

Gay and Transgender Issues in the Workplace

What Makes a Woman a Female?

Posted: 2 Nov 2010, 12:33PM

Like the Star Trek Voyager, corporations today are going where no man, woman, or transgender person has gone before. They are exploring how to understand, value, and include the diversity represented on the gender continuum. Many companies pioneered by forging the right non-discrimination statements covering gender identity and expression, but as might be expected, few of them realize the full scope and implications of their policies. Many Human Resource, and Diversity and Inclusion, professionals are still uncomfortable explaining to others the enormous difference between gender identity and gender expression, and most corporate executives appreciate being able to just say “LGBT” rather than the word “transgender.” Despite this current lack of complete understanding and comfort, companies around the globe are light years ahead of the rest of society in charting this new territory.

A call for help came from a London blogger days ago when some members of the British press referred to the person pushed to his death on the subway tracks as “a man in a dress.” Other newspapers called him a “transvestite.” Both descriptions were thought to be offensive. What’s the correct description of the deceased, the blogger asked? Most members of corporate offices of Diversity and Inclusion today would correctly respond with the suggested phrase “transgender person.”

The Ladies Professional Golf Association (LPGA) has barred Luna Lawless, a transsexual woman golfer, from participating in their tournaments because their membership is limited to people born female. But, what does that mean? How do you determine whether a person was born “female” – their birth certificate, having a vulva, their chromosome makeup, hormone levels, or their identity? The George Washington University women team members of Kye Allums are all calling their friend and fellow hoopster “him” solely because the former Kay-Kay recently announced that he now sees himself as a man rather than as a lesbian.

What makes Kye a man? Is it so just because he thinks it? What makes Luna a woman? Is it so just because she had surgery? And, what makes a man a male? What makes a woman a female? Laws vary from state to state. There is no agreement among sexologists. How might most corporations respond to this question? The ones I have worked with would care less about the law than the ability of the person in question to bring value to the company.

There was an old joke making its way through the Internet last week. The cabbie couldn’t take his eyes off of the beautiful nun sitting in the back seat. “I’m so embarrassed to ask,” he said, “but you are so beautiful, and I have always had this fantasy. May I have a kiss?” The nun hesitated for a moment, and then replied that it all depended on whether the cab driver was Catholic and single. “I’m single and I’m Catholic,” he promised excitedly. He was then allowed to pull over to an alley and passionately kiss the nun. “I lied,” he confessed nervously as they continued on their journey.

“I’m a Jew, and I’m married.” The nun replied with a smile, “That’s okay. My name is Jeff, and I’m on my way to a Halloween party.”

What makes a nun a woman? Could Luna Lawless be a nun? Could a bearded and hairy- chested man with a vulva play professionally for the National Hockey League? Many female to male transsexuals are opting today not to change their genitalia, but their driver’s licenses and their birth certificates indicate “Male.” What are the factors that make us who we are? Had Jeff never told the cabbie his name, the cab driver would have spent the rest of his life believing that he had kissed a beautiful nun. If Luna Lawless had not identified herself as transsexual, would anyone at the LPGA care about anything other than her final score?

The San Diego Catholic firefighters won their employment discrimination suit when they claimed they were traumatized by seeing scantily-clad, gay men gyrate during a Gay Pride Parade which the firemen were forced to attend. Could the cab driver who kissed the nun file suit against the man in the nun costume for trauma? Could the nun charge the cab driver with sexual harassment? What about a corporate heterosexual male client who flirts with a beautiful saleswoman without knowing her transgender status? Is a company required, or allowed, to provide that information to the customer? It’s all new territory.

There are answers to these questions but they may not all be the same. In the United Kingdom, for instance, there is less offense taken to the term “transvestite” than there is in the United States. For most cross-dressers in the U.S., the term “transvestite” carries with it the professionally agreed-upon component of sexual stimulation, which is not why most transgender people wear the clothing of the other sex.

I suspect that the LPGA will lose the suit filed against them by Luna Lawless because it is in clear violation of the anti-discrimination law in California, the state in which the suit was filed. But, if the Ladies Professional Golf Association takes the case to the U.S. Supreme Court, there is no telling how the Justices will define the essential conditions for the legal designation of “female.” Yet, beyond the question of what legally makes a woman a female, is the overriding question of what makes good business sense when navigating the uncharted course through the gender continuum. I’m proud of the progress made by companies in this area, even though I continue to hope that they will better prepare their starship crew for the journey ahead.