordinance.

Corporate Initiatives: Interestingly enough, despite the protections afforded LGBTs by law, no companies headquartered in Maine received a perfect score on the HRC Corporate Equality Index.

Massachusetts

General Climate for LGBTs: The Bay State of Massachusetts is well-known for its progressive tendencies, with Boston as the hub of liberal leaning New England. So, it comes as no surprise that Massachusetts ranks high on the list of LGBT-friendly states. With politicians such as openly gay Barney Frank in leadership positions, and gay-friendly places like Provincetown, Massachusetts providing a particularly accepting environment when it comes to sexual orientation and gender identity, Massachusetts has a long history of supporting gay rights. In 1978, Gay and Lesbian Advocates & Defenders (GLAD), a non-profit legal rights group aimed at ending discrimination based on sexual orientation and gender identity/expression was founded in Boston and remains headquartered there. In fact, over 20 years ago, Governor William Weld permitted state employees to register as domestic partners for bereavement leave and visitation rights in state hospitals and prisons.

Legal Protections: In 2003, Massachusetts became the first state to permit same-sex marriage. It was also one of the first states to prohibit discrimination based on [sexual orientation \(1989\)](#) and then [gender identity \(2012\)](#). Massachusetts state law permits same-sex partners to receive benefits and prohibits hate crimes against individuals based on sexual orientation and/or gender identity.

Local Protections: Boston, Cambridge and Northampton have enacted laws prohibiting sexual orientation/gender identity discrimination.

Corporate Initiatives: Fifteen of the companies receiving a perfect score on the HRC Corporate Equality Index are headquartered in Massachusetts, making it the state with the fourth most top-ranked workplaces.

Minnesota

General Climate for LGBTs: Minnesota has had an active gay rights movement since the 1970s. Its central hub, Minneapolis, has one of the largest gay populations of any city in the nation.

Legal Protections: Minnesota has prohibited discrimination in employment based on [sexual orientation and gender identity](#) since 1993. In fact, Minnesota was the first state to implement gender identity protections. Minnesota's bias crime law specifically prohibits hate crimes based on sexual orientation. As of August 2013, same-sex couples have been legally permitted to marry.

Local Protections: The cities of Minneapolis and St. Paul have both passed legislation prohibiting discrimination based on sexual orientation and gender identity.

Corporate Initiatives: Sixteen of the companies receiving a perfect score on the HRC Corporate Equality Index are headquartered in Minnesota, making it the state with the third most top-ranked workplaces.

New York

General Climate for LGBTs: The Empire State has led the way in gay rights since the 1960s. In fact, the Stonewall Inn in the West Village is often considered the "birthplace" of the gay rights movement.

Legal Protections: New York has prohibited discrimination based on [sexual orientation](#) since 2003 with the adoption of the Sexual Orientation Non-Discrimination Act (SONDA). Same-sex marriage has been legal in the state since 2011 and its hate crimes law covers sexual orientation. In addition, same-sex partners are provided with state FMLA rights and benefits. A bill to ban discrimination based on [gender identity](#), the Gender Expression Non-Discrimination Act (GENDA), has been introduced multiple times in the New York Senate.

Local Protections: A number of New York municipalities and counties have enacted specific LGBT protections, including New York City, Albany, Buffalo, Ithaca, Binghamton, Syracuse, Rochester, Suffolk County, Tompkins County and Westchester County.

Corporate Initiatives: An astonishing 59 companies receiving a perfect score on the HRC Corporate Equality Index are headquartered in New York, making it the state with the highest number of top-ranked workplaces – nearly double that of California, which has the second most top-ranked employers.

Ana Duarte-McCarthy, Chief Diversity Officer of [Citigroup](#) (Citi) (headquartered in New York and receiving a perfect score on the HRC Corporate Equality Index) explains to XpertHR how her organization was able to achieve this feat:

Citi has a long history of support for [LGBT] employees and the broader LGBT community. At Citi, we view a diverse workforce as a key asset in serving an equally diverse set of clients in over 160 countries around the world. Ensuring that all our employees have a supportive, inclusive and engaging work environment is a priority for us.

Rhode Island

General Climate for LGBTs: Although a tiny state comparatively, Rhode Island also provides LGBT individuals with many protections. For example, politician David Cicilline, the first openly gay mayor of a state capital previously served as the Mayor of Providence and is now a representative in Congress. The speaker of the Rhode Island House of Representatives Gordon D. Fox was the first openly gay house speaker in the US and is one of a number of openly gay members of the Rhode Island General Assembly. Providence enjoys a reputation as an active and growing LGBT community and a significant number of individuals are involved in same-sex relationships.

Legal Protections: State law bans discrimination based on both **sexual orientation and gender identity**. Rhode Island's hate crime law covers both sexual orientation and gender identity. As of 2011, Rhode Island has permitted same-sex couples to enter into civil unions and, as of 2013, Rhode Island law allows same-sex couples to marry. Rhode Island also extends family leave rights and benefits to same-sex partners.

Corporate Initiatives: Interestingly enough, despite the protections afforded LGBTs by law, no companies headquartered in Rhode Island received a perfect score on the HRC Corporate Equality Index.

Vermont

General Climate for LGBTs: Although Vermont is one of the smallest states in the nation - both in terms of geographic area and population - it has adopted numerous LGBT friendly laws over the past few years. It also has had a number of openly gay politicians in state government.

Legal Protections: Vermont law prohibits employment discrimination based on both **sexual orientation as well as gender identity**. Vermont was the first state to introduce civil unions in 2000 and provide same-sex couples with similar rights and benefits to heterosexual couples. Vermont expanded this in 2009, becoming the first state legislature to implement same-sex marriage. State FMLA law covers same-sex partners and entitles them to leave benefits. In 1990, Vermont was one of the first states to enact hate crime legislation prohibiting hate crimes based on sexual orientation. Sexual/gender identity was added as an additional basis in 1999.

Corporate Initiatives: Interestingly enough, despite the protections afforded LGBTs by law, no companies headquartered in Vermont received a perfect score on the HRC Corporate Equality Index.

Washington

General Climate for LGBTs: In the Pacific Northwest, Washington is considered an area where LGBT individuals can enjoy expanded rights. For example, Seattle has long been recognized as a city accepting of LGBT individuals and has one of the largest LGBT communities in the nation after San Francisco. Further, there are a number of openly gay politicians in the Washington state legislature.

Legal Protections: Washington prohibits employment discrimination based on **sexual orientation as well as gender identity**. State law criminalizes malicious harassment and violence against LGBT individuals based on both sexual orientation and gender

identity or expression. Washington extended benefits to same-sex partners of state employees in 2001. In the November 2012 election, Washington voters approved a measure permitting same-sex marriage.

Local Protections: Cities and counties in Washington such as Seattle, Tacoma, Olympia, Spokane, Burien, and King County, have enacted legislation prohibiting discrimination against LGBT individuals.

Conclusion

Clearly the trend towards LGBT protections and acceptance among lawmakers, corporations and culturally – while somewhat localized in certain geographic areas – is increasing and spreading. The recent Defense of Marriage Act (DOMA) ruling further reinforces that trend.

Carmelyn P. Malalis, Esq., Partner and Co-Chair of the Lesbian, Gay, Bisexual & Transgender (LGBT) Workplace Rights Practice Group at Outten & Golden LLP told XpertHR:

For the past year or two, I have been telling employers that the demise of DOMA is inevitable, and that companies should change their policies and practices to prepare for that reality. That time is now upon us, and employers that have not changed their policies are behind the curve trying to catch up.

Given the rate of change of legal protections for LGBTs among the states and across municipalities, employers who have not yet considered LGBT issues are well advised to review their policies and strategies to ensure they are compliant with the legal trends and are aware of the broader cultural shifts underway. The implications of this shift for all employers are significant and likely to increase in the coming years.

XpertHR is constantly tracking the latest LGBT protections and developments. Feel free to access and bookmark our [chart of LGBT Rights in States and Major Municipalities](#) to stay up to date as new protections are adopted.

A Note about the Methodology:

In order to arrive at a listing of the top 10 LGBT employment friendly states, the following criteria were considered:

- Whether the state prohibits employment discrimination based on sexual orientation;
- Whether the state prohibits employment discrimination based on gender identity;
- Whether the state permits same-sex marriage;
- Whether the state prohibits hate crimes based on sexual orientation;
- Whether the state prohibits hate crimes based on gender identity;
- Whether same-sex partners are provided with state FMLA benefits;
- The state's history of protecting LGBT rights including whether the state was a leader in extending protections;
- The state's general cultural environment and atmosphere;
- The state's general political environment and whether there have been LGBT politicians in leadership positions;
- Municipal and county protections for LGBT individuals;
- States which serve as company headquarters for companies recognized for commitment to LGBT equality in the workplace and receiving favorable ratings from the Human Rights Campaign Foundation's 2013 Corporate Equality Index.

About the Author:

Beth P. Zoller, JD, Legal Editor at XpertHR, has responsibility for the discrimination, affirmative action, harassment, retaliation, employee privacy, and employee handbooks/work rules/employee conduct content appearing on XpertHR.com. Prior to joining XpertHR, Beth practiced law for more than 10 years, representing employers facing employment discrimination and harassment claims, contractual disputes, restrictive covenant issues, family and medical leave, wage and hour disputes and a variety of other employment-related claims.



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