

# WORKPLACE GENDER IDENTITY AND TRANSITION GUIDELINES

# Workplace Gender Identity and Transition Guidelines

Out & Equal Workplace Advocates is committed to creating workplaces where we, as lesbian, gay, bisexual and transgender employees, can bring our authentic selves to work every day.

The transgender community is a vital part of OUR community. We are Lesbian, we are Gay, we are Bisexual, we are Transgender, and we are Ally. 20 years we have fought for trans-inclusive federal protections, advocated for global transgender equality, and worked in close partnership with the Fortune 1000 to ensure workplaces are fully inclusive of transgender employees.



Still there are great disparities in workplace equity that disproportionately affect the transgender community and Out & Equal takes seriously the task of advocating for transgender inclusion in the workplace and around the world. The Workplace Gender Identity and Transition Guidelines emerged from overwhelming requests from our corporate partners asking for assistance. Fortune 1000 companies reached out to us wanting to fully understand how to best support their transgender employees and coworkers. I am proud of the Guidelines we're presenting here and confident that they will foster more inclusive policies and more welcoming workplaces for everyone in the LGBT community.

I'd like to thank the many people who shared their time, thoughts and talents in creating this guide. They include the Out & Equal Transgender Advisory Committee—especially Jenna Cook, Debbie Drew & Lori Fox, the Out & Equal Community Relations team and the many others who reviewed, edited and provided input.

Thank you for all the work you do, making a difference and changing the world, one cubicle and one workplace at a time.

Selisse Berry  
Chief Executive Officer  
Out & Equal Workplace Advocates

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# EXECUTIVE SUMMARY

## Introduction

The 21st Century workplace in Corporate America has seen a dramatic shift in recent years with respect to the diversity of its employees and of the candidates it seeks to recruit. The creation of an inclusive business atmosphere can influence how a younger generation of workers perceives a company and exemplifies what they value in a competitive market place. The term diversity itself has undergone a broadening of meaning. Once a “code word” for women and minorities in the workforce, or applied to personal aspects such as “race, religion, or creed,” we now know and expect diversity to include “gender, sexual orientation, gender identity and gender expression.” Each and every day, more companies are recognizing the value of creating and maintaining an inclusive workplace that respects and celebrates the individuality of its employees and their contributions to the success of the enterprise.

Despite this very positive trend, many companies continue to struggle with taking that next step: adopting policy and procedures that support these dimensions of diversity. This is never more apparent than when a transgender or gender-diverse employee decides to live as their authentic self and begins a gender transition in the workplace or when a job applicant discloses they are transgender or gender-diverse.

## Guideline Objectives

The Workplace Gender Identity and Transition Guidelines (WGITG) provide information for supporting an employee through a gender transition, or establishing an environment where non-binary gender expressions are not an issue. The WGITG advise the transitioning employee, their co-workers, managers and business-based Human Resources partners of their roles in the process. The WGITG are meant to be flexible enough to support customizing a transition plan specific to the circumstances of a transitioning or gender-diverse employee, but also specific enough to provide a consistent framework for managing the transition process.

## Company Policies

Employees are always expected to conduct themselves consistent with company policies and mission statement if there is one. The company’s Equal Employment Opportunity (EEO) policy should include gender identity and expression. Discrimination or any other inappropriate behavior directed against anyone because of their gender identity or gender expression is prohibited. In addition to company policies, Title VII of the 1964 Civil Rights Act specifies that it is unlawful to discriminate based on sex and the Equal Employment Opportunities Commission (EEOC) has concluded that “sex” includes gender identity, gender expression or sex stereotyping. The protection of Title VII ‘extends to claims of discrimination based on an individual’s gender which includes their transgender status’ (Title VII Memo 14-1429; 18 Dec 2014). Your workplace philosophy should be consistent with these principles so that all employees are treated fairly and with respect.

## Transition Planning

Just as with any major life changing event, it is recommended that the employee have support throughout their transition. Medical protocols should look to the World Professional Association Transgender Health Standards of Care (WPATH SOC) Version 7 (or the most recent version) for guidance. This document is available at <http://www.wpath.org>.

Companies are urged to develop a confidential transitioning “project plan” detailing what needs to be done in preparation for the employee’s eventual gender transition. In consultation with the transitioning employee, management will need to consider who will be confidentially informed about the decision and who may be part of the support and advocacy network for the employee while at work. Persons to consider include: the employee’s manager (or another member of that employee’s management chain), a member of business-based Human Resources, an Employee Assistance Plan resource, a trusted member of the company LGBTQ employee resource group (ERG), a representative from the Office of Diversity & Inclusion,

the Gender Transition Liaison (if that role is appointed) or other already-transitioned employees within the company. There is no ‘best’ method of transitioning so it is important that all parties involved use an adaptive process regarding the transition plan, adjusting and revising the plan as each individual transition progresses to ensure the best possible outcome.

### **Appearance, Customer & Supplier Contact, Restrooms**

The company has the right to regulate employee appearance and behavior in the workplace for reasonable business purposes. A transgender employee is permitted to dress consistently with their gender identity and is required to comply with the same standard of dress and appearance that applies to all other employees in their workplace and similar position. The decision as to if or when and how, to begin a transition socially remains the employee’s choice. It should be noted that transitioning or gender non-conforming employees do not need to change their legal documents in order to present as their desired gender in the workplace, to change their name at work or their email, etc. If the employee does change their name, name (and pronoun) changes should be honored in all contexts. However, payroll is linked to the employee’s Social Security Number for tax purposes, and the employee should change their name with the Social Security Administration and their financial institution before payroll changes take place.

**Each and every day, more companies are recognizing the value of creating and maintaining an inclusive workplace that respects and celebrates the individuality of its employees and their contributions to the success of the enterprise.**

If the employee is in a role where they have contact with external customers or suppliers, the transition plan and communication strategy should include developing a message and timing for advising these external individuals. It may be helpful to include a statement of the Company non-discrimination policies within that messaging.

Access issues related to restrooms and other gender-segregated facilities (e.g., locker rooms) will be handled with sensitivity. The company has the obligation to provide transitioning employees with the same level of facilities access available to other employees but must also respect the needs of co workers and the comfort of all employees. Transgender and gender non-conforming employees will be permitted to use the facilities that correspond to their gender identity and expression.

### **Guidelines for Management & Human Resources**

Company support is critical for an employee who informs you of their intention to transition or is in the process of transitioning. The actions of management will play a key role in the successful outcome of the overall transition in the workplace. A lack of knowledge about transgender and gender non-conforming issues has the potential for creating misunderstanding and tension in the workplace. It is important that management demonstrate the behavior that all employees will be expected to follow. Any negative concerns that co-workers may have should be addressed swiftly by Human Resources and management.

If you are not familiar with the LGBTQ community, allow the employee to educate you or seek information from the resources listed in the full WGITG document. Human Resources should provide advice and assistance for supervisors working with a gender-diverse or transitioning employee and should be responsible for establishing the initial conversation and planning. Partner with Human Resources and contact them if you have any questions or concerns. If established, members of the company’s

LGBTQ ERG may also be able to assist.

Human Resources may be the first point of contact with an employee who has indicated that they wish to transition within the company. The human resource staff should be key leaders in working with and developing a suitable transition plan based on the employee's expectations and the company's ability to adequately develop a communication strategy based on the overall plan. A qualified transition team leader, a member of HR or Diversity & Inclusion (D&I) leader, should be appointed to facilitate and work directly with the gender-diverse or transitioning employee.

The HR or D&I leader will also help to facilitate knowledge about health insurance coverage, medical leave, Employee Assistance Program (EAP) counseling, name, email, and document (tax, ID, badging, and security clearances) revisions as appropriate that will need to take place throughout the company or with third party providers. It is important that IT be part of the overall planning from an early stage to ensure that all needed revisions to company's IT infrastructure are completed by a specific date to be determined with the employee as part of the individualized transition plan.

### Summary

Transgender and gender-diverse employees have the right to be who they are, openly, just like everyone else, which includes expressing their gender identity without fear of adverse consequences in the workplace. Similarly, the company has the right to expect that employees and support the needs of the business to function smoothly. This document advocates the use of a well-developed transition plan based on mutual respect for the transitioning or gender-diverse employee, their co-workers, customers, business partners and management. Such a plan, helps all affected parties in the workplace sphere successfully navigate the change and contributes to the company's ability to diminish or eliminate workflow disruptions.

The WGITG is a living document and may be revised as legal or procedural advancements occur. Please advise your HR and D&I staff to check the Out & Equal Workplace Advocates website periodically to ensure the latest version of these guidelines are in use at your company.

**“Race, ethnicity, sexual orientation, gender... professionals in today’s evolving workforce are more diverse than ever. But oftentimes, they look at our more traditional leadership roles and don’t see people who necessarily look, act, or think like themselves. To attract the top talent throughout the profession, we need to create a nurturing and open environment where people can be themselves and bring their perspectives, experiences and unique strengths. By fostering an inclusive environment we will continue to attract, develop and retain the best people and will make a powerful impact on them, our clients and our profession.”**

*Deborah DeHaas, Chief Inclusion Officer, Deloitte*

# INTRODUCTION

The 21st Century workplace in Corporate America has seen a dramatic shift in recent years with respect to the diversity of its employees and of the candidates it seeks to recruit. What is also evident is that the term diversity itself has undergone a broadening of meaning. Once a “code word” for women and minorities in the workplace and applied to personal aspects such as “religion, race or creed,” we now know and expect it to include “gender, sexual orientation, gender identity and gender expression.” Each and every day, more companies are recognizing the value of creating and maintaining a workplace that respects and celebrates the individuality of its employees and their contributions to the success of the enterprise.

Despite this very positive trend, many companies continue to struggle with next steps: adopting policy and procedures that support these dimensions of diversity. This is never more apparent than when a transgender or gender-diverse employee has decided to live as their authentic self and begins a gender transition in the workplace or when a job applicant discloses they are transgender or gender-diverse. For many companies, developing a set of guidelines that navigates the company and the individual through a workplace transition with dignity, respect and ease can be a daunting task indeed.

As a result, you may have come to these Guidelines for one of the following reasons:

- » You are a Human Resources or Diversity & Inclusion professional and have a transgender or gender-diverse employee(s) who has expressed their need to transition on the job, or you have a transgender or gender-diverse employee(s) that has already transitioned and whom you wish to ensure is being fully supported in the workplace; including the appropriate coverage from the company’s healthcare and benefit plans.
- » You are a leader in your LGBTQ Employee Resource Group (ERG) working to position your company as more inclusive in order to meet the latest set of requirements from the Human Rights Campaign (HRC) Corporate Equality Index (CEI) and be recognized as

one of the premier workplaces for LGBTQ-identified individuals. You and your ERG work with your company’s senior leadership team on the business case that illustrates how a fully inclusive workplace best positions the company to attract, recruit and retain the best and brightest individuals from an ever-diversifying universe of talent.

- » You are a transgender or gender-diverse employee who is planning to transition in your workplace and you are searching for resources to help guide you and your employer through the process so that you can successfully transition and continue to be a valuable asset to your employer—and have a policy and set of procedures in place for those that follow you.

Regardless of who you are and what brought you to this document, it is the goal of the Transgender Advisory Committee of Out & Equal Workplace Advocates to comprehensively guide you through the process of a workplace transition and in so doing create workplaces, one company at a time, that are more open and inclusive of transgender and gender-diverse talent.

The Committee, made up of transgender men and women each with their own personal and workplace transition stories, fully recognizes that every transition is a deeply personal—and an individual—process. We also understand, on a very visceral level, that when someone transitions they do not do so alone, whether it is inside or outside the workplace.

What you are about to read represents the sum total of our experience with our employers, other companies and our collective learning from our years of involvement in the workplace equality movement. It is our sincere hope that this document provides a comprehensive pathway to success for you and your company. Since the WGITG is a living document, and may be revised as legal or procedural advancements occur, please check the Out & Equal Workplace Advocates website to ensure the latest version of these guidelines are in use at your company.

We wish you much success!

The Members of the Transgender Advisory Committee  
Out & Equal Workplace Advocates

## GUIDELINE OBJECTIVES

The Workplace Gender Identity and Transition Guidelines (WGITG) provide information for supporting an employee through a gender transition or establishing an environment where non-binary gender expressions are not an issue. The WGITG advises the transitioning employee's co-workers, managers and business-based Human Resources partner of their roles, responsibilities and expectations in the process. The WGITG is meant to be flexible enough to support customizing a transition plan specific to the circumstances of a transitioning or gender-diverse employee, yet also specific enough to provide a consistent framework for managing the transition process. If you are unfamiliar with the terminology surrounding a gender transition it may be helpful to first refer to *Appendix A: Definitions*, before reading the balance of the WGITG.

# GENDER TRANSITION IN THE WORKPLACE: AN EXTREMELY PERSONAL DECISION

For many lesbian, gay, bisexual, transgender, queer or gender-diverse (LGBTQ) employees, “coming out” to co-workers or a manager is a very personal decision based on that individual’s comfort level. However, employees planning a gender transition while in the workplace have no choice; they must “come out” to those they work with daily to complete the process. The issues surrounding a gender transition are very complex. People who experience or express their gender outside of conventional or cultural expectations will encounter many unique challenges. A supportive and respectful work environment is vitally important for all employees, but is particularly critical for transitioning and gender-diverse employees.

There are many different ways to proceed in establishing the framework for a gender transition. There is no “best” way to transition, therefore it is important that the transition plan be developed to be as adaptive and flexible as possible for the situation and circumstances at hand. When creating a transition plan, having enough time to fully develop and agree on all aspects of the plan will be vital to its success. It is preferred that the transition occur in a gradual manner by which all concerned are notified of the transition plan. Therefore, it is preferred that the employee does not actually come to work as their desired gender for several weeks or months or until an agreed upon plan is in place. During this time it is the role of senior management to ensure an inclusive work atmosphere so that any employee can express their gender according to how they specifically see themselves.

Given that transitioning employees must “come out” in the workplace to live in a manner consistent with their gender identity, responsible employers will need to become involved in an employee’s transition. These guidelines have been developed to assist companies that may be struggling with this issue or are experiencing it for the first time. They are designed to foster a dialogue and an understanding of what it means to be transgender and issues concerning gender diversity in the workplace. The

guidelines include recommendations to the employee, co-workers, management and the business-based Human Resources partner on how to provide a welcoming, safe and supportive work environment for those employees seeking to embrace their authentic selves.

## The Role of Senior Management

When announcing an employee’s plan to transition, visible support from senior management sends a strong message of respect for the individual, for diversity and inclusion and for setting the tone regarding expectations from staff. Depending on the size of the company, it is strongly recommended that the transitioning employee engage with a senior executive such as a Vice President, Company President and senior member of Human Resources. The role of the executive/sponsor will be to send top-down respectful and inclusive messages that will make strong impressions and set standards and expectations for appropriate attitudes and behaviors for all employees within the company. As needed, managers should reiterate these messages regularly. The need to minimize disruption from the day-to-day business routine work schedule and that business shall continue as usual will be balanced with any educational needs of co-workers.

Transgender and gender-diverse employees have the right to be able to express their gender without any type of discrimination. This includes expressing themselves without the fear of negative consequences. Similarly, the company has the right to expect that employees recognize the ongoing nature of conducting a business. Transition planning based on mutual respect is the best and appropriate approach.

Employers and colleagues should also be aware that there may be transgender employees in the workplace who have not notified others of their transition or who may be resuming a transition that began many years prior to your awareness. These employees also deserve respectful and confidential treatment concerning their needs. If you have questions concerning your rights or

# COMPANY POLICIES

## Overview

Employees are always expected to conduct themselves consistently with company policies and mission statement if there is one. The company's equal opportunity policy should include gender identity and expression. Discrimination or any other inappropriate behavior directed against anyone because of their gender identity or gender expression is prohibited. These principles should be consistent with your workplace philosophy that all employees will be treated fairly and with respect. Within the United States and Puerto Rico (if applicable for your company), gender identity or expression is included in the list of characteristics that are protected under the following company policies, documents prohibiting discrimination:

- » Equal Employment Opportunity Policy
  - Includes Non-Discrimination
  - Harassment Free Workplace
- » If the company has a Diversity & Inclusion Policy

If the company has affiliates or subsidiaries outside the United States and Puerto Rico they should also have the same non-discrimination and harassment free workplace policies. An employee's failure to comply with policies prohibiting discrimination or harassment in the workplace could result in corrective action, including termination of their employment.

In addition to company policies, Title VII of the 1964 Civil Rights Act specifies that it is unlawful to discriminate based on sex and the Equal Employment Opportunities Commission (EEOC) has concluded that "sex" includes gender identity, gender expression, or sex stereotyping. Gender encompasses not only a person's biological sex but also the cultural and social aspects associated with "masculinity and femininity." If an employer discriminates against someone because the person is transgender, the employer has engaged in disparate treatment "related to the sex of the victim." This is true regardless of whether an employer discriminates against an employee because the individual has expressed their gender in a non-stereotypical fashion, because the employer is uncomfortable with the fact that the person has

transitioned or is in the process of transitioning from one gender to another, or because the employer simply does not like that the person is identifying as a transgender person. In each of these circumstances, the employer is making a gender-based evaluation, thus "violating the Supreme Court's admonition that 'an employer may not take gender into account in making an employment decision.'" Thus, a transgender person who has experienced discrimination based on their gender identity and expression may establish a prima facie case of sex discrimination.<sup>1,2</sup>

## Non-discrimination

In the United States and Puerto Rico, the company's non-discrimination policies should be made available to all employees. Please note that these policies should include protections against gender discrimination. The 'Company' prohibits inappropriate conduct based on an employee's or applicant's characteristics or status protected by law. These policies illustrate appropriate conduct towards a transgender and gender-diverse person. These policies also inform what you should do if you believe you have been subjected to conduct prohibited under applicable policies.

## No Retaliation

The 'Company' will not tolerate threats or acts of retaliation against individuals because they, in good faith, reported conduct believed to violate equal opportunity policies or provided information in connection with such a report by another individual. In the event an employee believes that they are being retaliated against in violation of company policy for making such a report or providing such information, the employee should report the concern immediately, using the reporting procedures described in the Equal Employment Opportunity policy or other applicable company policy prohibiting discrimination and retaliation.

## Health Benefits

U.S. Health Benefits: Transgender and gender-diverse employees diagnosed with Gender Dysphoria (GD) are eligible for and are not excluded from medically necessary care associated with their general health

# CONSIDERATION OF AN EMPLOYEE'S EXPECTATIONS

including any medical procedures associated with the transition process. Insurance coverage varies from company to company, and whether a PPO or HMO (if applicable) type health plan is available. If an employee is planning on a medical transition, it is important that they contact their HR, Benefits, or Insurance representative to learn about plan coverage. See Appendix C for further information on what may or should be covered through your benefit(s) plan. In general, a HMO health plan may financially cover procedures to a greater extent than a PPO based plan.

Outside the U.S. many countries have primary medical coverage that is driven by national regulations. Countries with private insurance may follow their common standards and should be explored fully to determine the extent of benefits available.

## Right to Privacy

Transgender and gender-diverse employees have the right to be who they are without unnecessary disclosure of medical or personal information. In addition, current and prospective employees who encounter problems concerning identification documentation; such as payroll and insurance forms, should feel comfortable raising those concerns with their business-based Human Resources partner directly. 'Company' policies and various federal, state and local laws protect employee privacy regarding medical history and other records.

## Leave & Time Off

The transitioning process may require multiple visits to medical professionals which may include various medical procedures that could require an employee to take time off from work. Company policies on leave and time off apply to transitioning employees to the same extent as they would to employees who have other necessary medical procedures. The Manager and business-based Human Resources or appropriate partner should assist the employee in understanding their benefits through referral to the appropriate resources for leave and time off benefits. It cannot be understated that these conversations are always treated confidentially.

The considerations discussed here refer to an assessment of the employee's expectations regarding the timing of the transition and the organization's ability to accommodate that timeline, as well as allowing the transition team to understand more fully what the employee is doing to facilitate the transition based on the employee's mental and medical health.

## Employee Expectations

It is extremely important that the employee has a clear and realistic expectation as to what their eventual transition goal will be. Even if at the present time, the employee does not entirely know if they will transition 'fully' to the opposite gender, they need to have a goal in mind and what they wish to achieve when they confidentially announce their transition in the workplace environment. For the employee, it may be a transition that includes various medical and surgical procedures, or it may be limited to changing their appearance, name or gender markers to coincide with their internal feeling of gender and desired gender expression. A sense of timing for the transition should be known, which may be based on several factors, but one of which will be any medical or surgical driven changes in physical appearance.

As these changes will be happening, the employee has the right not to be harassed or otherwise feel that they are being excluded from customary work activities. Every effort should be made on the employer's part to facilitate an atmosphere where the employee will be welcomed and included in business as usual. During any changes, the employee will have the right to use the restroom facilities according to their current gender expression. At some point in the transition process, an announcement should be made as to when the employee is formally changing their gender, so as to eliminate confusion and any apprehension on the part of fellow employee and colleagues. See the section on Transition Planning for further guidance.

## Employer Expectations

The organization or the employer has a reasonable expectation that the employee will continue to act according to all company policies during the transition process and that no "special consideration" shall be given above and beyond what the company would do for any other employee going through a major life change. The employer should make every effort to accommodate reasonable requests in association with transition planning, any medical leave and recovery necessary for the employee to return to work in same or even a higher job level (if warranted) as before the transition process. The employer has the right to expect business as usual from the employee but also from all work colleagues, internal and external customers. At NO time will the transitioning employee be made a 'scapegoat' or be blamed for the negative action of others in relation to the employees' transition. This could constitute sex discrimination in the workplace.

## Mental Health

Just like any major life changing event, it is recommended that the employee have support throughout their transition. In many successful transitions, the most critical aspect is to seek the care of a health professional who can help guide the individual through not only the acceptance of their transgender status but also with their adjustment to their new lives. The transgender employee should seek out, if they have not already done so, a health professional who is recognized by the World Professional Association for Transgender Health (WPATH) and follows the current version of their Standards of Care (SOC), formerly known as the Harry Benjamin Standards of Care. The latest version of the SOC is version 7, [www.wpath.org](http://www.wpath.org). It is also highly recommended to have a support network of family, friends and co-workers that can assist the transgender person in their transition process. It is important for the employee to have active and meaningful engagement with people that can give them open and honest feedback and guidance at critical stages of the transition process. These stages will be dependent on how the employee is handling these events and what they think or feel is needed to help them along the process in a positive manner.

**The employer has the right to expect business as usual from the employee but also from all work colleagues, internal and external customers.**

## Medical Health

Concurrent with mental health treatment, there may be medical assessments that some transitioning people undergo, including routine physicals and assessments and starting on HRT/CHT (hormone replacement therapy/ contra-hormone therapy) for the physical transition.

Once the transitioning employee is comfortable with the assessment performed by their mental health and medical providers, they should be ready to discuss confidential timelines with their workplace organization. The goal is to reach agreement on a timeline (see Transition Planning) regarding when the employee will begin to come to work presenting as their true gender. In order to more accurately estimate this, it is highly recommended that they prepare a confidential transition project plan. There is no time limit on the overall plan but it may want to contain certain milestones that will give the employee and key stakeholders something to strive for. This can be very useful in ensuring that the transition is handled as well as possible for all parties through transparent communications. If HRT/CHT treatment has already begun, the employee should alert management and the business based Human Resources partner as to when physical changes may become noticeable. Medical protocols should also follow the WPATH SOC Version 7, or the most recent version, available from the World Professional Association for Transgender Health at [www.wpath.org](http://www.wpath.org).

# TRANSITION PLANNING

## Notification of Transition

Companies are urged to develop a confidential transitioning project plan of what needs to be done in preparation for the employee's eventual gender transition. In consultation with the transitioning employee, management will need to consider who will be informed about the decision and who will be part of the support and advocacy network for the employee while at work. Persons to consider include: the employee's Manager (or another member of that employee's management chain), a member of business-based Human Resources, an Employee Assistance Plan resource if applicable, a trusted member of the company LGBTQ employee resource group (ERG) if applicable, a representative from the Office of Diversity & Inclusion, the Gender Transition Liaison (if that role is appointed) or other already-transitioned employee(s) within the company.

After developing a timeline, an employee beginning the transition process should confidentially contact their immediate supervisor and/or business-based Human Resources partner and be prepared to speak about their intentions, needs and concerns as appropriate in order to develop a confidential transition plan. Contact should be made by the employee well ahead of the employee's planned transition date or date that they will begin to present in their desired gender. If an employee needs assistance in order to make these contacts, the employee should contact the local Human Resources department, the local Employee Assistance Plan resource or (co-) chairs of the LGBTQ employee resource group.

If the initial contact is made with the business-based Human Resources partner, it is important at some point that the employee's immediate supervisor becomes part of their support team. Transitioning employees with the possible assistance of an external coach or consultant should be prepared to educate their manager, Human Resources and others in understanding what their needs may be. The manager and Human Resources representative should advise the transitioning employee that these guidelines are available and where they

are located. Internal and external resources that may be considered to assist transitioning employees in this educational effort are listed at the end of this document.

## Transition Planning Considerations

It is advisable to develop a transitioning project plan of what needs to be done in preparation for the employee's eventual gender transition. This is not meant to dictate a pace or style of a timeline. It is meant to provide a framework for guidance. In order to assist in the transition process, a basic list of which actions need to be completed, in the order they need to be done and a time estimate for each might be enough. Items might include:

1. Creation of a transition team and who will participate on this team
2. The date of the transition, i.e., the first day of the change of gender presentation, pronoun usage and name. Recognize that the date of the transition will be driven primarily by the employee's situation and concerns
3. Development of a communications strategy to include:
  - a. How employee's workgroup, other work colleagues, clients, and vendors will be informed of the change. Before a general announcement, the employee may choose to talk to some of their co-workers or others to disclose their plans on a one-on-one basis. Doing this through email is strongly discouraged and should not be done. Contact should be face to face or by phone if at all possible
  - b. Utilization of a senior management sponsor in supporting the communications
  - c. Development of consistent messaging through-out the organization
  - d. Opportunity for feedback from co-workers
4. Provide an educational workshop, for example Out & Equal ([www.outandequal.org](http://www.outandequal.org)) or an expert consultant with competencies on "Transgender 101 training," which can be given to employees.
5. Plans to address promptly any inappropriate

response to the transition within the workplace, after the initial announcement of transition plans.

6. What changes will be made to records and systems and when they will be made
7. How the current policies against discrimination, harassment and benefits will protect this employee on an on-going basis
8. How the dress code will be followed
9. The expected plan for use of gender-specific facilities, such as restrooms and dressing rooms
10. Planning for back up during any time off required for medical treatment if needed or known

Once a transition plan is prepared, tasks can be assigned to those on the transition team and can be used to check in with all parties on the progress of the activities identified to best support the employee and the company. Appendix B provides additional details on preparing a transition plan.

### Changing Identification

When someone undergoes a gender transition, whether it is medical or not, there may be a need to have the gender marker changed on their official identification. This generally consists of a driver's license and passport. According to federal regulations, there is no need to have gender conformation surgery to change the gender marker on the passport. This also applies to changing your gender marker with the social security administration; no gender conformation surgery is needed.

States are currently revising their requirements for changing the gender marker on driver's licenses and birth certificates. Therefore, it is important to know what the current regulations are for your state. Most states will not require proof of surgery to change the gender marker on your ID or driver's license. If they do, this may be appealed within the court system. A good resource to check on what may be needed for your state is the ID Document Center at the National Center for Transgender Equality, [transequality.org/documents](https://transequality.org/documents) and the Transgender Law Center, [transgenderlawcenter.org](https://transgenderlawcenter.org).

For those individuals that are coming from another country, it is important to note that their official national gender identification may say "other", "X", or

"intermediate", depending on the country of origin. This is not a complete list of possible gender markers given in other countries so the reader must understand that not everyone will be identified by the gender binary of male and female. This would be especially important during the hiring and on-boarding process.

## GUIDELINES FOR MANAGEMENT & HUMAN RESOURCES

The support of HR is critical to an employee who informed the company of their intention to transition, or an employee currently in the transitioning process. The actions of HR will play a key role in the successful outcome of the transition in the workplace. It may be frightening or overwhelming for an employee to make himself or herself vulnerable to a person upon whom their job depends. If you are not familiar with the LGBTQ community, allow the employee to educate you, or seek information from the resources listed at the end of this document. Be open-minded and discuss with the employee their needs and concerns. Human Resources will provide advice and assistance for supervisors working with a transitioning employee. The transitioning employees should partner with Human Resources and contact them if there are any questions or concerns. Members of an ERG (the LGBTQ Employee Resource Group of the company) can also assist.

When an employee notifies or comes to HR and indicates their intent or are in the process of transitioning, HR should immediately indicate their willingness to work with and support the employee during the entire process, both before the announcement, during the time of transition and afterwards.

If issues arise during any stage of the transition, they should be dealt with swiftly and with the full support of senior management. Human resources will clearly communicate their support of the transitioning employee and anyone who displays negative feelings toward a transitioning employee in the workplace will be

counseled by HR. As deemed necessary, HR will take corrective action against the offending employee.

At no time will the transitioning employee be made to feel they are the cause of someone else's negative reactions.

### **Considerations of Confidentiality**

Transgender employees have the right to privacy and must not be compelled to disclose medical information. The transgender status of an employee is confidential and should only be disclosed on a need-to-know basis, and only with the consent of the employee. This information may not be Protected Health Information (PHI) and thus legally and confidentially covered under HIPAA but nonetheless should be considered private health information.

If the employee is comfortable with this level of interaction, then it is highly recommended that the transitioning employee participate in disclosure to their closest coworkers, but not necessarily to the larger or wider circle of employees who may need to know of the employee's transition. If an employee is uncomfortable with participating in any level of disclosure, then they should not be made to do so, a letter or communication from management should be used instead.

The 'Company' should have policies that along with various national and local laws protect employee privacy regarding medical history and other records. Current and prospective employees who encounter problems concerning identification documentation, such as payroll and insurance forms, should feel comfortable raising those concerns with their business based Human Resources Partner directly.

To the level that the employee is comfortable with disclosure of their transgender status, they could participate in employee training. However, it is strongly recommended that employees do not participate in training their colleagues on transgender based issues. It has been found that this only diminishes any possibility that participants can ask "awkward" questions they may feel they need to ask. Educating employees is not a matter for disseminating information, but to bring them through an emotional and transitional process to be able to develop sensitivity and respect while deepening their knowledge of gender

identity and gender transition and what it means in the workplace. Only in the rarest of circumstances would it be recommended that the transitioning employee take part in education and training, for example if the transitioning person was an employee of a very small company (10 and under employees) and if they had greater contact and working relationship with each other.

### **Initial Conversation**

Below are key points for the manager's consideration during the initial conversation. (This conversation should be scheduled following the manager becoming aware of the situation and having an opportunity to become familiar with these guidelines):

- » Employees should be informed about the company's Equal Employment Opportunity policy or other local policy addressing discrimination in employment.
- » Management should offer their assurance to the employee indicating that the company will be as supportive as possible. Management shall reaffirm their commitment to confidentiality and will be available to discuss how the transitioning employee, management, and the company can support their transition.
- » Management shall be available to join in conversations with the internal support network (i.e., business-based Human Resources partner, company ERG, etc.) to discuss managing the transition in the workplace.
- » Management shall discuss communication preferences and timing. It is suggested that the employee work with the internal support network to put together a transition plan. For example, discuss whether the employee wishes to personally inform their co-workers, clients and others. Alternatively, the manager or business based Human Resources partner may handle the communications. Encouragement should be given for the employee to directly engage with their work colleagues.
- » Management shall ask the employee if they expect to change their name. If so, ask what name and pronouns the employee will use and when the employee will want colleagues to begin referring to them using the new name and pronoun(s).
- » Management shall inform the employee about

internal resources available to support the transition. Consider including the need to engage any company supportive group for medical leaves of absence. Also direct the employee to the leave/time off policies in the company HR site if applicable or other local policy sites if time away from the office is necessary.

- » Management shall discuss any other job specific questions the employee may have.
- » Management should include if not done already, transgender and gender-diverse training in their Diversity and Inclusion training given for all employees.

### Addressing Concerns of Co-workers

A lack of knowledge about transgender or gender-diverse issues has the potential for creating misunderstanding and tension in the workplace. Key points to consider:

- » Management shall remind all employees that they are expected to conduct themselves in accordance with company policies and mission statement as applicable.
- » In addition to an initial workgroup meeting during which time, the employee's manager announces the transition (see Appendix B, **Job Related Planning for a Gender Transition**), management shall give briefing sessions or trainings for employees on transgender issues. These sessions may also serve to inform co-workers, managers and clients about their expectations when an individual begins to transition. Taking steps to increase awareness can offer a level of comfort about a transition and why it needs to occur. These steps are important for preventing misunderstandings and or issues that can negatively impact the business.
- » If the transitioning employee provides services to internal clients, communication, and education to these internal clients should be included in the transition plan communication strategy. Careful consideration is needed if these clients are in a country where there are anti-LGBT laws. The **External Resources** section has a link that lists current status of country specific anti-LGBT laws.

Managers and Human Resources must immediately meet one-on-one with co-workers who raise negative concerns about a transgender co-worker or transitioning in the workplace. The manager should take necessary appropriate action after consultation with the business

based Human Resources partner.

### Gender Fluidity, Pronouns, and Name Changes

Ever increasing in the workplace are younger employees who transition on the job and who may or may not change their name or their gender marker, but dress in accordance with how they understand their true gender identity to be. These gender-diverse employees can be considered non-binary transgender individuals or genderqueer. They may choose to use plural or various pronouns and this could be a substantial adjustment for coworkers and management to achieve.

When a transgender employee does revise their demographic data, then employee records and work-related documents should be retained under the individual's legal name (as reflected on identification documents verified at the start of employment) until the individual makes a legal name change. Where a person's legal name does not match their new name, the new name should be used on all documentation where possible, such as e-mail, phone directory, company identification card or access badge, security clearances, name plate, etc., except where records must match the legal name, such as on payroll and insurance documents. In everyday written and oral speech, the new name and pronouns should be used when the employee is ready.

**8.4.1. Note on pronouns:** If a co-worker is transitioning and you are not certain which pronouns to use at any given time, it is appropriate to respectfully ask their name and which pronouns are preferred to be used. It is considered disrespectful to refer to someone by the wrong pronouns after establishing a preference. Again, transitioning employees should be prepared to help educate their co-workers and not take immediate offense to an honest mistake. It will take people time to adjust to someone who is changing their identity. But continuing to use the wrong name or pronoun can constitute harassment in the workplace.

# APPEARANCE, CUSTOMER & SUPPLIER CONTACT, RESTROOMS

## Company expectations

The company has the right to regulate employee appearance and behavior in the workplace for reasonable business purposes. A transgender or gender-diverse employee is permitted to dress consistently with their gender identity and is required to comply with the same standards of dress and appearance as it applies to all other employees in their workplace and similar position. The decision as to if or when and how, to begin a transition socially remains the employee's choice. Generally, the employee may dress in accordance with their desired gender as indicated by the employee's treating physician or psychological health care provider. Once the employee begins presenting as their authentic gender they should realize that co-workers may be confused if the transitioning employee is not consistent in their gender presentation going forward. Additionally, those co-workers may need time and education to fully understand that someone may desire to change their gender presentation.

## Customer & Supplier Contact Employees

If the employee is in a role where they have contact with external customers or suppliers, the transition plan and communication strategy should include developing a message and timing for advising these external individuals. It may be helpful to include a statement of the Company non discrimination policies within that messaging.

Transgender or gender-diverse employees who are tasked with engaging with external customers or suppliers are held to the same appearance standards as other employees with similar responsibilities. Customer preference is not a reason to deny an employee the right to dress consistently with their gender identity.

## Restroom Access

Access issues related to restrooms and other sex-segregated facilities (e.g., locker rooms) will be handled with sensitivity. The company's legal obligation is to provide transitioning employees with the same level of facilities access that is available to other employees. It is important that the transitioning employee be respectful of how comfortable other employees may feel. The transitioning employee may use reasonable single-occupancy or unisex facilities for a temporary period during their transition process, if desired. If coworkers are uncomfortable with a transgender employee using the facilities that correspond with their gender, it is suggested that the coworkers with the issue use another restroom, reasonable single-occupancy or unisex facilities until they are comfortable with the transgender employee. A transitioning employee will not be required to use the restroom of their designated sex at birth after they have begun transitioning. Asking a transgender employee to use a different restroom facility that corresponds to their gender expression or denying the use of common restrooms consistent with an employee's identity because they are transgender, is a form of gender-based discrimination as ruled by the EEOC, and is a violation of the Title VII of the 1964 Civil Rights Act.<sup>1,2</sup> These recommendations are consistent with "Best Practices—A Guide to Restroom Access for Transgender Workers", Department of Labor<sup>4</sup> ([www.dol.gov/asp/policy-development/Transgender-BathroomAccessBestPractices.pdf](http://www.dol.gov/asp/policy-development/Transgender-BathroomAccessBestPractices.pdf)).

## Health Insurance

Within the US, exclusions listed in many healthcare policies sold to businesses have often been written so broadly as to prohibit coverage for even basic primary health care for transgender individuals, and that some insurance regulators have found exclusions to be discriminatory. Employers should take the initiative to review their health benefit policies to ensure that they are

not excluding transgender, transsexual or gender-diverse employees or eligible dependents from receiving necessary and effective medical care.

Since 2002, the Human Rights Campaign (HRC) Corporate Equality Index (CEI) has provided a mechanism for many large companies to be rated competitively on specific policies and practices related to LGBT employees and their families. In order for a company to achieve a 100% CEI rating, they must offer transgender-inclusive health benefits, among other elements that focus on transgender competencies. See [www.hrc.org](http://www.hrc.org) for more information about the CEI scoring criteria. It is vital to remember companies with policies, practices and benefits that acknowledge the equality of LGBT people are particularly attractive to younger customers, business partners and potential employees, even those not LGBT themselves. Increasingly they desire to be associated with, and do business with companies whose employment policies are progressive and inclusive of LGBT people.

Health insurance benefits that are available to all employees should be equally available to transgender employees, and should be offered in accordance with WPATH standards to provide appropriate medically necessary care for the transgender person. There should be no exclusion of any medical procedures associated with the treatment of gender dysphoria. These procedures that may include but not limited to facial feminizing or masculinizing surgery, breast removal or augmentation, electrolysis, etc.

Most health insurance policies are regulated by state laws. Regulatory agencies in several states have recently issued regulations prohibiting the sale of policies that deny coverage on the basis of gender identity or transgender status. Treatments, procedures and medications that are available for non transgender people, must be made available for transgender people with no exception.

**Transgender or gender-diverse employees who are tasked with engaging with external customers or suppliers are held to the same appearance standards as other employees with similar responsibilities. Customer preference is not a reason to deny an employee the right to dress consistently with their gender identity.**

Additionally, having a transgender status or history should not preclude that individual from obtaining necessary basic, preventative, emergency or transition-related medical care.

Companies that are self insured are regulated by The Employee Retirement Income Security Act of 1974 (ERISA), which exempts them from the constraints of some state law. However, it is arguable that state law may

control in some limited circumstances. In addition, employers, insurers and third-party administrators may have a duty under federal law to avoid discriminatory policies. However companies that are self-insured have greater latitude in customizing their plans to be transgender inclusive. Recently with the Affordable Care Act's directive of non-discrimination in health insurance plans and the removal pre existing conditions as a barrier to care, as well as Medicare's lifting of transgender surgery exclusions in 2014, it may be deemed rational to say that there is now within ERISA an assumption of equality to be had with ERISA-based medical plans. This is still an area of uncertainty and flux and it is up to the employer to understand their plans' limitations and their own capacity to negotiate insurance contracts with third party administrators. Guidelines for reviewing policies and for implementing inclusive coverage are listed in the External Resources section of this guide. Documents that can assist companies currently without coverage are available that support the business case for transgender-inclusive insurance (See External Resources—Health Insurance). External expert consultants may also be engaged to provide assistance in analyzing existing policies and advocating within the company to establish equal benefits if they are not currently in place.

## References

- » Accessed 18 May 2015  
[www.eeoc.gov/federal/otherprotections.cfm](http://www.eeoc.gov/federal/otherprotections.cfm)
- » Accessed 19 May 2015  
[www.eeoc.gov/decisions/0120120821%20Macy%20v%20DOJ%20ATF.txt](http://www.eeoc.gov/decisions/0120120821%20Macy%20v%20DOJ%20ATF.txt)
- » Assessed 02 June 2015  
[www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html](http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html)
- » Accessed 02 June 2015  
[www.justice.gov/file/188671/download](http://www.justice.gov/file/188671/download)

# ADDITIONAL RESOURCES

## Internal Resources for Company Employees Only

- » Glossary: see Appendix A
- » Job Related Planning for a Gender Transition: see Appendix B
- » The company's policies referenced in these guidelines
- » Local business based HR representatives
- » Operating Company Occupational health nurse or medical staff, if applicable
- » Company group that can assist with disability
- » Employee Assistance Program Professionals (sites where available)
- » Office of Diversity and Inclusion, if applicable
- » LGBTQ Employee Resource Group (ERG), if one established
- » Below are some common Company work/life sites that may be applicable from your company (Benefit Plan, Resources, Programs & Services that may be available)
  - Flexibility (Flexibility Toolkit, Work, Personal & Family time off, Resources)
  - Health & Benefits (Health, Wellness & Fitness, Benefits, Employee Assistance)
  - Financial & Retirement Planning (Savings Plan, Pension Plan, other programs and services)
  - Family Changes
  - Child Care, Parenting & Grandparenting
  - Education (Special Programs: Employee Assistance)
  - Elder Care

## External Resources

Note: This is a partial list of external resources and the employee is encouraged to seek out additional resources as needed.

- » Out & Equal Workplace Advocates—Members of the Transgender Advisory Committee and training resources: [www.outandequal.org](http://www.outandequal.org)
- » Listing of existing country specific anti LGBT laws: [en.wikipedia.org/wiki/LGBT\\_rights\\_by\\_country\\_or\\_territory](http://en.wikipedia.org/wiki/LGBT_rights_by_country_or_territory)
- » Human Rights Campaign Foundation: [www.hrc.org/workplace/transgender](http://www.hrc.org/workplace/transgender)

- » National Center for Transgender Equality: [www.transequality.org](http://www.transequality.org)
- » Gender Education & Advocacy: [www.gender.org](http://www.gender.org)
- » Parents, Family & Friends of Lesbians and Gays: [www.PFLAG.org](http://www.PFLAG.org)
- » Gay Lesbian, Straight Education Network: [www.GLSEN.org](http://www.GLSEN.org)
- » Jamison Green & Associates—Transgender Training & Policy Consulting: [www.jamisongreen.com](http://www.jamisongreen.com)
- » Lori Fox Diversity Consulting—[fox2lori@gmail.com](mailto:fox2lori@gmail.com) (630-460-3519)
- » RiverStone Consulting: [www.riverstoneconsult.com](http://www.riverstoneconsult.com)
- » Follow your Heart Consulting: [www.followyourheartllc.com](http://www.followyourheartllc.com)
- » Vanessa Sheridan & Associates: [www.vanessasheridan.com](http://www.vanessasheridan.com)
- » WPATH World Professional Association for Transgender Health: [www.WPATH.org](http://www.WPATH.org)
  
- » Transgender support information including international information: [ai.eecs.umich.edu/people/con-way/TS/TGTSISLinks.html#international](http://ai.eecs.umich.edu/people/con-way/TS/TGTSISLinks.html#international)
- » Transgender Law Center: [www.transgenderlawcenter.org](http://www.transgenderlawcenter.org)
- » Health Insurance:
  - [www.hrc.org/resources/entry/transgender-inclusive-benefits-for-employees-and-dependents](http://www.hrc.org/resources/entry/transgender-inclusive-benefits-for-employees-and-dependents)
  - [www.hrc.org/resources/entry/transgender-inclusive-benefits-are-my-employers-benefits-inclusive](http://www.hrc.org/resources/entry/transgender-inclusive-benefits-are-my-employers-benefits-inclusive)
  - [www.hrc.org/resources/entry/finding-insurance-for-transgender-related-healthcare](http://www.hrc.org/resources/entry/finding-insurance-for-transgender-related-healthcare)
  - [williamsinstitute.law.ucla.edu/research/transgender-issues/costs-benefits-providing-transition-related-health-care-coverage-herman-2013](http://williamsinstitute.law.ucla.edu/research/transgender-issues/costs-benefits-providing-transition-related-health-care-coverage-herman-2013)

## Recommended Training

- » Out & Equal Transgender Intensive training course: [www.outandequal.org/node/191](http://www.outandequal.org/node/191)

- » National Center for Transgender Equality:  
[www.transequality.org/About/training.html](http://www.transequality.org/About/training.html)

## Books

- » *Out and Equal at Work: From Closet to Corner Office* by Selisse Berry
- » *Wrapped in Blue—A Journey of Discovery* by Donna Rose
- » *Becoming a Visible Man* by Jamison Green
- » *The Complete Guide to Transgender in the Workplace* by Vanessa Sheridan
- » *Transgender Workplace Diversity* by Jillian T. Weiss, JD, PhD

## Appendix A

# DEFINITIONS

It may be helpful to understand terminology relating to gender transitions. Please refer to the additional resources if you have questions on these definitions as this list is by no means comprehensive.

### Cisgender

Refers to those individuals who experience their gender in the typical manner of someone born in that sex, in ways that society deems typical. Most people are cisgender and have no issue presenting in daily life as the gender of their birth.

### Cross-dresser

A cross-dresser wears the clothing or accoutrements, such as makeup and accessories that are considered by society to correspond to the “opposite sex.” Crossdressers typically do not seek to change their physical characteristics or manner of expression permanently or desire to live full-time as the opposite gender. Cross-dressers are sometimes called transvestites, but that term is considered pejorative. Employees who cross-dress some of the time may fear that discovery of their cross-dressing, even when on personal time, may lead to discrimination or harassment at work. A person who cross-dresses

outside of work (off-duty) is still protected by the company EEO policy prohibiting discrimination or harassment based on gender identity and expression.

### Gender expression

Gender expression refers to external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine or neutral in one culture, may not be assessed similarly in another.

### Gender identity

The term “gender identity,” distinct from the term “sexual orientation,” refers to a person’s innate, deeply felt psychological identification as “male” or “female”, which may or may not correspond to the person’s body or designated sex at birth (meaning what sex was originally listed on a person’s birth certificate).

### Gender Dysphoria (GD)

Gender Dysphoria or GD is a psychological diagnosis recognized by the American Psychiatric Association (APA) and American Medical Association (AMA). This dysphoria is marked by severe distress and discomfort caused by the conflict between one’s gender identity and one’s designated sex at birth. Not all transgender people experience gender dysphoria or are diagnosed with GD. The previous term used was Gender Identity Disorder or GID. This term is no longer used by the medical community as it was recently replaced by gender dysphoria in the updated DSM-5 manual.

### Gender-diverse or gender variance

This is the gender expression of behavior that does not match the expected normal binary of a “typical” male or female. Most individuals, cisgender or not, may display some elements that could be considered gender “non-conforming” or diverse to typical expectations.

### Gender Transition

This is a multi-faceted process that involves many individuals, not just the person who has, in the process, or wishes to move from the gender “norm” as assigned by their birth sex. The term “gender transition” refers to the process through which a person modifies their charac-

teristics or manner of gender expression to be consistent with their desired gender identity. This transition may include one or all of the following: dressing or presented as a member of the opposite gender, hormone therapy, gender conformation surgery or other procedures generally conducted under medical supervision. This transition process should be based on a set of standards developed by medical professionals and can be reviewed in the Standards of Care (SOC) developed by the World Professional Association of Transgender Health (WPATH), version 7. A medically supervised transition process typically includes “real-life experience” in which the individual lives and presents consistently as their desired gender identity.

### **Gender Transition Liaison (GTL)**

An individual who can serve through a company department such as Diversity and Inclusion, human resources or through an Employee Resource Group (ERG), and aids transitioning individuals in their journey through the process of coming out at work and their workplace transition. The GTL may act as an intermediary between management, HR, the ERG and others important to the transitioning employee in the workplace.

### **Gender Queer or Genderqueer (GQ)**

Similar to transgender (but not the same), this is a broad term to identify people who may not fit into the normative gender binary. Individuals may have overlapping male and female identities and or consistent of two or more genders (bigendered or pangendered). An individual may consider themselves to be nongendered or have no definable gender. This could also be considered gender fluid, non-binary transgender or gender-diverse. Some individuals may even wish to take steps to modify their physical appearance or take hormones but do not consider themselves moving toward their opposite birth sex and may still refer to themselves according to their birth sex.

### **Sexual orientation**

“Sexual orientation” is the preferred term used when referring to an individual’s physical or emotional attraction to the same or opposite gender. “Heterosexual,” “bisexual” and “homosexual” are all sexual orientations. A person’s sexual orientation is distinct from a person’s gender identity and expression.

### **Transgender**

A broad range of people who experience or express their gender differently from what most people expect—either in terms of expressing a gender that does not match the sex listed on their original birth certificate (i.e., designated sex at birth) or physically changing their sex. It is an umbrella term that includes people who are transgender or otherwise gender-diverse. Not all people who consider themselves (or who may be considered by others as) transgender will undergo a gender transition.

### **Transitioning**

The term “transitioning” refers to the process through which a person modifies their physical characteristics or manner of gender expression to be consistent with their gender identity. This transition may include hormone therapy, sex-reassignment surgery or other procedures and is generally conducted under medical supervision based on a set of standards developed by medical professionals. The transition process may include a certain time period in which the individual lives and presents consistently with their gender identity under medical supervision.

### **Transsexual**

This is a medical term meaning a person who has changed or is in the process of changing, their sexual characteristics for the purpose of living legally as the “opposite sex” which is theorized to conform to their gender identity. While some transitioning people may identify with that term, others do not for a variety of reasons: They may not have a binary identification or they may prefer the term transgender specifically because it doesn’t contain the word “sex.” In both medical literature and many community groups, people transitioning from male to female are often referred to as “MTF.” Similarly, female-to-male individuals are frequently called “FTM.”

### **MTF: “Male to Female”**

Individual who is born and perceived to be male who transitions to publicly and privately live as a female, also known as a trans woman.

### **FTM: “Female to Male”**

Individual who is born and perceived to be female who transitions to publicly and privately live as a male, also known as a trans man.

## Trans\*

The term, “Trans with an asterisk” is meant to represent the wide diversity and fluidity of gender expression and variance and eliminates the need for a specific label or attribution based on the presence or absence of any particular gender expression.

## Appendix B

# JOB-RELATED PLANNING FOR A GENDER TRANSITION

These are the steps to be considered in an on-the-job transition for a transgender employee. It may be appropriate to adapt this generic process to fit an individual person and their specific organization. This planning document can be used as a supplemental tool for the purpose of planning a transition.

### Advance Preparation

1. The transgender employee meets confidentially with Human Resources. The employee shares their transgender or gender-diverse status and intent to transition.
2. The Human Resources representative(s) and the employee meet with the employee’s senior executive to at least three levels above the employee to inform, garner support and involve them as appropriate in the announcement of the transition and development of a confidential transition plan. Management should also be provided with the location of these guidelines, which they are encouraged to read fully.) The Human Resources representative(s) and the employee would then meet with the employee’s immediate manager to share the employee’s intent to transition.
3. The appropriate stakeholders or the transition team should be identified to help plan the transition. This will include the employee, their manager and the Human Resources representative. As necessary, involve others as appropriate, such as a local coach/transgender expert or consultant; a trusted member of company ERG and Employee Assistance Program counselor as appropriate.
  - a. The stakeholders should become familiar with educational resources, including company policies and books on the subject.
  - b. Additional Recommendation: Consider which people in the company may need to be engaged and when they need to be engaged in the development and implantation of confidential transition plan during the transition process.
  - c. Consider any specific issues that need to be addressed sooner rather than later. It is better to be proactive rather than reactive when dealing with sensitive issues.
4. Plan the transition. Include solutions to the issues listed here:
  - a. The date of the transition, i.e., the first day of the change of gender presentation, pronoun usage and name. Recognize that the date of the transition will be driven primarily by the employee’s situation, concerns and the company’s ability to facilitate the announcement.
  - b. How the employee’s workgroup, clients and vendors will be informed of the change. Before a general announcement, the employee may choose to talk to some of their co-workers or others to disclose their plans on a one-on-one basis.
  - c. As part of the confidential transition plan schedule an educational workshop (for example a “Transgender 101”) made available to staff and clients. It is highly recommended that all colleagues who have a close working relationship with the transitioning person attend the training/educational workshop(s).
  - d. What changes will be made to employee records and systems and when.
  - e. Ensuring awareness of the employee’s transition team on how the current policies against discrimination, harassment and benefits protect the employee
    - This can also include identifying a

communication path if the employee feels threatened, harassed or discriminated.

- f. How the employee's senior leadership will visibly show their support eg, Memo, town hall discussions, etc.
  - g. How any applicable dress code will be followed
  - h. The expected plan for use of gender-specific facilities, such as restrooms
  - i. Any time off required for medical treatment, if applicable
5. Make advance arrangements for name changes to be effective on the day of transition, so that nameplates, badges, etc. will be available on the first day. See the list in "The First Day of Full-Time Workplace Gender Transition" below. Consider

### The Day of the Announcement

1. Hold a workgroup meeting, or include the announcement in an already-scheduled face-to-face meeting, teleconference (Global Connect, Webex, Skype, etc) with any non-local stakeholders. Everyone in the workgroup with whom the employee interacts should be included. Do not do this by e-mail. A handout is optional in conjunction with the face-to-face meeting. In addition the transitioning employee may write a letter that is read by HR or senior management on the day of the transition to the appropriate workgroups. The employee may choose to be personally present at this meeting depending on comfort level. Also, the employee may wish to give the announcement to certain groups. If this is the case, this should be timed to coincide with any announcements given by management.
2. Human resources along with the manager of the workgroup (the department head, for example) should make the announcement, in conjunction with the highest level manager in the group, to show support. The manager should:
  - a. Make it clear that the transitioning employee is a valued employee and has management's full support in making the transition.
  - b. Explain company policies on discrimination, harassment and benefits and the company support of the employee. This includes the company's obligation to provide transitioning

employees with the same level of facilities access that is available to other employees. This involves access to restrooms that correspond to their gender identity.

- c. Stress that on the transition day the employee will present themselves consistently with their gender identity and should be treated respectfully as such; for example, they should be called by the new name and new pronouns.
- d. Lead by example. Use the new name and pronouns in all official and unofficial communication.
- e. Make it clear that, within the workplace, work will continue as before. One could indicate that 'none of you would want to be discriminated against for your gender.' This is no different for the transitioning employee.
- f. Answer people's questions
- g. If a "Transgender 101" workshop is part of the transition plan, announce it. It can be offered

### The First Day of Full-Time Work

On the first day of transition, the employee's manager should take these steps, much as they would for a new or transferred employee:

1. Issue a new company identification badge with a new name and photo
2. Place a new nameplate on door/desk/cubicle/workstation
3. Update any organization charts, mailing lists and other references to the new name
4. Issue paperwork for the HR employee database, effective the first day of transition, to change the following:
  - a. New name.
  - b. Change the gender marker ("M" or "F") or as appropriate.
  - c. Update the e-mail address if it contains the old name.
5. The manager should plan to be on site with the worker the first day to make introductions, support the worker, ensure respectful and inclusive treatment and make sure that work returns to normal after a few hours.

# LIST OF MEDICALLY NECESSARY PROCEDURES FOR TRANSGENDER EMPLOYEES

The following list contains procedures developed to provide the full scope of treatment for transgender employees without barriers to complete and adequate treatment. These procedures are deemed “Medically Necessary” for the treatment of gender dysphoria and should be part of the company group benefits serving in the United States.

It is understood that not every person would have all of these procedures but rather are dependent on the nature of the treatment as discussed with the employees treating health care providers. Please contact the benefits department for further information. This list can be subject to change or addition and may require a Pre-Determination of Medical Necessity determination. Please check with your insurance provider before proceeding with any procedure to ensure they are covered. The listing below is subject to the terms and conditions of any applicable plan or policy, which will take precedence in the event of any discrepancy.

## Feminizing—Non-surgical

- » Specialized Behavioral Health Therapy for Gender Dysphoria, including individual and group sessions
- » Hormone Replacement Therapy
- » Voice and Communication Therapy
- » Facial/Body Electrolysis
- » Facial/body Laser Hair removal

## Feminizing—Surgical

- » Scalp Hair Reconstruction (including both crown and hairline reconstruction)

- » Scalp Advancement/Hairline lowering
- » Forehead contouring/ brow burnishing
- » Brow Lift
- » Blepharoplasty
- » Rhytidoplasty
- » Rhinoplasty
- » Cheek enhancement/reduction
- » Upper lip reduction/enhancement
- » Genioplasty, feminizing
- » Jaw Contouring
- » Liposuction of neck
- » Tracheal Shave
- » Breast Augmentation/augmentation mammoplasty
- » Suction-assisted lipectomy/body contouring
- » Penectomy
- » Orchiectomy
- » Vaginoplasty
- » Clitoroplasty
- » Vulvoplasty
- » Labiaplasty

## Masculinizing—Non-surgical

- » Specialized Behavioral Health Therapy for Gender Dysphoria, including individual and group sessions
- » Hormone Replacement Therapy
- » Voice and Communication Therapy

## Masculinizing—Surgical

- » Forehead Lengthening
- » Forehead Augmentation
- » Cheek Augmentation
- » Nasal Augmentation
- » Genioplasty, masculinizing
- » Thyroid Cartilage Enhancement
- » Mastectomy
- » Suction-assisted lipectomy/body contouring
- » Hysterectomy/Oophorectomy
- » Reconstruction of the fixed part of the urethra
- » Metoidioplasty
- » Phalloplasty
- » Vaginectomy
- » Scrotoplasty
- » Implantation of erectile or testicular prostheses

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## About the Out & Equal Transgender Advisory

We are especially grateful for the leadership and contributions of the Out & Equal Transgender Advisory Committee to the creation of this publication. The Transgender Advisory Committee or TAC works to elevate and celebrate the representation of transgender people as participants, keynote speakers, and expert panelists in Out & Equal programs and events, such as its annual Workplace Summit. TAC is comprised of experienced corporate and consultant professionals dedicated to advancing the inclusion and equality of transgender persons in the workplace.

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