

A 2015 More Comprehensive Outline on Human Resources Support for Transgender Employees

By Stan Kimer



Expert Forum



Throughout 2015, there has been a tremendous increase in the focus of the Human Resources profession on supporting transgender employees in the workplace. Here is an outline starting with definitions and going all the way through policies and procedures that should be considered for fully supporting transgender employees in the workplace.

DEFINITIONS:

Sexual orientation refers to the gender a person is sexually attracted to, which could be male, female, or both (bisexual).

Gender identity refers to the way a person feels internally about who they are – whether male, female, or something in between (androgynous).

Gender expression refers to the manner in which a person communicates his or her gender identity to others by clothing, hairstyle, voice and body characteristics.

Transgender is an umbrella term for people whose gender identity, expression, or behavior is different from that typically associated with their assigned sex at birth (includes but not limited to transsexual people, cross dressers, androgynous people, bi-gendered, two-spirit, genderqueer, gender fluid and gender non-conforming people)

LGBT (or GLBT) is the common abbreviation for the entire community. Some add “a” for allies and “q” for questioning. Some younger communities have now re-embraced “queer” as an all encompassing word. Or LGBTQIA.

Gender non-conforming refers to individuals whose gender expression differs from societal expectations based on gender stereotypes.

Male to Female (or MTF) refers to a transgender person who transitions from an initial male physiological expression to female.

Female to Male (or FTM) refers to a transgender person who transitions from an initial female physiological expression to male.

Gender Transition / Transitioning refers to the process through which a person modifies their physical characteristics and manner of gender expression to be consistent with their (internal) gender identity.

Cisgender refers to people who have no issue expressing their gender in the typical manner of someone born into that gender. Cisgender is to transgender as Straight (or heterosexual) is to gay

KEY STATISTIC AND FACTS:

- Discrimination was pervasive throughout the entire sample, yet the combination of anti-trans bias and structural racism was especially devastating.
- **15% of transgender people are living** in poverty compare to 4% of the general population
- A **staggering 41% of respondents reported attempting suicide to 4%** of the general population
- **15%** of transgender or gender nonconforming students **leave school** in K-12 settings or in higher education because of harassment

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- Transgender individuals are **two times** as likely to experience assault or discrimination **at work**
- **19%** of trans people report **lacking any form of health insurance**, including Medicaid
- When injured or sick, trans people **postponed medical care** due to discrimination (28%) or inability to afford it (48%)
- 50% of respondents had to teach their medical providers about transgender care.

WHEN TRANS PEOPLE GET THE CARE THEY NEED:

- Overall mental health improves. 78% of trans people had improved psychological functioning after receiving gender-confirming treatment
- Suicide rates drop drastically. Rates dropped from a range of 19-29% before treatment to a range of 0.8 – 6% after treatment
- Insurance money is saved. Trans people who receive gender-confirming treatment have fewer mental health and substance abuse costs, with higher rates of employment (reducing the number of people on Medicaid.)

BUSINESS RATIONALE

- Recruiting, engagement and retention of the best talent
 - Growing prevalence of transgender people
 - These are tough people who know how to face challenges
 - Very high replacement cost of departing employees
- Employee association with the LGBT constituency and others who value diversity
 - Transgender being consider a core: “excluding them is excluding us”
 - Younger generation (not as hung up on gender roles and definition) may consider transgender policy as a corporate “litmus test”
- Increased sales opportunity among the LGBT constituency
 - Over \$700B in spending in the US
 - LGBT consumers are among the most brand-loyal and brand punishing
 - HRC Equality Index criteria and buyer’s guide
- It’s the human thing to do – all people deserve to be valued and respected

FACT: 66% of Fortune 500 companies include gender identity in EO policy. **53%** offer some form of transgender / transition health benefit. *HRC State of the Workplace (2014-2015)*

RECOMMENDED CORPORATE SUPPORT FOR TRANSGENDER PEOPLE

- Adding “Gender Identity and Expression” into corporate non-discrimination policy
- Appropriate medical benefits for transitioning employees (counseling, hormones, surgery.... Can be via health insurance and EAPs)
- Handling / changing of employee records
- Inclusion of transgender information in diversity training
- Management coaching, especially for those who have transgender employees
- Trained HR practitioners to assist with transitioning employees
 - Openness to employee transfer or reassignment if possible and requested by the employee
- Restroom configuration and policy

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MORE DETAIL ON MEDICAL PROCESS:

The most common set of transgender medical procedures and processes (not an exhaustive list)

- Specialized behavioral health therapy
- Hormone replacement therapy
- Facial and body hair removal
- Voice and communication therapy and coaching
- Breast Augmentation or Mastectomy
- Penectomy and follow on vaginoplasty
- Hysterectomy and Vaginectomy and follow on implantation of erectile or testicular protheses
- Some possible facial and throat cosmetic

Key discussions

- Insurance coverage: self funded plans vs. insurers' plans
- What is considered necessary insurance wise vs. elective or optional

MORE ON THE BATHROOM ISSUE:

- Gender-neutral bathrooms – an excellent choice, growing in popularity in progressive areas (think the TV show Ally McBeal)
- A person uses the restroom of their presenting gender (best choice)
- Providing transgender person a single stall neutral bathroom
 - Not a good solution: this invalidates the transgender person as not being fully male or female
 - Instead provide the single bathroom to those who may have issues with a transgender employee

CASE MANAGEMENT OF TRANSITIONING EMPLOYEES

THE MAIN POINT: No “one size fits all” . . . Important to work a plan with the employee

- The communications plan
 - Tailor to the employee to their working situation (face to face or remote team, etc)
 - Consider options: department meeting, one-on-one, email....
 - Could include educational material for managers and co-workers
 - Important to reiterate corporate non-discrimination policy
 - Work closely with manager – help them understand the business rationale
- Work with employee's department and co-workers
- Figure out the rest room issue: preferred solutions are gender neutral rest rooms and/or utilizing the restroom of the “presented” gender

Be prepared for issues (though all could go very smoothly)

INTERACTING WITH TRANSGENDER PEOPLE

- Call them by the name and using the gender pronoun they prefer – normally the gender they are “presenting” in.
- Don't be afraid to make mistakes – you may use the wrong pronoun or name at the beginning. The person will understand. Nicely apologize move on.

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- Treat them as a full normal human being. Invite them to lunch or break as usual.
- Continue to use the same professional treatment. This person still have the same valuable skills and expertise / or is a paying customer

RESOURCES

- The Human Rights Campaign (HRC) includes resources on insurance and healthcare as well as general overview: <http://www.hrc.org/issues/transgender>
- Out and Equal Advocates, leading organization dealing specifically with LGBT in the workplace: <http://outandequal.org/diversity/transgendercommunity>
- The National Center for Transgender Equality: <http://transequality.org/>
- The Transgender Law and Policy Institute: <http://www.transgenderlaw.org/>
- The resources in this presentation highlighted from “The Task Force”
- Various books:
 - “Left Handers in London, A Field Guide to Transgenders, Lesbians, Gays and Bisexuals In the Family, On the Job and In the Pew.” By JJ Marie Gufreda. <http://www.lefthanderinlondon.com/>
 - “The Complete Guide to Transgender in the Workplace” by Vanessa Sheridan. <http://www.vanessasheridan.com/about.htm>
 - And of course ... consultants