



LGBT PROTECTIONS FROM DISCRIMINATION

Employment and Public Accommodations

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At the federal level and in most states, nondiscrimination statutes do not expressly enumerate sexual orientation and gender identity as protected characteristics. Twenty-three states and Washington, D.C. expressly enumerate either or both of these characteristics in their nondiscrimination statutes, although not necessarily in all settings. This research brief estimates the number of LGBT people who are protected by such statutes in the areas of employment and public accommodations—and the number who are not.¹ Separate estimates for cisgender LGB and transgender people are also provided.

For more information on the impact of nondiscrimination statutes, including education, housing, and credit, see [LGBT People in the U.S. Not Protected by State Nondiscrimination Statutes](#).

KEY FINDINGS

- An estimated 8.1 million LGBT workers age 16 and older live in the United States. Nearly half of these workers—3.9 million people—live in states without statutory protections against sexual orientation and gender identity discrimination in employment. This includes approximately 3.4 million LGB workers and over 500,000 transgender workers.
- There are an estimated 13 million LGBT people age 13 and older in the U.S. Approximately 6.5 million live in states that do not statutorily prohibit sexual orientation and gender identity discrimination in public accommodations. This includes about 5.7 million LGB and over 800,000 transgender people.

¹Our estimates do not take into account administrative and judicial decisions that have interpreted sex discrimination laws to cover sexual orientation or gender identity discrimination. Rather, we have limited our analysis to statutes that facially include the words “sexual orientation” or “gender identity.”

These estimates are conservative in that state statutes also protect younger LGBT children; however, due to limited knowledge about the size of these groups in the population, we could not include them in our calculations.

Table 1. LGBT people unprotected by state employment and public accommodations nondiscrimination statutes that include sexual orientation and gender identity, separately for LGB and transgender people

	EMPLOYMENT				PUBLIC ACCOMODATIONS			
	Has Statute	LGBT Workers** (age 16+)	LGB Workers** (age 16+)	TRANSGENDER Workers** (age 16+)	Has Statute	LGBT People (age 13+)	LGB People (age 13+)	TRANSGENDER People (age 13+)
Alabama	No	78,000	63,000	15,000	No	147,000	122,000	25,000
Alaska	No	15,000	13,000	2,000	No	25,000	21,950	3,050
Arizona	No	179,000	156,000	23,000	No	286,000	251,800	34,200
Arkansas	No	50,000	42,000	9,000	No	95,000	80,150	14,850
California	Yes	1,194,000	1,032,000	161,000	Yes	1,859,000	1,618,400	240,600
Colorado	Yes	156,000	139,000	16,000	Yes	234,000	211,350	22,650
Connecticut	Yes	82,000	73,000	9,000	Yes	133,000	119,650	13,350
Delaware	Yes	24,000	20,000	3,000	Yes	40,000	35,050	4,950
Washington DC	Yes	45,000	33,000	12,000	Yes	58,000	43,150	14,850
Florida	No	545,000	474,000	71,000	No	886,000	776,650	109,350
Georgia	No	271,000	229,000	42,000	No	425,000	364,400	60,600
Hawaii	Yes	34,000	28,000	6,000	Yes	59,000	49,700	9,300
Idaho	No	25,000	21,000	3,000	No	48,000	42,550	5,450
Illinois	Yes	326,000	288,000	38,000	Yes	506,000	450,550	55,450
Indiana	No	165,000	145,000	20,000	No	272,000	241,050	30,950
Iowa	Yes	59,000	54,000	5,000	Yes	106,000	97,800	8,200
Kansas	No	56,000	49,000	7,000	No	92,000	81,400	10,600
Kentucky	No	82,000	70,000	12,000	No	144,000	124,450	19,550
Louisiana	No	94,000	80,000	14,000	No	169,000	145,750	23,250
Maine	Yes	35,000	31,000	4,000	Yes	60,000	54,200	5,800
Maryland	Yes	151,000	134,000	17,000	Yes	234,000	209,400	24,600
Massachusetts	Yes	224,000	201,000	23,000	Yes	335,000	302,950	32,050
Michigan	No	229,000	205,000	24,000	No	373,000	336,150	36,850
Minnesota	Yes	135,000	116,000	19,000	Yes	210,000	182,750	27,250
Mississippi	No	48,000	40,000	8,000	No	99,000	83,750	15,250
Missouri	No	131,000	112,000	18,000	No	217,000	189,450	27,550
Montana	No	18,000	16,000	2,000	No	30,000	27,000	3,000
Nebraska	No	45,000	41,000	4,000	No	67,000	60,850	6,150
Nevada	Yes	92,000	83,000	9,000	Yes	145,000	131,000	14,000
New Hampshire	Yes	35,000	32,000	3,000	Yes	59,000	54,050	4,950
New Jersey	Yes	205,000	184,000	21,000	Yes	343,000	309,050	33,950
New Mexico	Yes	47,000	40,000	8,000	Yes	85,000	72,050	12,950
New York	Yes	588,000	530,000	58,000	Yes	913,000	824,650	88,350
North Carolina	No	238,000	204,000	33,000	No	382,000	332,600	49,400
North Dakota	No	12,000	11,000	1,000	No	20,000	18,150	1,850
Ohio	No	298,000	268,000	31,000	No	462,000	416,150	45,850
Oklahoma	No	74,000	62,000	12,000	No	138,000	117,550	20,450

	EMPLOYMENT				PUBLIC ACCOMODATIONS			
	Has Statute	LGBT Workers** (age 16+)	LGB Workers** (age 16+)	TRANSGENDER Workers** (age 16+)	Has Statute	LGBT People (age 13+)	LGB People (age 13+)	TRANSGENDER People (age 13+)
Oregon	Yes	129,000	115,000	14,000	Yes	207,000	185,550	21,450
Pennsylvania	No	307,000	274,000	32,000	No	490,000	440,950	49,050
Rhode Island	Yes	29,000	26,000	3,000	Yes	44,000	39,350	4,650
South Carolina	No	99,000	84,000	15,000	No	167,000	143,850	23,150
South Dakota	No	15,000	13,000	2,000	No	25,000	22,550	2,450
Tennessee	No	133,000	110,000	23,000	No	223,000	188,650	34,350
Texas	No	647,000	552,000	94,000	No	1,053,000	913,850	139,150
Utah	Yes	67,000	61,000	6,000	No	104,000	95,400	8,600
Vermont	Yes	19,000	17,000	2,000	Yes	30,000	26,750	3,250
Virginia	Yes	197,000	170,000	26,000	Yes	308,000	269,350	38,650
Washington	Yes	226,000	201,000	25,000	Yes	342,000	306,050	35,950
West Virginia	No	40,000	36,000	4,000	No	68,000	60,750	7,250
Wisconsin***	LGB only	124,000 (total) 110,00 (LGB)	110,000	14,000	LGB only	207,000 (total) 186,000 (LGB)	186,000	21,000
Wyoming	No	10,000	9,000	1,000	No	18,000	16,400	1,600
Total unprotected		3,918,000***	3,379,000	536,000		6,546,000***	5,716,200	829,800
Total protected		4,209,000	3,718,000	488,000		6,496,000	5,778,800	717,200
Total		8,127,000	7,097,000	1,024,000		13,042,000	11,495,000	1,547,000

**Due to rounding, the total number of LGB plus transgender people may be somewhat bigger or smaller than the total estimate of the number of LGBT people within each state. Rounding also impacts column totals.

***Nondiscrimination statutes in Wisconsin prohibit discrimination based on sexual orientation but not gender identity. An estimated 14,000 transgender people in the state lack employment protections based on gender identity and 21,000 lack protections in public accommodations. These numbers were added to the total unprotected in each domain.

METHODOLOGICAL NOTES

LGBT Workers

To estimate the number of LGBT people in the labor force in each state, we relied upon the [Gallup Daily Tracking Survey](#), a population-based survey, for information about the percentage of respondents in the labor force (defined as employed full-time or part-time, or were unemployed, but actively looking for work and able to work) who identified as LGBT. These estimates correspond to information reported in the Williams Institute's [LGBT Demographic Data Interactive](#). We then applied (multiplied) this percentage to estimates provided by the U.S. Census Bureau of the number of people age 16 and older in the labor force in each state (and rounded to the nearest 1,000). The number of people ages 16 and older in the labor force was derived from the [2017 American Community Survey 1-Year Estimates](#) (Table DP03 "Selected Economic Characteristics").

The estimated percentages of adults age 18 and older in the labor force who identify as LGBT is derived from the [Gallup Daily Tracking Survey](#). The Gallup Daily Tracking survey is an annual list-assisted random digit dial (70% cell phone, 30% landline) survey, conducted in English and Spanish, of approximately 350,000 U.S. adults ages 18 and older who reside in the 50 states and the District of Columbia. LGBT identity is based on response to the question, "Do you, personally, identify as lesbian, gay, bisexual, or transgender?" Estimates derived from other measures of sexual orientation and gender identity will yield different results. Respondents who answered "yes" were classified as LGBT. State estimates use 2015-2017 data unless otherwise noted. Due to small overall population sizes, 2012-2017 data were aggregated for the following states: Alaska, Delaware, Hawaii, Idaho, Mississippi, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, West Virginia, and Wyoming.

To determine the number of LGBT people in the labor force protected and not protected under current state statutes, we used information from the [Movement Advancement Project](#) on whether a state did or did not have a statute that explicitly prohibits discrimination on the basis of sexual orientation and gender identity, or in the case of Wisconsin, only on the basis of sexual orientation. In total, 21 states, plus Washington DC, have a statute that extends protections to workers on the basis of both sexual orientation and gender identity. We then counted the rounded estimates of LGBT workers in states with and without protective statutes.

To estimate the numbers of cisgender LGB and transgender workers (of any sexual orientation) in each state, we determined state-specific percentages of all LGBT adults who were cisgender LGB and transgender (of any sexual orientation), using figures reported by the Williams Institute ([Estimated Number of LGBT Adults in the US and by State](#)). We then applied these percentages to the overall estimated number of LGBT workers in each state and rounded to the nearest 1,000. For example, in Wisconsin we first calculated the percentages of all LGBT adults in the state that are cisgender LGB and transgender (of any sexual orientation), 88.8% and 11.2%, respectively, using numbers reported in [Estimated Number of LGBT Adults in the US and by State](#), and then applied those percentages to the estimated number of LGBT workers in the state (n=124,000), in order to determine the final estimate of 110,000 cisgender LGB and 14,000 transgender workers in the state of Wisconsin.

LGBT People

To estimate the number of LGBT people in each state, we relied upon population-based surveys for information about the percentage of the population that is LGBT and applied it to U.S. Census Bureau estimates of the numbers of youth (ages 13-17) and adults (18+) in each state.

- To estimate the number of youth age 13-17 that identify as LGBT, we used information from the Youth Risk Behavior Surveillance Survey (YRBS) and recent estimates from The Williams Institute reported in [Age of Individuals who Identify as Transgender in the United States](#) that utilized Behavioral Risk Factor Surveillance Survey (BRFSS) data.
- To estimate the percentage of youth age 13-17 who identify as LGB (9.2%), we averaged the national estimates from the [2015](#) (8.0%) and [2017](#) (10.4%) Youth Risk Behavior Surveillance Survey (YRBS), described above.
- Then, to estimate the number of LGB youth, we applied (multiplied) this percentage to 2017 population estimates produced by the U.S. Census Bureau for youth ages 13 to 17 and rounded to the nearest 1,000. Census estimates were obtained via [American FactFinder Table PEPSYASEX](#), “Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States, States, and Puerto Rico Commonwealth: April 1, 2010 to July 1, 2017.”
- Next, to estimate the number of transgender youth age 13-17, we used recent estimates from [Age of Individuals who Identify as Transgender in the United States](#) with a slight correction to avoid double-counting sexual minority transgender youth (adding a total of 46.3% of the estimated number of transgender youth per state to our estimate of the number of LGB youth to arrive at a total estimate of the number of LGBT youth per state).
- The estimated percentages of adults age 18 and older who identify as LGBT is derived from the [Gallup Daily Tracking Survey](#) described above. State estimates of the percentage of the population that is LGBT-identified use 2015-2017 data unless otherwise noted. Due to small overall population sizes, 2012-2017 data were aggregated for the following states: Alaska, Delaware, Hawaii, Idaho, Mississippi, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, West Virginia, and Wyoming. All percentages correspond to those reported in the Williams Institute’s [LGBT Demographic Data Interactive](#).
- To estimate the number of LGBT adults age 18 and older by state, the weighted percentage of LGBT Gallup Daily Tracking respondents was applied to 2017 population estimates produced by the U.S. Census Bureau and rounded to the nearest 1,000. Census estimates were obtained via [American FactFinder Table PEPSYASEX](#), “Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States, States, and Puerto Rico Commonwealth: April 1, 2010 to July 1, 2017.” The estimated number (rounded to the nearest 50) of adults ages 18 and older who identify as transgender are reported in [Age of Individuals who Identify as Transgender in the United States](#).

To determine the number of LGBT people who are protected and not protected in public accommodations under current state statutes, we used information from the [Movement Advancement Project](#) on whether a state did or did not have a statute that explicitly prohibits discrimination on the basis of sexual orientation and gender identity, or, in the case of Wisconsin, only on the basis of sexual orientation. In total, 20 states, plus Washington DC, had a statute that extended protections in public accommodations on the basis of sexual orientation and gender identity. We then counted the numbers of LGBT people in states with and without protective statutes. For Wisconsin, we counted cisgender LGB people as protected and transgender people as unprotected (on the basis of gender identity).

To estimate the numbers of cisgender LGB and transgender people (of any sexual orientation) in each state, we used estimates of the numbers of transgender youth and adults in the state as reported in [Age of Individuals who Identify as Transgender in the United States](#) and subtracted them from our estimates of the total number of LGBT youth and adults in the state.

SUGGESTED CITATION

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