

Workplace Policy For Trans Employees



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by
Trans Pride Initiative



About Trans Pride Initiative

Trans Pride Initiative is a Texas nonprofit corporation working to empower transgender, and gender nonconforming persons to rise above social barriers to equal housing, healthcare, education, and employment.

Our goals for accomplishing this mission are:

General Support: Provide a supportive network for all trans and gender nonconforming persons to better themselves.

Housing: Reduce homelessness and discrimination in housing by working with organizations providing support and assistance housing, and by helping address problems of discrimination in commercial housing. We are planning to start an emergency shelter in 2015 or 2016.

Healthcare: Improve access to adequate healthcare by working with healthcare providers to improve access to services and address specific healthcare needs of trans persons.

Education: Improve educational opportunities by identifying and promoting safe educational environments and the means to finance education in these environments.

Employment: Improve employment opportunities by working with local employers to establish training and hiring programs, and by providing training and empowerment opportunities to help transgender persons prepare for and find gainful employment.



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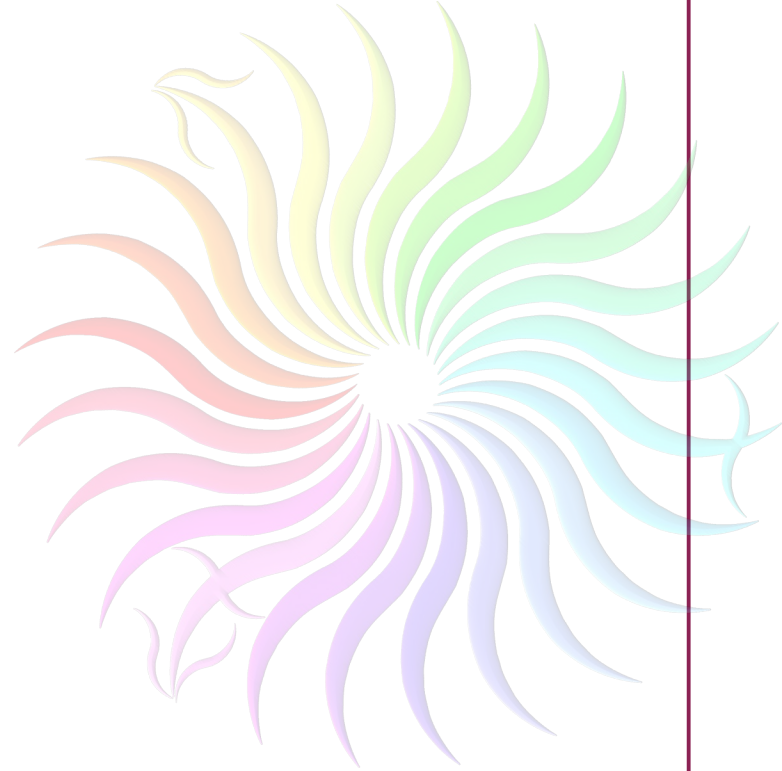
Recommended Citation

Trans Pride Initiative. (2015). Workplace Policy for Trans Employees. Dallas: Author.

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1. Introduction



1.1. A Note About Gender

One of the first labels or characteristics we use to identify people is their gender. Studies have shown that it often takes as little as three-tenths of a second to assign a gender to someone. Our culture reinforces gender through pervasive administrative policies and practices, from noting gender on our driver’s license and in the Social Security system to the completion of nearly any form regardless of whether gender is necessary information or not.

Some cultures include more than two genders, but in the United States, we have a strongly dominant cultural definition of gender as being one of two and only two mutually exclusive options. Each of us are assigned one of these genders at birth, usually based on a single physical characteristic — genitalia — despite the complexity of human biology. This is done without the consent of the person being assigned a gender. Most people agree with their gender assigned at birth, but some do not.¹

There are three broad groups of persons who do not agree with their gender assignment at birth:

- those who do not experience sufficient discomfort in the professional, social, and personal roles defined by their gender assigned at birth to make any professional, social, legal, or medical changes in their lives;
- those who experience sufficient discomfort in the roles defined by their gender assigned at birth that they take limited steps to express a different gender identity in some ways, but do not make significant professional, social, legal, and medical changes; and
- those who feel significant discomfort in the social and personal roles defined by their gender assigned at birth, and make substantial social, professional, probably legal, and possibly medical changes to bring their lives more in alignment with their gender identity.²

This document is concerned with the last of these three groups. The changes to align one’s social, professional, legal, and health statuses with one’s gender identity may

1. We have little data on the number of persons in the United States who do not agree with their gender assigned at birth. One study has estimated that about 0.3% of the population have taken steps to transition away from their birth-assigned gender (Gates, 2011). This is probably a very conservative figure. Based on the U.S. Census Bureau population estimate at the end of 2014, this indicates that at least 956,570 persons in the United States have taken steps to transition away from their gender assigned at birth.

2. Although we use the word “discomfort” in this text, the word should not be taken lightly. The discomfort is significant enough that the trans community has an extremely high lifetime attempted suicide rate, topping 40%. There is also growing evidence to indicate that biological determinants influence gender identity. For a person to reach a level of understanding about this discomfort such that they are taking social, professional, legal, or medical steps, they have likely spent many years considering the discomfort, often with counselors or other mental health professionals.

be described as a “gender transition,” or just “transition,” by some persons. Others may simply describe this as “coming out” as their true selves, while

“When you embrace a diversity of people, ideas, talents, and experiences, innovation and high performance naturally follow.”

—Carole Young, General Manager
Offices of Global Diversity & Ombuds
(Chevron, 2008)

still others may use different language to affirm their perspective of their gender identity. In the United States, there generally are only two options for legal changes,

and that would mean a legal transition from the gender assigned at birth to the other gender of male or female.³

This document has been developed with two goals in mind. The first goal is to provide general information about trans employees so that human resources department staff better understand what it means to be trans and can provide appropriate work environments for their trans employees. The second goal is to provide information and model language that may be incorporated into a policy supportive of trans employees. We encourage those developing trans employee policies to incorporate the language provided in this document, and to use this document in part or in its entirety for training and information.

1.2. Why Have a Policy for Trans Employees?

In short, employers need a trans policy for two reasons. First, social stigma can be pervasive and persistent, and a stated policy makes it clear that a company supports all its employees. Second, qualified employees can be found among persons of all gender identities, and expressly supportive work environments improve employee satisfaction, performance, and loyalty.

Trans employees often experience a great deal of uncertainty, anxiety, and systemic discrimination in the workplace; these experiences are very likely to increase when they come out as trans or as a person of trans history or experience.⁴ A policy guiding employees who are or may be trans, who may be considering coming out in the workplace, and guiding human resources staff and other personnel responsible for managing employees, can create a much more comfortable work environment for all.

Having a company policy also reinforces support from management — which helps reduce stigma — and serves

as a starting point for increasing awareness about issues surrounding gender identity. A policy is also necessary to truly comply with nondiscrimination measures that include gender identity and expression. Having a policy in place lets employees know they are valued, and that they can be comfortable as their authentic selves in the workplace.

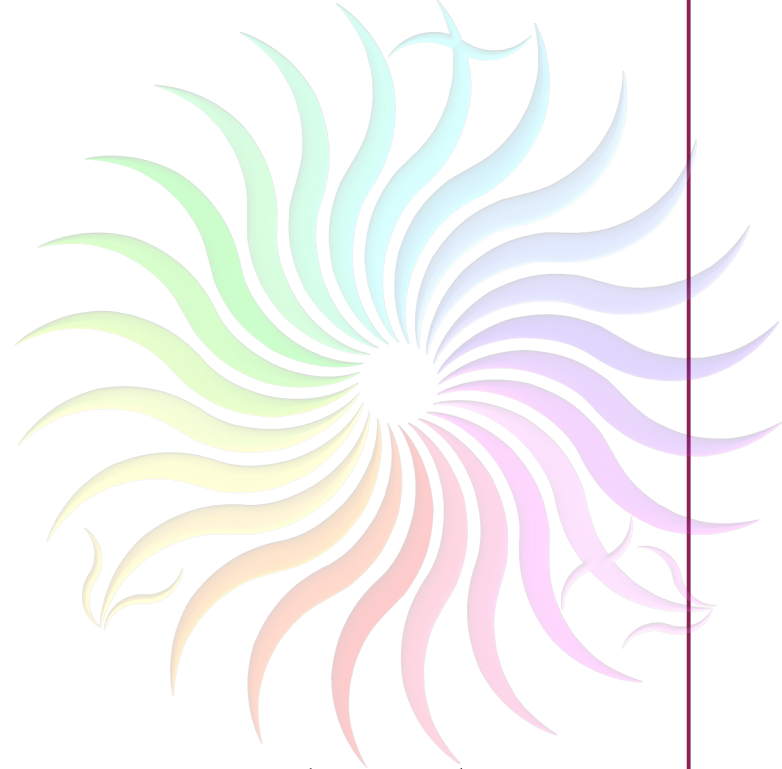
“We recognize that it is people, with their inherent differences, that make a company innovative. At TI [Texas Instruments], we believe that when our individual differences are allowed to impact our collective decisions, we get stronger ideas and more competitive results. So we strive for an inclusive environment, one where all employees treat each other with respect, dignity, and fairness, and where everyone knows they have the opportunity to play an important role.”

—Howard, 2008

3. Note that the still somewhat common descriptions of “male to female” and “female to male” are not always meaningful to or accurately descriptive of a trans person's identity. The person may have always identified as a gender different from what was assigned at birth, and the gender with which they identify may be other than “male” or “female,” or they may identify with no gender, sometimes known as “agender.” Changing things like legal documents can often be more accurately described as correcting a wrong or mistaken gender assignment at birth, but the correction of the documents may not accurately reflect one's gender identity if the identity is not one of the standard designations of male or female.

4. Trans history or experience refers to persons who may not identify as “trans” but who in the past lived as a different gender. It is important to recognize that some persons who have socially moved away from their gender assigned at birth may not identify as “trans.”

2. A Common Ground for Discussion



2.1. Definitions

The definitions provided here may not be universally accepted by all trans persons as there is a great deal of diversity in the trans community. Language use may also vary over time and by geographic region, so it is always best to coordinate with local support and advocacy groups on usage and preferred terms. These definitions are not intended to label anyone, but are provided as an introduction to terms in use in the trans community and to provide common definitions for this document.

Cisgender—A person who generally, most of the time, identifies as the gender they were assigned at birth. Sometimes shortened to just “cis,” and may be used to form descriptors such as “cis man” and “cis woman” (see also entries for “trans man” and “trans woman”).

Coming out—In this document, this means revealing

one's trans experience or identity (see also “transition”).

Gender—A range of biological, physical, mental, and behavioral characteristics that are associated with status or identity as a man, woman, both, neither, and designations other than these.⁵

Gender binary—The understanding of gender as two mutually exclusive genders of male and female. Sometimes also referred to as the “gender dyad.”

Gender dysphoria—Current condition designation in the Fifth Edition of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Health Disorders (DSM-V) usually applied to persons who identify as a gender different from the gender assigned at birth.⁶

5. The word “gender” is sometimes used to differentiate mental and behavioral characteristics from physical and biological characteristics, with the latter being described as a person’s “sex.” This division is based far more on cultural assumptions than science.

In her book *Sexing the Body*, geneticist and science historian Anne Fausto-Sterling notes that “A body’s sex is simply too complex. There is no either/or. Rather, there are shades of difference. . . . [L]abeling someone a man or a woman is a social decision. We may use scientific knowledge to help us make the decision, but only our beliefs about gender — not science — can define our sex. Furthermore, our beliefs about gender affect what kinds of knowledge scientists produce about sex in the first place” (Fausto-Sterling, 2000).

Competitive sports have been struggling with cultural conflict concerning sex and gender for a number of years, and sports authors can offer insight into sex determinations being a social construct. Nick Davies, a spokesman for the International Association of Athletics Federations, describes gender testing as including “chromosome testing, gynecological investigation, all manner of things, organs, X-rays, scans. . . . It’s very, very comprehensive.” Alice Dreger, a humanities and bioethics professor at Northwestern University, notes that “It turns out genes, hormones, and genitals are pretty complicated. . . . There isn’t really one simple way to sort out males and females. Sports require that we do, but biology doesn’t care. Biology does not fit neatly into simple categories. [In spite of comprehensive testing and exams,] at the end of the day, they are going to have to make a social decision on what counts as male and female, and they will wrap it up as if it is simply a scientific decision. . . . [A]s I like to say, ‘Humans like categories neat, but nature is a slob’” (Clarey, 2009).

6. As noted in Footnote 5, determining biological or physical gender is a complicated process, and assignments at birth are generally based only on a cursory look at genitalia. New research is indicating gender differentiation in the brain may begin (continued next page)

Gender expression—Actions and behaviors through which one conveys association with social roles and practices generally perceived as masculine or feminine. Gender expression may be predominantly masculine, feminine, neither, a combination, or representative of other gender identities.

Gender identity—One’s internal sense of being a woman, man, neither, both, or described by other terms. All persons have a gender identity. Sometimes that identity is fixed throughout life, sometimes it changes or cycles over time, and sometimes it evolves as individuals learn more about themselves and the social and cultural environment in which they exist. Gender identity is distinct from sexual orientation and gender assigned at birth.

Gender identity disorder (GID)—A former mental health diagnosis applied to persons who identify as a gender different from the gender assigned at birth. The diagnosis has been removed from the DSM-V (see the entry for “gender dysphoria”).

Gender nonconforming—A person whose gender expression falls outside traditional social and cultural norms for the two stereotypical male and female genders. Some gender nonconforming persons identify as trans, some do not.

LGBTQ—Lesbian, gay, bisexual, transgender, and queer/questioning.

Real life experience—An informal reference to the World Professional Association for Transgender Health (WPATH) Standards of Care criterion that prior to metoidioplasty or phalloplasty in masculinizing persons, and prior to vaginoplasty in feminizing persons, the patient should have “12 continuous months of living in a gender role that is congruent with their gender identity” (World Professional Association for Transgender Health, 2011). Care should be exercised in using this phrase as it can imply for some that their life

experiences prior to living in a manner congruent with their gender identity were “not real.”

Sex—Sometimes used to differentiate biological and physical aspects of gender from mental and behavioral aspects. In this document, “gender” will be used to refer to all (see the entry for “gender”).

Sexual orientation—A person’s physical, romantic, or emotional attraction to others. All persons have a sexual orientation, and it can encompass a single gender, both or a range of genders, or no attraction (asexual or aromantic). For some, sexual orientation may shift over time. Trans persons (see the entry for “trans or trans*”) may have an orientation as straight, lesbian, gay, bisexual, pansexual, fluid, or may use other terms to describe their orientation. Note: it is best to allow trans persons to affirm their own orientation rather than ascribe an orientation to them based on cisgender understandings of orientation.

Trans or trans*—Terms sometimes used to encompass transgender and transsexual (see the entries for these, below). “Trans” and “trans*” are also sometimes used to avoid negative connotations the words “transgender” and “transsexual” have for some, and “trans” or “trans*” may be used as broadly inclusive, or umbrella, terms that encompasses gender nonconforming persons. The asterisk indicates broad inclusiveness of all “trans” identifiers and is used in writing only. It is best to avoid the use of the asterisk unless one is truly referring to all trans, gender nonconforming, and non-binary identities or expressions. These terms are used as adjectives, usually modifying “person” or “man” or “woman,” as in the phrase “Alex is a trans person.” This document uses “trans persons” as the preferred term for denoting persons with a trans identity, history, or experience.

Transgender—A person who identifies as a gender different from the gender assigned at birth. Some use this term broadly, like “trans” (“transgender” is often defined as an umbrella term inclusive of anyone who

(continued from previous page) before gonad development (Lehman, 2007). Although the new DSM-V designation of “gender dysphoria” is an improvement over the earlier “gender identity disorder,” the current designation in the DSM-V still pathologizes persons who do not identify with the gender assigned at birth, and blames the patient for a condition that is often created by the enforcement of rigid and simplistic social definitions, by the physician making the original designation at birth, and by the documentation system that requires such a decision by a physician.

does not agree with their gender assigned at birth), but others use it more narrowly to reflect a conventional gender binary (see also “transsexual”). The term can have a variety of political and social meanings with positive and negative connotations. Note: “transgender” is not a noun or a verb, but an adjective. It is not grammatical to add an “-s” or an “-ed” suffix to “transgender.” Preferred usage is as a modifier, such as “transgender person” or “transgender individual.”

Transition—A term used by some to describe the process of dissociating in various ways from one's gender assigned at birth. Some use this term broadly to describe personal and social experience, but others feel the word misrepresents their personal sense of always being the gender with which they identify. Persons holding the latter perspective may prefer something like “coming out” to describe what others would refer to as a “transition.” In this document, we use “coming out” to

2.2. Names and Pronouns

Trans persons will usually have a preferred name that is appropriate to their gender identity, and will wish to be addressed or referred to by pronouns that conform to their gender identity. These are often typical masculine or feminine pronouns, but may also include less common gender neutral pronouns such as “zi,” “zir” or “hir,” and “zirs” or “hirs.” Mistakes can be understandable, but it is important to note that continued use of inappropriate names or pronouns may be considered an actionable violation of the employer's nondiscrimination policy, and may constitute harassment. A court order covering a name or gender marker correction should not be required for the trans employee to be addressed by the name and pronoun they prefer (Transgender Law Center, 2014).

Most of us have worked with someone who has changed their name. One example is when someone marries and takes the family name of their spouse. It may take some

describe revelation of trans experience, identity, or history. We use phrases such as social, professional, legal, and medical transition to refer to the processes of moving away from the gender assigned at birth to a different gender in these external systems.

Trans man—A person who was assigned female at birth and identifies as a man of trans experience.

Transsexual—A person who identifies as a gender different from their gender assigned at birth, and who typically feels there is a norm to do so appropriately. The norm may include medical interventions such as hormone regimens or surgeries, living in the gender role congruent with their gender identity, or other criteria that confirm gender identity.

Trans woman—A person who was assigned male at birth and identifies as a woman of trans experience.

thought to remember to use the new name at first, but most coworkers can remember the new name fairly quickly. Pronoun changes may be a little more difficult to remember for some, but think of when we make a wrong assumption about the gender assigned an infant:

“An occasional mistake is not offensive, but purposeful use of the previous name or pronoun can lead to harassment.”

—College and University Professional Association for Human Resources, n.d.

if we say “she's so cute!” and are corrected by the mother or father that they address the infant as a boy, we quickly and easily shift our pronoun use. Using preferred pronouns shows respect, and consistent use of the preferred name and pronouns at all times,

including when the trans employee is not present, helps all to make the change.

It is important to stress that name and pronoun use be consistent at all levels. Upper management can do much to set a tone of acceptance and show intolerance of discrimination if they are always observant to use appropriate names and pronouns.

In some cases, trans persons may not be able to change their name and gender marker legally.⁷ This will have a consequence for administrative and human resources records, but it should not be used as an excuse to

misidentify or misgender someone. Legal name and gender marker corrections are covered in more detail in Section 3.7. Documentation and Company Records.

2.3. Privacy

Coming out for a trans person can include extremely public disclosure of very personal information. Unnecessary, improper, or unauthorized disclosure of information related to an employee's personal health, medical, or gender-related history may be considered a violation of the employee's right to privacy. This includes many aspects of an employee's personal history, and information should be provided on a need-to-know basis only and with the consent of the trans employee.

The employee's right to privacy protects information on file with supervisors, managers, and the human resources office, but it also covers information and knowledge held by other employees. Gossip and informal communication about an employee who is or may be trans can violate an employee's right to privacy (some gossip could be considered harassment) and should be monitored and addressed by administration immediately.

2.4. Rights and Responsibilities

2.4.1. The Employer

The employer who supports a diverse workplace supports employees who may have a history of trans experience, may be in the process of coming out or transitioning, and those who are not out but are considering issues of safety and support if they do decide to pursue a workplace transition. In return, the employer has a right to expect continued performance of duties from an employee during a workplace transition, with the same level of allowances for personal needs that would be given to any other employee going through a significant life event.

“Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee gets to decide when, with whom, and how much to share their private information.”

—Transgender Law Center, 2014

Trans employees may choose to help educate coworkers about their identity and trans issues. However, both the trans employee and their coworkers need to understand confidentiality issues concerning the disclosure of medical and other personal information. An employee's personal history and experience can be a sensitive subject, and release of personal information should be carefully considered as information provided for the best of intentions may have negative consequences later (Chevron, 2008; College and University Professional Association for Human Resources, n.d.; Ernst & Young, 2005; Howard, 2008; Weiss, 2007).

The employer should provide cultural sensitivity training to other employees as appropriate. Employers should be aware that their responsibilities include compliance with federal law, which now includes protections for trans persons. The Equal Employment Opportunity Commission and Department of Justice have determined that gender identity and expression are protected under Title VII of the Civil Rights Act of 1964 (Maurer, 2012; U.S. Department of Justice, 2014; U.S. Equal Employment Opportunity Commission, n.d.).

7. This document discusses name and gender marker changes, but some employees may only change, or may only be able to change, one or the other. The ability to change name and gender marker can depend on several factors and will depend on local and state laws and regulations.

2.4.2. Supervisors and Managers

The attitude of supervisors and managers can do a great deal to establish and maintain an atmosphere of acceptance and fairness within an organization and among its employees, including employees with a trans history and those considering or undertaking a workplace transition. Supervisors and managers have the right to expect appropriate communication from all employees concerning coordination of a timeline for a workplace transition and continued adherence to job duties. Supervisors and managers are responsible for maintaining respect for all employees.

2.4.3. Employees and Coworkers

Employees and coworkers of a person undergoing a workplace transition have the right to expect continued

performance of duties by the trans employee. Employees and coworkers have the responsibility to treat the transitioning employee with dignity and respect, the same as any other employee.

2.4.4. New Employees

If an employee has a history of trans experience prior to hiring or is out as trans, it is likely that information related to their trans history or identity will be disclosed during the hiring process. The employee has a right to expect that information to be kept confidential, and all managers, supervisors, and human resources personnel should treat prior transition information as any other protected personal information.

OSHA Standards

“Gender identity is an intrinsic part of each person’s identity and everyday life. Accordingly, authorities on gender issues counsel that it is essential for employees to be able to work in a manner consistent with how they live the rest of their daily lives, based on their gender identity. Restricting employees to using only restrooms that are not consistent with their gender identity, or segregating them from other workers by requiring them to use gender-neutral or other specific restrooms, singles those employees out and may make them fear for their physical safety. Bathroom restrictions can result in employees avoiding using restrooms entirely while at work, which can lead to potentially serious physical injury or illness. . . .

“The core belief underlying these policies is that all employees should be permitted to use the facilities that correspond with their gender identity. For example, a person who identifies as a man should be permitted to use men’s restrooms, and a person who identifies as a woman should be permitted to use women’s restrooms. The employee should determine the most appropriate and safest option for him- or herself”

—OSHA, 2015

3. Policy Guidelines for Workplace Transitions



A “workplace transition” describes those situations where an employee changes how they express their gender (generally moving away from gender assigned at birth to a different gender), and that change requires at least some level of administrative action to address how the employee is supported by and identified within the corporate environment. The administrative action

might only involve expanding a nondiscrimination policy, or it could include more involved procedures such as changing employee personnel records and updating licensing and security authorizations. This section is intended to cover the various considerations that might be needed to effectively address workplace transitions.

3.1. Establishing External Support

As a general rule, it is important that any person with a trans history or experience has a social support network, and this can be especially true for an employee who is undertaking a workplace transition. For some, the support network may be family or a few close friends; social service organizations may also provide emotional and information support. However, some people are independent and have less need for such external support, and trans persons can lead successful lives and have fulfilling careers without developing a

social network specifically supportive of their trans history or identity. This may become more common in the future as trans experience and history become less stigmatized. Although establishing external support is not a responsibility of the employer, the human resources staff should understand the importance of a social network and be able to provide information for those employees who discuss a workplace transition and may be new to the area or may not have established a social support network.

3.2. Notifying the Employer

An employee considering a workplace transition may wish to first let one or a few coworkers outside the human resources department know about their plans, but they should let a supportive human resources

representative know prior to any general announcement to their managers or coworkers. If the human resources staff does not understand how to support the employee, they should seek information and resources that will

help them do so. Most large urban areas and all states have at least some trans-informed organizations that can provide assistance concerning resources.

Human resources staff will help determine who in the company needs to be made aware of a workplace transition. Announcements should balance considerations of privacy with the need to manage aspects of the transition. Specific considerations may include coordination of licensing, working with employees who may be disrespectful, coordination with vendors and clients, and other issues as needed. Policies covering nondiscrimination may need to be updated to include protections related to gender identity and expression. The workplace transition team (see Section 3.3. The Workplace Transition Team), if used, will also help determine which company employees should be notified.

The initial contact with human resources staff may need to be well in advance of the anticipated workplace transition date (see Section 3.6. The Day of Workplace

Transition). The amount of advance notice should take into consideration the position the employee occupies and the nature of work done. A stock person in a warehouse that requires no security clearance may need a few days or weeks of advance notice, but an engineer who authorizes procedures under one or more professional licenses for projects requiring security clearance may need to begin discussing their workplace transition with human resources much earlier. The employee's job duties and responsibilities should be considered when determining what legal documentation will be required prior to the workplace transition date, and overly burdensome legal actions should not be required of the employee if they are not necessary to carry out job responsibilities.

In most cases, it will be best to designate a specific person as the point of contact for the workplace transition, generally someone among the human resources staff. The point of contact should be available to both the trans employee and other employees, managers, and administrative personnel.

3.3. The Workplace Transition Team

Whether organized as a formal team or an informal group, the employee undertaking a workplace transition and human resources staff should consider whether it might help to involve additional staff to help with practical matters. The number of persons involved will be influenced by the size of the company and the type of work done. The team should establish an appropriate timeline (see Section 3.4. Establishing a Timeline), and each member should be able to contribute supportive information. The team should include, at a minimum, a human resources member knowledgeable about trans issues, the trans employee, and a supervisor or manager who knows the employee's work and work environment well enough to provide positive reinforcement during

the workplace transition period and thereafter. Others should be added as appropriate to the employee's duties and responsibilities.

The team should also consider including someone in the company's LGBTQ employee resource group, if one exists, or an advocate from outside the company to assist. This is especially true if a knowledgeable person is needed to advise on health and other benefits, changes in company policy and procedures to be more supportive of trans employees, and other administrative details. Also, if the employee tends to be more passive around authority figures, a community advocate may help assure the employee appropriately expresses their needs.

3.4. Establishing a Timeline

A timeline should be established so that all are in agreement about how to proceed with the on-the-job transition, and when steps in the workplace transition process will occur. Some things to consider for the timeline include the following, and dates may be general or specific:

- dates to announce the workplace transition to coworkers;
- dates to announce to clients, vendors, and others with a need to know;
- dates of diversity workshops or related training;
- dates for the employee to provide legal or other documentation, if needed and as needed;
- dates for changes to company personnel records and other company materials (such as name tags, office signage, business cards, organization charts, and other identifying materials); and

- the date for the employee to begin work in the affirmed gender (see Section 3.6. The Day of Workplace Transition).⁸

Note that there are no items in this list related to surgeries or other medical procedures. The employee's medical status is private information and should have no bearing on the employee's status at work.

In some organizations, it may be a good idea to meet with the employee for some period after the events noted above have been completed to make sure they are not experiencing mistreatment or other difficulties related to the workplace transition. An additional timeline item may be a recurring interview with human resources staff to inquire about the employee's ensuing experience. Conditions should be set to determine when the routine monitoring is no longer necessary, and what might trigger a need to reactivate monitoring (see Section 3.11. Monitoring After the Workplace Transition).

3.5. Workforce Announcement

At a time determined by the workplace transition team, the employee's workplace transition will need to be discussed with coworkers. Deference should be given to the employee about how to announce the workplace transition. Some may prefer private personal meetings with coworkers, while others may wish for a circulated memo or a general meeting. Caution should be used when only relying on written or electronic information because there is less opportunity to answer questions, and it can be much more difficult for management to affirm support of the employee convincingly.

Some individuals undergoing a workplace transition may wish to be present and to answer questions, but not all will be comfortable in that role. Human resources staff should work with the employee to determine how

the announcement is made considering the employee's comfort level, the work environment, and who needs to know.

Some companies may wish to make a broad or company-wide announcement to promote their diversity policy. This should only be done with the employee's consent. Announcing broadly to all employees could require the employee making the workplace transition to take on greater educational and advocacy roles than they are willing to accept. Keep in mind that education about company diversity is a responsibility of the human resources department; the responsibility should not be shifted to the employee more or for a longer period of time than the employee is willing to take on that responsibility.

8. Note that referencing the "affirmed gender" does not necessarily mean only one of the two stereotypically defined genders of male and female. There may be legal requirements that must conform to one of those two genders, but employees themselves may be moving away from the gender assigned at birth without conforming to one of the two traditional gender categories.

Any announcement must include clear support for the employee from top administrators and direct managers and supervisors, with a focus on the individual as a valuable contributor to the company. It is essential that this support be expressed clearly and without reservation to set the tone of acceptance of the employee among other staff and coworkers. The support should also highlight the ways company policy supports employees undergoing a workplace transition.

Top administrators and supervisors must lead by example. In announcements, use the former name and pronouns minimally, if at all; the preferred name and pronouns should clearly be adopted. Stress that this does not impact company operations; work will continue as usual. Answer questions appropriately in meetings and during in-person announcements, explaining if needed that medical status is private information and not open to discussion or speculation. Be sure to note any upcoming diversity workshops.

3.6. The Day of Workplace Transition

The day of workplace transition refers to the day when the employee undergoing a workplace transition begins working in their affirmed gender and going by their preferred name and pronouns. Before that day, all name plates, identification badges, business cards, email addresses, organization charts, company contact directories, and other personally identifying materials should be changed to reflect the employee's affirmed gender. This includes new photographs on identification badges. A manager, supervisor, or other high-level administrator should plan to be with the employee as needed to make introductions, provide support, ensure respectful and inclusive treatment, and to discourage any work disruptions on the day of workplace transition.

We should note that although the previous paragraph presents a “day of workplace transition” as a clearly demarcated event, for persons who are making a social, medical, or other transition, the experience is gradual and generally takes place over a much longer period of time, often several years. Many work environments will be able to accommodate more gradual change, and the “day of workplace transition” will be more of a set goal for the day that all administrative changes will be complete and finalized. As in other areas of this policy, accommodations should be flexible and appropriate to the employee and the work environment.

3.7. Documentation and Company Records

The employer will correct internal documents to reflect the employee's preferred name and gender marker on request and as specified in the workplace transition timeline. Corrections should include name tags, letterhead, nameplates, business cards, email addresses, and other personal identifiers.

systems may require additional steps, such as the submission of proof of change in the Social Security system. Changes that require such outside authority will be completed by the employer as prerequisite changes are made.

Some systems, such as payroll and retirement accounts, may require a legal correction of name and gender marker before the name and gender marker can be changed in the system. Such changes will be made on presentation of a judge's order or other legal document granting a name and gender marker correction. Some

If the employee holds professional licenses required for their work duties, the employee and possibly the employer will need to coordinate corrections with the licensing organization. Signature approval provided by the employee under the authority of the license will need to follow the requirements of the licensing organization. This may require the employer to

advocate on behalf of their employee to the licensing organization, and a supportive employer should undertake such advocacy.

There may be cases where an employee cannot obtain a judicial order for a legal name or gender marker correction.⁹ In such cases, the employer will work with the employee to accommodate internal name and gender marker corrections to the extent possible, and will work with the employee to determine how best to both reflect

3.8. Gender-Segregated Spaces

For all gender-segregated spaces and work duties, the employee will be allowed entry and assigned duties in a manner consistent with their gender identity and their own sense of comfort and safety.

The use of restrooms, locker rooms, and changing areas may be a topic of discussion among coworkers. Such discussion should be dealt with quickly and decisively.

Privacy rules and laws protect all persons, and all employees should be allowed privacy for changing, showering, or using the restroom. The employee undergoing a workplace transition must be allowed to use the gender-segregated spaces that conform to their gender identity by or before the date of the workplace transition.

3.9. Benefits and Medical Leave

Any benefits provided to non-trans persons should be provided to trans persons according to the same policy used for non-trans persons. This includes healthcare coverage for all medically necessary procedures and

the preferred name and gender and meet the requirements for legal identification while maintaining employee privacy and confidentiality of personal information.

Continuing to use older photographs and other images may be considered disrespectful of the employee. Continued use of publicity material and other company images should take into consideration the wishes of the employee, and should only be done with their consent.

Only in extreme cases should separate facilities be provided to the employee, and this should be done only with the employee's consent. Separate facilities isolate, increasing the likelihood of ostracization and harassment. Preference should be given to offering separate facilities to an employee who objects to being in a gender-segregated space with the employee undergoing the workplace transition. Any use of separate facilities for any employee should be considered temporary.

“Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, when available. No employee, however, will be required to use such a restroom.”

—Transgender Law Center, 2014

wellness care. The same applies to allowing time off for medical procedures and other appointments for medical care.

9. There may be no legal procedure governing corrections to one's gender marker in some areas. The employer should take that, as well as other barriers to obtaining legal name and gender marker corrections, into consideration when requiring documentation. An employer that does not discriminate will support the gender identity of its employees while working within restrictive legal environments until the those legal environments are modified to be less discriminatory.

3.10. Safety

Employers should recognize that even if they fully support the employee, social stigma against trans persons may put the employee's safety at risk. Bullying, harassment, and discriminating behavior should be

addressed promptly. Security escorts or other accompaniment to a parking lot or other places that may put the employee at risk should be allowed on request by the employee.

3.11. Monitoring After the Workplace Transition

Stigma can influence not only actions toward certain individuals, but can also affect a person's self-confidence and self-esteem. Persons who belong to socially stigmatized groups are less likely to report discrimination, harassment, and other mistreatment because self-stigma often influences one to feel that discrimination is justified because they are "different." For these reasons, the employer's human resources staff and the employee should discuss whether periodic interviews are warranted after the day of workplace transition. These interviews should be conducted in a way that will underscore support for the employee and encourage disclosure of any problems. The length of

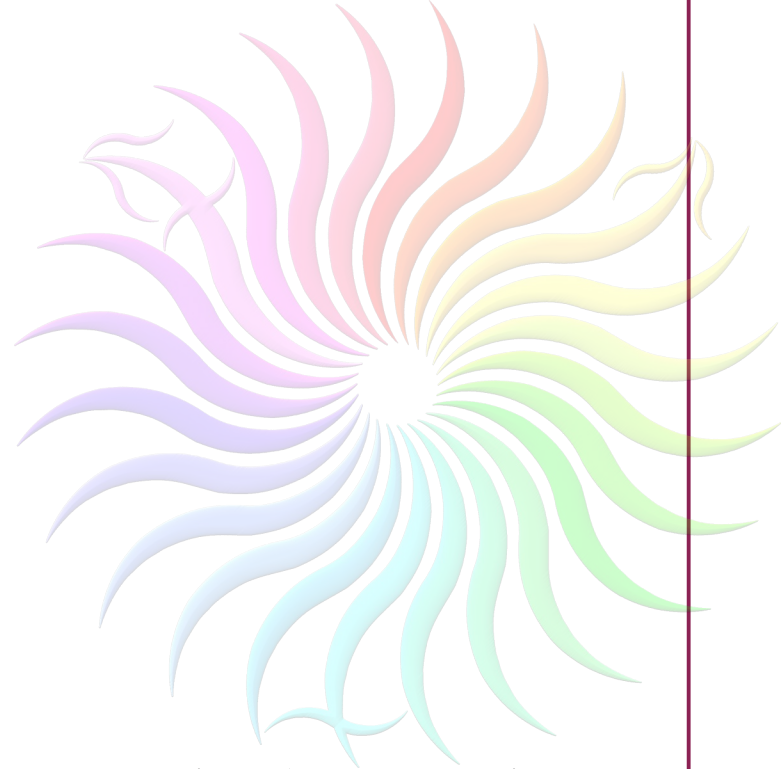
time for the monitoring will vary based on many factors. The monitoring period should be ended only with the consent of the employee. After ending the monitoring period, occasional checks with the employee may be warranted to determine whether more formal monitoring may again be needed.

Human resources staff should intervene if any coworkers or staff are disruptive of the employee's work. Continued disruption of work, discrimination, harassment, mistreatment, or violation of diversity and other company policy should be addressed as would any other policy violation.

"Every single American — gay, straight, lesbian, bisexual, transgender — every single American deserves to be treated equally in the eyes of the law and in the eyes of our society. It's a pretty simple proposition."

—President Barack Obama

4. References



4.1. Notes About the Sources

The transition policies in place at several companies were reviewed in the development of this policy guideline. Employers kind enough to make policies and policy information available include Boeing (Summers, 2009), Chevron (Chevron, 2008), the City of San Jose (City of San Jose California, 2005), Ernst & Young (Ernst & Young, 2005), Texas Instruments (Howard, 2008), and the University of Connecticut (University of Connecticut, 2013).

Professional organizations that have made guidelines available include the Association of Corporate Counsel (Duffy, 2011), College and University Professional Association for Human Resources (College and

University Professional Association for Human Resources, n.d.), and the Society for Human Resource Management (Walworth, 2003).

It is important to acknowledge that language and policy related to trans persons is changing rapidly, and some of the language and guidelines provided by these sources are not in accord with current practice and use. This document draws from these sources and modifies the information to provide more up-to-date guidance. Another excellent up-to-date policy guidance document is the Transgender Law Center’s *Model Transgender Employment Policy*, released in January 2014 (Transgender Law Center, 2014).

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