



HUMAN
RIGHTS
CAMPAIGN
FOUNDATION

1640 Rhode Island Ave., N.W.
Washington, D.C. 20036
web: www.hrc.org/workplace
phone: 202/628-4160
fax: 866/369-3348

Workplace Gender Transition Guidelines

For Transgender Employees, Managers and Human Resource Professionals

Eighty-two companies in the Fortune 500 included “gender identity” or “gender identity and expression” in their written non-discrimination policies to address discrimination against transgender workers as of May 2006. As an emerging area of interest and concern to employers in America, extending workplace protections to transgender employees presents new challenges and opportunities to managers and human resources professionals who may have had little previous exposure to this issue.

The Human Rights Campaign Foundation developed the following guidelines as best current practices for employers and their transgender employees, particularly employees who are beginning or who are in the process of transitioning on the job. These guidelines set expectations for the employee, the employee’s managers and Human Resources and should be easily accessible.

In the process of adapting these guidelines for a specific employer’s use, the language used in these guidelines should be evaluated for conformity with the employer’s common terminology, procedures and reporting structures. In particular, references to “Human Resources” should be defined with respect to site-specific and centralized human resource offices or personnel; employee assistance programs; diversity-specific personnel; gay, lesbian, bisexual and transgender employee resource groups; or other resources and standard procedures.

Other references that require attention are noted in brackets (“[” or “]”).

[COMPANY] Gender Transition Guidelines

Just as there are gay, lesbian and bisexual employees at [COMPANY], there are also employees who are transgender. Some are out — i.e., open about their gender identity or expression — and others may not be.

However, given that many transitioning employees must come out to their employers in order to live consistently with one's gender identity full-time, employers necessarily become involved in an employee's transition.

These gender transition guidelines were created to help foster dialogue and understanding of transgender issues in the workplace. They include recommendations for employees, managers and Human Resources on how to provide a welcoming and supportive environment for employees undergoing transition at [COMPANY].

If you have questions concerning your rights or responsibilities as an employee or manager, please contact Human Resources.

Overview

[COMPANY] includes [*“gender identity” / “gender identity and expression”*] in its equal employment opportunity policies to clarify that discrimination against transgender individuals is prohibited. This policy is consistent with our workplace philosophy that all employees should be treated fairly and with respect.

[*“Gender identity” / “Gender identity and expression”*] is included in the list of characteristics that are protected under the following [COMPANY] policies and documents prohibiting discrimination: [*Equal Employment Opportunity, Affirmative Action, Non-Discrimination, Anti-Harassment, Sexual Harassment, Confidentiality, etc.*] [*Insert EEO policy here*]

An employee's failure to comply with the above policies could result in corrective action, including termination of his or her employment.

Definitions

Transgender

A broad range of people who experience and/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 transsexual, cross-dressers or otherwise gender non-conforming. Not all people who consider themselves (or who may be considered by others as) transgender will undergo a gender transition.

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 identity disorder / Gender dysphoria

GID is a psychological diagnosis recognized by the American Psychiatric Association. This disorder 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 GID.

Gender expression

Gender expression refers to all of the 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.

Transitioning

The term "transitioning" refers to the process through which a person modifies his or her physical characteristics and/or manner of gender expression to be consistent with his or her gender identity. This transition may include hormone therapy, sex-reassignment surgery and/or other components and is generally conducted under medical supervision based on a set of standards developed by medical professionals. The transition process typically includes a one-year "real-life experience" in which the individual lives and presents consistently with their gender identity under medical supervision.

Transsexual

A transsexual person has changed, or is in the process of changing, his or her physical and/or legal sex to conform to his or her internal sense of gender identity. The term can also be used to describe people who, without undergoing medical treatment, identify and live their lives full-time as a member of the gender opposite their birth sex. Transsexuals transitioning from male to female are often referred to as "MTFs." Similarly, female-to-male transsexuals are frequently called "FTMs."

Cross-dresser

A cross-dresser wears the clothing and/or accoutrements, such as makeup and accessories, that are considered by society to correspond to the "opposite sex." Unlike transsexuals, cross-dressers typically do not seek to change their physical characteristics and/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. While cross-dressing off-duty is not related to an employee's job performance, a person who cross-dresses off-duty is still protected by our EEO policy prohibiting discrimination or harassment based on [\[gender identity / gender identity and expression\]](#).

Sexual orientation

"Sexual orientation" is the preferred term used when referring to an individual's physical and/or emotional attraction to the same and/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.

Guidelines for Employees

If you are a transgender employee, you have the right to be who you are openly. This includes expressing your gender identity without fear of consequences.

Notification of Transition

An employee beginning the transition process should contact his or her immediate supervisor and Human Resources and be prepared to speak about his or her intentions, needs and concerns. Contact should be made by the employee well ahead of the employee's planned transition date. If an employee needs assistance in order to make these contacts, the employee should contact Human Resources at [\[phone/e-mail\]](#).

If the initial contact is made with Human Resources, it is important at some point that the employee's immediate supervisor becomes part of his or her support team.

Transitioning employees should be prepared to help educate their manager, Human Resources and others in order to understand clearly what their needs may be.

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

Appearance Standards

[\[COMPANY\]](#) has the right to regulate employee appearance and behavior in the workplace for reasonable business purposes. A transsexual employee is permitted to dress consistently with his or her gender identity and is required to comply with the same standards of dress and appearance as apply to all other employees in their workplace and similar position.

The decision as to when and how to begin the real-life experience remains the employee's choice. Generally, the employee may dress in accordance with what is directed by the employee's treating physician or psychological health care provider.

If a manager is concerned about a transsexual employee's appearance, the employee may want to provide a picture of him- or herself in professional attire in advance of the transition.

Customer Contact Employees: As with all employees, transsexual employees with customer contact responsibilities are held to the same appearance standards as other employees. Customer preference does not justify denying an employee the right to dress consistently with his or her gender identity.

[\[COMPANY\]](#)'s commitment to maintaining a positive work environment and to conducting business in a positive, professional manner will be communicated to customers by consistently displaying our Equal Employment Opportunity statement.

Restroom Access

Access issues related to restrooms and other sex-segregated facilities (e.g., locker rooms) will be handled with sensitivity not only to [\[COMPANY\]](#)'s obligation to provide transitioning employees with the same level of facilities access available to all other employees, but also to the responses of co-workers and the comfort of the employee. Transgender employees will be permitted to use the facilities that correspond to their gender identity. However, usage of

reasonable single-occupancy or unisex facilities may be considered for a temporary period during the employee's transition process or on an ongoing basis.

A transitioning employee will not be required to use the restroom of his or her designated sex at birth after he or she has begun transitioning.

Additional Recommendation: *[COMPANY]* will consider feasibility of single-occupancy or unisex restrooms in future office facilities.

Health Benefits for Transsexual Employees

Transsexual employees of *[COMPANY]* are eligible for and not excluded from the following health benefits commonly associated with the transition process: *[mental health counseling, hormone replacement therapy, medical visits to monitor hormone therapy, sex-reassignment surgery, short-term disability leave, other].*

Right to Privacy

Transsexual employees at *[COMPANY]* have the right to be who they are without unnecessary disclosure of medical 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 Human Resources directly. *[Employee privacy in medical and other records may be protected by various federal and state laws. Employers should consult their legal counsel regarding their obligations with regard to requesting and handling transgender employees' records.]*

Guidelines for Management & Human Resources

If an employee informs you of his or her intention to transition, or if an employee is currently in the transitioning process, your support is critical. Your actions will impact the outcome of the transition.

It may be frightening to an employee to make him- or herself vulnerable to a person upon whom their job depends. If you are not familiar with transsexuals, 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 his or her needs and concerns.

Human Resources will provide advice and assistance for supervisors working with a transitioning employee.

Supervisors should be careful of personal opinions regarding an employee's professional appearance. If the employee dresses or behaves inappropriately, this issue should be dealt with in the same manner it would with any other employee. Contact Human Resources if you have any questions or concerns.

Statement of Confidentiality

The transgender status of an employee is considered confidential and should only be disclosed on a need-to-know basis, and only with the consent of the employee. However, transitioning employees are encouraged to participate in the necessary education of their co-workers at whatever level they are comfortable.

Initial Conversation

Immediately reassure the employee that the company will be as supportive as possible. Assure the employee that he or she is covered by the existing policies outlined in the “Overview” section of this document.

Make it clear to the employee that your conversation will be held in confidence and inform the employee that you want to discuss how you and the company can assist him or her during their transition. Ask the employee for his or her suggestions on what you can do to help.

Confirm who will be the company’s main point of contact (manager or Human Resources) to manage the transition and schedule a meeting with the employee to discuss and agree upon an action plan to assist the employee in his or her transition.

Ask the employee if he or she wishes to inform their manager, co-workers and clients themselves, or prefers that this to be done for them. Then determine the best timing for that process.

Ask the employee if he or she expects to change his or her name. If yes, ask what name and pronoun the employee will use and when the employee will want you to begin referring to him or her using the new name and/or pronoun.

Discuss the expected timeline and anticipated time off required for medical treatment, if known. Explain that normal sick pay and leave policies will apply.

Discuss and agree upon the procedure for adhering to the company’s dress code and agree on the timing in which the employee will begin his or her transition at work. This will probably be the point at which the individual begins to present consistently with his or her gender identity, including change of name, pronouns, dress, grooming, appearance and restroom use.

The employee may feel more comfortable working in a different position during his or her transition. Discuss whether the employee prefers to remain in his or her current position or be redeployed.

Provide the employee with the available resources outlined in the “Resources” section of this document. Ask him or her to inform you of anything else you can do to be of assistance.

Addressing Concerns of Co-workers and Clients

A lack of knowledge about transgender issues has the potential for creating misunderstanding and tension in the workplace. Remind all employees that they are expected to conduct themselves in accordance with company policies.

In addition to the initial workgroup meeting at which the employee’s manager announces the transition (see Appendix A), offer trainings or briefing sessions for employees on transgender issues; this will help promote a positive work environment for all employees. Trainings or briefing sessions should be completed prior to the employee’s transition. This provides important information to co-workers, managers and clients on what to expect when the individual begins his or her transition. Establishing some level of comfort as to what the transition is and why it is happening is important for preventing future misunderstandings or issues.

Employees who raise concerns about a transgender co-worker should be provided [\[COMPANY\]](#)'s equal employment opportunity policy, harassment policy and other related policies. They should be informed that they must work cooperatively with their co-workers regardless of their gender identity and that failure to do so could result in corrective action, including termination of their employment.

If employees express concern regarding the appearance of a transsexual co-worker after reviewing [\[COMPANY\]](#)'s policies or if they are curious about the change in appearance, the manager may meet with employees individually to inform them of the change and to answer questions.

If employees have concerns with a transsexual co-worker's usage of a restroom or other sex-segregated facility after reviewing [\[COMPANY\]](#)'s policies, the employee with the concern may be permitted to use a different or single-occupancy facility, if such facilities exist at that work location.

Pronoun and Name Changes

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) unless and until the individual makes a legal change.

Where a person's legal name does not match his or her new name, the new name should be used on all documentation, such as e-mail, phone directory, company identification card or access badge, 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.

Note on pronouns: If a co-worker is transitioning and you are not certain which pronouns to use, it is appropriate to respectfully ask his or her name and which pronouns you should use. In general, it is considered insensitive to refer to someone by the wrong pronouns once you have established which set of pronouns he or she prefers. Again, transitioning employees should be prepared to help educate their co-workers.

Leave Benefits for Transsexual Employees

Managers should provide sufficient flexibility to meet the employee's needs for appointments. Time off for medical procedures is to be treated the same as other scheduled medically necessary procedures.

Surgeries

The process of transitioning may include one or more surgeries. In addition to genital surgery, surgeries can include facial feminization or other feminizing procedures for those transitioning from male to female, or chest reconstruction or other surgeries for those transitioning from female to male. Recognize that a transitioning employee may or may not have these surgeries for any number of personal reasons and, furthermore, that surgery in and of itself is not the goal of a gender transition.

As with other aspects of a transition, plans should be discussed and communicated only with affected parties in order to manage expectations and to minimize disruption. Medical

information, including surgery plans communicated by an employee, should be treated confidentially.

[COMPANY] Resources for Employees and Managers

- Job-Related Planning for a Gender Transition (see Appendix A)
- Local Human Resources representatives
- Occupational health nurse or medical staff within [COMPANY]
- Employee Assistance Program
- Global Diversity Office
- Gay, Lesbian, Bisexual and Transgender Employee Resource Group

External Resources for Employees and Managers

- Human Rights Campaign Foundation — www.hrc.org/workplaceltransgender
- Transgender at Work — www.tgender.net/taw
- National Center for Transgender Equality — www.nctequality.org
- Out & Equal Workplace Advocates — www.outandequal.org
- Harry Benjamin International Gender Dysphoria Association — www.hbigda.org

Appendix A: Job-Related Planning for a Gender Transition

These are the recommended steps in an on-the-job transition for a transsexual employee at [\[COMPANY\]](#). It may be appropriate to adapt this generic process to fit an individual person or a specific organization. This planning document is to be used as a supplemental tool for the purpose of planning a transition.

Advance Preparation

1. The transsexual employee meets with Human Resources. The employee shares his or her transsexual status and intent to transition.
2. The same Human Resources representative(s) and the employee meet with the employee's immediate manager to share the employee's intent to transition.
Additional Recommendation: Human Resources representative and immediate manager should meet with the officer/vice president/area leadership for informing, garnering support and involving them appropriately in the announcement of the transition.
3. The appropriate set of stakeholders should be identified to plan the transition. This will include the employee, his or her manager and the Human Resources representative. If necessary, involve others as locally appropriate, such as a local transgender expert; Gay, Lesbian, Bisexual and Transgender Employee Resource Group; or Employee Assistance Program. The stakeholders should become familiar with educational resources, including company policy and books on the subject.
 - Consider which people in the company you may need to have engaged at some point during the transition and when they need to be engaged.
 - Consider any specific issues that need to be addressed sooner rather than later.
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 and concerns.
 - b. How employee's workgroup, clients and/or vendors will be informed of the change. Before the general announcement, the employee may choose to talk to some of his or her co-workers to disclose his or her plans on a one-on-one basis.
 - c. Whether there will be an educational workshop (a "Transgender 101") given to staff.
 - d. What changes will be made to records and systems, and when.
 - e. How the current policies against discrimination, harassment and benefits will protect this employee.
 - f. How the dress code will be followed.
 - g. The expected plan for use of gender-specific facilities, such as restrooms.
 - h. Any time off required for medical treatment, if known.
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 how long certain Human Resources functions take (e.g., legal name changes in Human Resources systems, company directory, etc.).

The Day of the Announcement

1. Hold a workgroup meeting, or include this in an already-scheduled face-to-face meeting. Teleconference in any non-local stakeholders. Everyone in the workgroup whom the employee interacts with often should be included. *Do not do this by e-mail.* A handout is optional in conjunction with the face-to-face meeting. The employee should choose whether to be personally present at this meeting, depending on comfort level.
2. 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 policy and recommendations.
 - c. Stress that on the transition day the employee will present him- or herself consistently with his or her gender identity and should be treated as such; for example, he or she 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 the transition is "no big deal" and that work will continue as before.
 - f. Answer people's questions.
 - g. If a "Transgender 101" workshop is part of the transition plan, announce it. It should be offered before the day of transition.

The First Day of Full-Time Workplace Gender Transition

On the first day of transition, the employee's manager should take these steps, much as he or she 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 Human Resources employee database, effective the first day of transition, to change the following:
 - a. New name.
 - b. Change the gender marker ("M" or "F").
 - 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.

Methodology

These guidelines are based on conversations with five Fortune 500 companies that have implemented transition guidelines and managed through one or more transitioning employees; eight transition guidelines that have been shared with the Human Rights Campaign Foundation for the purposes of creating this document, including those of American Airlines and Chevron Corp. (available at www.hrc.org/workplace/transgender); and with the feedback and advice from a number of transgender consultants. They also draw from the 2004 HRC Foundation publication “Transgender Issues in the Workplace: A Tool for Managers” (available at www.hrc.org/workplace/tgworkplace) as well as resources from “Transgender at Work” (available at www.tgender.net/taw).

We encourage readers to share their experiences so that we may continue to refine this tool. Please contact HRC Workplace Project staff at workplace@hrc.org with any questions or comments about these materials.

Writers/Editors

Samir Luther, HRC Workplace Project manager/writer; Brian Moulton, HRC staff counsel/editor; Carrie Evans, HRC state legislative director/editor. Special thanks to the following for their additional editorial input: Daryl Herrschaft, HRC Workplace Project director; Donna Rose, HRC Business Council member; Jamison Green, HRC Business Council member; Mary Ann Horton, Transgender at Work project chair; Angela Clements, HRC public policy advocate; Robin Reed, HRC editorial and web content manager.

For more information contact:

Workplace Project
Human Rights Campaign Foundation
1640 Rhode Island Ave NW
Washington, DC 20036
202/628-4160
TTY: 202/216-1572

workplace@hrc.org
<http://www.hrc.org/workplace>

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