Gender Transition Guidelines for Large Organizations

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These guidelines are intended for U.S. organizations with 5000 employees or more, multiple locations, and operating within a moderately conservative business environment. Other types of organizations may find them instructive, but the embedded cultural assumptions may interfere with effective functioning.
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I. Guidelines for Gender Transition

1. Purpose/Summary

These guidelines specify the steps to be followed in cases of gender transition of Company employees. For ease of use, the steps to be taken are listed separately for different personnel, including Global Diversity, Gender Transition Leaders, Employees in Transition, Supervisory Management and Co-workers.

While all Company employees should, of course, receive respect for their personal identity, the case of Company employees who undergo gender transition presents unique challenges and opportunities for the workforce. These guidelines are intended to create an environment that fosters workplace harmony in cases of gender transition. Their working principle is a four step mediation process implemented by a Gender Transition Leader (GTL). The GLT function requires advanced skills in employee relations and workplace diversity, and should consist of a minimum of 20% FTE for 3 months. The guidelines are designed to provide information and communicate expectations while at the same time providing respect and privacy to employees in transition, supervisory management, and co-workers in the diverse sites and environments contained within the Company.

These guidelines do not constitute a contract or contractual obligation or a promise of specific treatment in a specific situation, and the Company reserves the right, in its sole discretion, to amend, modify, or discontinue its use without prior notice, notwithstanding any person's acts, omissions or statements to the contrary.

2. Company Commitment and Objectives

The Company is committed to fostering a work environment where everyone is treated fairly with trust and respect, including employees in gender transition and their co-workers. The Company is, therefore, committed to creating a work environment that maximizes the opportunity for successful gender transition with minimum workplace distraction. There are three objectives

A. Communicate guidelines in cases of gender transition

B. Define norms of appropriate conduct by Company employees

C. Provide a list of resources for Company employees
3. Definitions

D. “Gender identity” is defined by the Company for purposes of these guidelines as “gendered identification, self-expression and appearance,” corresponding to a person’s deeply-felt psychological identification as male or female. Gender identity may or may not correspond to a person’s sex assigned at birth.

E. “Gender transition” refers to transition from male to female, or from female to male. Those who transition feel strongly and persistently that their gender identity is different from their sex at birth, and wish to transition from one gender to the other. Thus, a person born female may decide to transition to living as a male. Conversely, a person born male may decide to transition to living as a female.

F. “Gender transition plan” refers to a plan that governs the employee’s transition. It is agreed to by the Gender Transition Leader and the employee’s supervisory management, in collaboration with the employee. It addresses issues such as timeline, dress, facilities usage, and appropriate norms of conduct for Company employees.

G. “Gender Transition Leader” (GTL) refers to the local liaison officer responsible and accountable to ensure that these guidelines are properly implemented in a particular case of gender transition by a Company employee.

H. “Employee in transition” refers to an employee who is undergoing gender transition.

4. Steps to be taken by Gender Transition Leader (“GTL”) upon notification of gender transition

I. Local Liaison as Gender Transition Leader

1. Certain local offices will be the local liaison for gender transition. These may be the local Human Resources offices, local Diversity offices, or other offices responsible for employee relations. When the local liaison is notified of a gender transition, an employee trained in these procedures will be designated as Gender Transition Leader (GTL) to be accountable and responsible to ensure that these guidelines are appropriately implemented at the site.

2. The GTL will notify Global Diversity and local HR
3. In keeping with Company policy, the local Diversity Manager will take steps to keep information regarding gender transition confidential except as noted herein.

J. Four step mediation process

- Step 1: The GTL will immediately schedule a meeting with the employee in transition to begin creation of a transition plan and provide information about the Company’s guidelines, expectations and resources.

- Step 2: Meet separately with supervisory management to discuss creation of transition plan and provide information about the Company’s guidelines, expectations and resources. This should be scheduled to occur after the initial employee meeting in order to be able to present complete facts to management.

- Step 3: Meet with employee in transition and supervisory management together to complete transition plan.

- Step 4: Set up guidelines review session for co-workers in frequent workplace contact with employee in transition to explain Company policies and expectations with regard to gender transition on the job. The scheduling and notification of this meeting should not take place until the transition plan is signed by the employee and management.

K. Monitoring and follow up

- Monitor the transition plan to maximize successful completion and to allow provision of appropriate guidance for employees in transition, managers and co-workers to ensure a harmonious work environment.

- Follow up requests for guidance and complaints to ensure timely and appropriate resolution.

5. Responsibilities of Employee in Transition, Supervisory Management and Co-workers

L. Employee in Transition

- Be present for meetings scheduled by the Gender Transition Leader (GTL).
• Cooperate with the GTL and management in creating a successful gender transition plan

• Follow the gender transition plan without deviation. If changes are required, follow the procedure for amendments contained in the plan.

• Respond appropriately to co-workers who make mistakes in references to name or pronoun of the new gender, or who ask inappropriate questions or make inappropriate comments, particularly during the initial phases of the gender transition plan.

• Avoid making inappropriate disclosures of private medical or surgical information in the workplace.

• Immediately report discriminatory or harassing conduct to the GTL, so that the GTL may provide appropriate guidance to employees.

M. Supervisory Management

• If supervisory management receives notice from an employee of his or her plans for gender transition, notify the local Diversity Manager if not already notified.

• Be present for meetings scheduled by the Gender Transition Leader (GTL).

• Cooperate with the GTL and the employee in transition in creating a successful gender transition plan

• Follow the gender transition plan without deviation. If changes are required, follow the procedure for amendments contained in the plan.

• Model appropriate norms of conduct by treating the employee with respect, using correct references to name or pronoun of the new gender, refraining from asking inappropriate questions or making inappropriate comments, and respecting employee confidentiality.

• Cooperate with the GTL in the investigation of discriminatory or harassing conduct and any employee guidance or corrective action determined by the GTL to be appropriate.
N. Co-workers

- Be present for meetings scheduled by the Gender Transition Leader (GTL).

- Treat the employee in transition with respect, using correct references to name or pronoun of the new gender, refraining from asking inappropriate questions or making inappropriate comments, and respecting employee confidentiality.

- Particularly at the beginning of gender transition, it is normal for co-workers to make some mistakes regarding these matters. Do not take offense at respectful corrections offered by the employee in transition. Requests for guidance may also be made to the GTL.

- Bring complaints to the GTL. Do not approach the employee in transition to address your complaints about gender transition.

6. Resources

- The GTL can assist employees in transition, management and co-workers who have questions or concerns about the Company’s Gender Transition Guidelines.

- The local EAP has counselors who can assist employees in transition, supervisory management and co-workers who have concerns about gender transition in the workplace.

- Questions about medical leave can be answered by calling the Leave Administrator at ____.

- Questions about insurance coverage can be answered by contacting your local benefits administrator.

- The following publicly available information may be helpful. The Company does not endorse the opinions expressed in these publications.
  - The Human Rights Campaign, the world’s largest gay, lesbian, bisexual and transgender advocacy organization, has a section on transgender issues in the workplace at http://hrc.org/worklife
- This book, written by psychologists in the field, uses real life stories, actual letters and other examples to give an understanding of what it means to be transsexual and offers practical suggestions for compassionate dealing. Brown and Rounsley, True Selves: Understanding Transsexualism--For Families, Friends, Coworkers, and Helping Professionals (Jossey-Bass 2003) 288 pages

- This book, written by a counselor/activist, gives information on the basics of transsexualism, the process of gender transition at work and management issues. Walworth, Transsexual Workers: An Employer's Guide (Center for Gender Sanity 2003) 135 pages

- The standards of care of the primary medical organization in this field (International Gender Dysphoria Association) can be found at http://hbigda.org/soc.cfm
II. Draft Gender Transition Plan

The employee known as ________________ (“the employee”) has notified the Company of his/her intention to transition from one gender to another. This plan will govern the actions of the Company and the employee in regard to this gender transition, including:

- timeline
- dress
- Company resources
- ID changes
- security clearance issues
- facilities usage
- appropriate norms of conduct for Company employees
- gender transition guidelines review session
- complaint procedures
- deviations from plan
- amendment of plan

1. Timeline

The employee has notified the Company that he or she will begin living in a different gender role on or about ________________.

2. Dress Code

It is expected that the employee in transition will adhere to the dress code of his/her new gender, and that appropriate work attire will be worn.

The applicable dress code for the employee is as follows:

3. Company Resources

GTL – contact info:
EAP – contact person:
Affinity Group – contact person:
Diversity Council – contact person:
Leave administration – contact person:
Insurance benefits – contact person:

4. ID Changes

The name and gender on all employment records created on or after ________________ will be listed as _________________. 
The name in the HR database will be changed on or about __________________ as follows: ______________________

A new email address will be issued to the employee on or about __________________________.

5. Security Clearance Issues

If the employee has a security clearance, Company industrial security will be notified by the employee in writing no later than ________________.

6. Facilities Usage

After discussion with the employee and Company management, and based on consideration of the criteria listed in the Company guidelines, the following arrangements have been made for facilities usage:

Bathrooms

 Locker Rooms, if any

 Other Gender-Specific Spaces, if any

If the employee is notified that he or she will be reassigned to another Company location, permanently or temporarily, the employee should notify the GTL as soon as possible.

7. Appropriate Norms of Conduct for Company Employees

- Form of address – The employee shall be known by the name of __________________________ as of ______________.
The proper pronouns to use shall be ______________ (he/him or she/her).
Because most people have not been exposed to gender transition, it is likely that co-workers will make mistakes, such as referring to the employee in gender transition by the wrong name or pronoun, or asking inappropriate questions.
Employees in transition should gently correct a co-worker who makes a mistake. It is assumed that mistakes will be less frequent after a reasonable period of time.

If, after a reasonable period of time, a particular employee continually addresses the employee by the wrong name or gender identity, the GTL should be notified. The employee
should not attempt to correct the situation by inappropriate conduct in return.

- If a Company employee, contractor, vendor or customer requests not to work with the employee because of his/her gender identity, such a request cannot be honored. Company cannot subject employees to adverse employment actions based on his/her personal identity. Therefore, Company cannot honor a request to isolate the employee from certain contacts. Those who choose to work with Company must respect The Company’s policies. However, the GTL may be able to provide some guidance to the requester that will help make the transition easier.

- Medical information – Other than the fact of gender transition, the employee should not discuss medical condition or procedures with other Company employees. Employees should keep medical information confidential. Discussion of such information at the workplace is a breach of confidentiality, and in such a situation the Company may take action amend the transition plan and/or take corrective action based on such information. Further, it is likely that public disclosure of sensitive medical information regarding gender transition will lower the comfort level of co-workers and require changes to the facilities usage plan.

- 4. Media contacts - All media contacts should be referred to the media office.

8. Guidelines Review Session

A Gender Transition Guidelines Review Session will be held with those in frequent workplace contact, including co-workers, vendors and customers who are in direct contact with the employee. This meeting will be held on or about _______. The purpose of the meeting is to inform them of changes in dress and proper forms of address, The Company’s guidelines, and expected norms of conduct. Except for the fact of transition, medical privacy will be maintained.

The employee will not be present at the session in order to give attendees the opportunity to ask questions with less discomfiture. However, if the employee desires, he/she may write a short letter to be given to those attending the meeting. The employee should give the letter to the GTL no later than ____________ to ensure its inclusion in the meeting. The letter should introduce the new name, express the employee’s commitment to a good working environment, and if desired, include a short personal
message about his/her transition. A letter expressing management support may also be given to those attending the meeting, if appropriate. The management letter should be given to the GTL no later than ______________ to ensure its inclusion in the meeting.

9. Complaint Procedures

Any employee concerns or complaints about gender transition, including those of the employee in transition, co-workers, managers, vendors, customers or others, are to be referred to the GTL, not to the employee in transition. If complaints or concerns are voiced to the employee in transition, the employee should refer the person to the GTL, and notify the GTL.

When concerns or complaints about gender transition are raised to the GTL, the GTL will speak to those concerned to provide guidance regarding the Company’s policy. The matter may also be referred through the usual Company grievance procedures.

10. Deviations from Plan

Deviation from the terms of this transition plan may constitute grounds for corrective action by Company to ensure that the plan is adhered to in the future.

11. Amendment of Plan

If the employee or the manager feels that the transition plan needs to be changed in order to constitute a reasonable accommodation, the request is to be made to the GTL. The request should be in writing, and specifically state the change requested and evidence supporting a significant need for the change. Within a reasonable period of time, the GTL will contact the employee and supervisory management to discuss the change, and issue a written decision granting or denying the request.

12. Change of Location

If the employee is notified that he or she or she will be reassigned to another Company location, permanently or temporarily, the employee should notify the GTL as soon as possible.

12. Ending Date

This plan will be terminate one year from the date listed in section 1, unless the GTL determines, in his or her sole discretion, that circumstances require continuing it for a specific period of time to address
problems or concerns that have arisen. The employee and supervisory management shall be notified in writing of the time of extension and the reason.
III. Guidance Memo for HR Professionals

Gender Transition Planning

1. Introduction

This memorandum provides in-depth guidance on the creation and implementation of a gender transition plan. It is designed to assist in training of Gender Transition Leaders who will be in charge of gender transition plans. Because this document is written on an advanced level for those with expertise in the issues of gender transition in the workplace, it is anticipated that this document will not be circulated to others. In the absence of such expertise, it is easy to misconstrue this document, thwarting the Company’s intention of maximizing workplace harmony.

Steps to be taken in case of gender transition

When an employee notifies Company of a gender transition, the following steps should be taken by the Gender Transition Leader (GTL):

A. Schedule an initial meeting with the employee (without supervisory management) to discuss the transition plan.

B. Schedule a meeting with the employee’s immediate supervisor (without the employee present) to discuss the transition plan. If the GTL considers it appropriate, the supervisor’s manager may be invited to the meeting. This should be scheduled to occur after the initial employee meeting is completed in order to be able to present complete facts to management.

C. Schedule a meeting with both the employee and supervisory management present to discuss the transition plan. This should be scheduled to occur after the other two meetings are completed, in order to understand and facilitate the issues of importance to both employee and management.

D. If deemed appropriate, schedule a meeting with co-workers and others in workplace contact. The scheduling and notification of this meeting should not take place until the transition plan is signed by the employee and management.

The following explanations are designed to provide an understanding of the intention of each of these four steps and to provide suggestions for smooth implementation.
2A. Initial Employee Meeting

This is an initial meeting with the employee (without supervisory management) to discuss the transition plan. It is important that this meeting take place very soon after assignment of the GTL to ensure that the employee does not take precipitous action that may cause workplace disruption.

Some information should be prepared for this initial employee meeting, if possible.

Items prior to initial employee meeting if possible:

- Identify and contact local resources below without divulging confidential information. The employee may be given a contact with a person at the resource provider who is ready to provide assistance on the issue of gender transition in the workplace. It would be wise to contact the resource provider to determine who specifically has training or experience with gender transition.
  - The local EAP may have counselors with expertise or resources useful to employees undergoing gender transition.
  - Local diversity council
  - Local affinity group
  - Other HR professionals who have been involved in gender transition at Company

- Identify co-workers, customers, vendors and others who are in frequent contact with the employee at the workplace.
  - These are the people who will be invited to the optional policy review session that may be scheduled after the transition plan is agreed to by the employee in transition and supervisory management.
  - The employee in transition will not attend this meeting in order to give attendees the opportunity to ask questions with less discomfiture.
  - It is a good idea to have a sense of how big such a meeting would be. 20-25 people is probably the natural limit in order to give people a chance to share questions and concerns. If there are more, perhaps there should be more than one meeting.
  - The list of people is also useful to determine if there are concerns about potential overreaction by certain employees.
• Do independent research on gender identity issues until you are satisfied with your level of knowledge.
  
  o Some additional information may make you more comfortable with addressing employees’ questions.
  o It is not necessary to become an expert on gender issues in order to facilitate gender transition in the workplace.
  o Resources for such research are set forth at the end of this memo.

• Assess the considerations for facilities usage.
  
  o Facilities usage is determined on a case-by-case basis.
  o The decision is based on the Facilities Usage Criteria set forth in 3 below.
  o The GTL, in collaboration with supervisory management and the employee in transition, is authorized to make the decision as to the most appropriate plan for facilities usage.

• Determine if the employee has a security classification.
  
  o Employees with a security classification who plan to undergo gender transition have an obligation to notify industrial security.
  o Psychological counseling for “Gender Identity Disorder” (as it is referred to in the Diagnostic and Statistical Manual of the American Psychiatric Association) is a Reportable Event.
  o Living in a different gender role from that of sex at birth represents a change in major life circumstances that is a Reportable Event.
  o A gender transition, with no additional diagnosis code, has not been known to automatically result in disqualification.
  o Failure to report Reportable Events will almost certainly result in revocation of security clearance.

Agenda of initial employee meeting

• Company’s commitment to a nurturing work environment
• Ask about gender transition plans
• Introduce idea of a plan to manage workplace transition successfully
  o Discuss 4 step process
  o Briefly review Company Gender Transition Guidelines
  o Briefly review Draft Transition Plan
  o Leave copies and request comments (no cc)
• Ask about questions/concerns

**2B. Initial Management Meeting**

Schedule a meeting, to take place after the initial employee meeting, with the employee’s supervisory management (without the employee present) to discuss the transition plan. Remind the manager that notes of the meeting should not be given to secretaries or other personnel until the information is made public to avoid leakage of confidential information.

**Agenda of management meeting (without employee):**

- Present employee’s plans regarding gender transition
  - note need for confidentiality until co-worker meeting
- Explain basic steps of gender transition
- Introduce idea of a plan to manage workplace transition successfully
  - Discuss 4 step process
  - Briefly review Company Gender Transition Guidelines
  - Briefly review Draft Transition Plan
  - Leave copies and request comments (no cc)
- Discuss budget for site education
- Ask about questions/concerns

**2C. Follow up meeting with employee and management**

- When you receive comments from employee and management, determine the issues of potential conflict, and sound out the employee and manager to see how much flexibility they have on these points.
- Fill in the draft transition plan to the best of your ability and forward to both employee and management. Give them time to make further comments, which should be forwarded to you (GTL) only. Let them know to send their comments without a cc. Your mediation will reduce the time, effort and energy required to finalize the plan. Direct negotiation between employee and managers on this sensitive subject may result in unintended conflict and hardening of positions.
- Schedule a meeting, with both the employee and supervisory management present, to discuss the transition plan. At the meeting, hand out a list of points of agreement and points of disagreement. Suggest appropriate compromises and mediate the discussion. Make notes of the items agreed at the meeting and send a follow up email to each of the participants afterwards to ensure these were correctly noted. Make sure to ask if there are
any questions or concerns other than those discussed regarding the transition plan.

- If agreement cannot be reached on all points after a reasonable time in this meeting, schedule a later meeting and request participants to think about possible resolutions.

- Ultimately, if agreement cannot be reached after reasonable attempts, you (GTL) will make the decision.
  
  o The GTL has the authority to decide points upon which there is not agreement of the employee and manager after a reasonable time for negotiation.
  o If the employee or manager ultimately refuses to sign or abide by a reasonable transition plan, as determined by the GTL, that employee or manager will be subject to corrective action, up to and including termination. This is permissible because the Company retains the legal right to set terms and conditions of employment.

- Employee and manager receive a copy of the completed and signed transition agreement. The manager has a duty to keep the information contained therein confidential.

2D. Guidelines Review Session

This is an information session with those in frequent workplace contact, including co-workers and, if appropriate, vendors and customers. Media relations should also be invited to the meeting. This session may be conducted by the GTL or an outside expert, if warranted. The purpose of this session is threefold: 1) to introduce them to gender transition and to advise them of what to expect, 2) explain The Company’s guidelines and appropriate norms of employee conduct, and 3) where to go to obtain guidance or make a complaint. The scheduling and notification of this meeting should not take place until the transition plan is signed by management and the GTL, in collaboration with the employee in transition, so that information given to the employees is correct and not subject to change without warning.

Depending upon the circumstances, it may be more appropriate to have a separate meeting for vendors, individual meetings with customers, or notification of these groups by the GTL in a brief letter noting the new name and pronoun. The GTL should get input from the employee in transition and management when making this decision. It may also be appropriate to consider the input of others who have a primary relationship with these vendors or customers, such as purchasing officers and sales representatives. Some employees in transition may be concerned about the Guidelines Review Session. The GTL should consider the concerns of the employee in transition...
in the set-up and conduct of the meeting, and assure the employee in transition that it is not a referendum on the employee’s personal choices. However, it is important for the session to be held. To the extent that the employee in transition is appearing in public in a different gender role, his/her transition is a public event. Company employees must be apprised of the Company’s guidelines and expected norms and have a forum to express questions. All other aspects of the employee’s private life will remain private. However, if an employee in transition insists that a policy review session not be held because of concerns about safety or privacy, the GTL may decide that a policy review session is inadvisable. In that case, private meetings with select co-workers may be appropriate.

3. Facilities Usage Criteria

Some facilities, such as bathrooms and locker rooms, are segregated on the basis of sex. This section sets forth the factors to be considered in regard to bathrooms, locker rooms and other gender-specific spaces.

Because of the cultural preference for sex segregated facilities, a great deal of sensitivity is required in regard to facilities usage. The employee in gender transition may feel that his/her new gender is not being recognized if they are not permitted to use facilities reserved for that gender. On the other hand, co-workers may differ as to the employee’s gender, raising objections to the usage of any facilities whatsoever.

Company, as the employer, is permitted by law to set the terms and conditions of employment, as long as it does not contravene the law. Company has an interest in minimal workplace disruption during gender transition. Therefore, facilities usage will be determined on a case-by-case basis. This is not to say, however, that the decision is to be arbitrary or capricious. Rather, after considering the relevant factors, the GTL must make a decision as to the most appropriate plan for facilities usage.

A. **Bathrooms** – factors to be considered

- **Number of bathrooms within reasonable walking distance**

  If there is more than one multi-use bathroom within reasonable walking distance, then one of these may be designated as the bathroom to be used by the employee in gender transition. The reasoning here is that co-workers, if they feel uncomfortable using that bathroom, may use others.

- **Availability of single use or lockable bathrooms**

  If there is a single use bathroom, or a multi-use bathroom that is lockable, that may be designated as the bathroom to be used by the employee in gender transition.
• Length of employee’s transition

Over time, most co-workers tend to become more comfortable with the employee in gender transition, and the bathroom becomes much less of an issue than it is at the beginning of the process. If the employee is transitioning to living in the new gender within a few weeks, more time may be needed for co-workers to become comfortable. If the employee transition will take place over a few months, co-workers probably will become sufficiently comfortable to reduce concerns about bathroom usage to a manageable level.

It also depends on the local area in which the transition is taking place. The local culture in some areas are extremely tolerant of differences, and gender transition is in the workplace is accepted more quickly. In other areas, the local culture is more traditional in regard to deviations from accepted social norms, and comfort level with gender transition will progress more slowly.

• Employee’s comfort level

Some employees in gender transition feel more comfortable using a private single-use bathroom. Others feel comfortable using a multi-use public bathroom, and have successfully done so consistently over a period of time. An employee in transition who is hesitant in using the bathroom may convey anxiety to co-workers, causing objections to arise. This comfort level should be taken into account.

• Co-worker comfort level

In some work environments, all co-workers are comfortable with sharing a bathroom with an employee in gender transition. In other work environments, a reasonable objection will be raised. The work environment should be assessed to determine the likely scenario. This should not, however, be the sole consideration used in deciding on facilities usage. There is always a possibility that someone might object, however unreasonably. Rather, its importance is that it allows human resources to prepare appropriate resources to provide guidance to employees who have concerns about the decision.

If it appears, after several attempts at mediation, that there is an irreconcilable conflict between the employee’s position on
facilities usage and that of management or co-workers, the GTL should make contact with the legal department for their input on an appropriate solution.

B. **Locker rooms** and other gender-specific spaces (e.g. shower rooms) – factors to be considered

Some sites have locker rooms for changing into work clothing and showering. Even more than bathrooms, locker room facilities raise cultural concerns about public nudity.

- the availability of single use or lockable facilities for showering (if appropriate) and changing clothes

If there is a single use locker room or shower room, bathroom with shower, or a multi-use locker room/shower room that is lockable, that may be designated as the facility to be used by the employee in gender transition.

- The presence of private stalls within the locker room where employees can shower and change clothes

Some locker room facilities have private stalls within the locker room where employees can shower and change clothes. This reduces the impact of public nudity, though it does not eliminate it. In very tolerant environments, this may reduce the impact sufficiently to make this locker room appropriate for use by the employee in transition at some point. In more traditional environments, the presence of private stalls may not create sufficient comfort to make the use of this locker room appropriate for use by the employee in transition.

- Length of employee’s transition

Over time, most co-workers tend to become more comfortable with the employee in gender transition, and the locker room may become less of an issue than it is at the beginning of the process. If the employee is transitioning to living in the new gender within a few weeks, more time may be needed for co-workers to become comfortable. If the employee transition will take place over a few months, co-workers may become sufficiently comfortable to reduce concerns about locker room usage to a manageable level.
It also depends on the local area in which the transition is taking place. The local culture in some areas are extremely tolerant of differences, and gender transition is in the workplace is accepted more quickly. In other areas, the local culture is more traditional in regard to deviations from accepted social norms, and comfort level with gender transition will progress more slowly.

- Employee’s comfort level

Some employees in gender transition feel more comfortable using a private single-use locker room. Others feel comfortable using a multi-use public locker room, and have successfully done so consistently over a period of time. An employee in transition who is hesitant in using the locker room may convey anxiety to co-workers, causing objections to arise. This comfort level should be taken into account.

- Co-worker comfort level

In some work environments, all co-workers are comfortable with sharing a locker room with an employee in gender transition. In other work environments, a reasonable objection will be raised. The work environment should be assessed to determine the likely scenario. This should not, however, be the sole consideration used in deciding on facilities usage. There is always the possibility of some objection being raised, however unreasonably. Rather, its importance is that it allows human resources to prepare appropriate resources to provide guidance to employees who have concerns about the decision.

If it appears, after several attempts at mediation, that there is an irreconcilable conflict between the employee’s position on facilities usage and that of management or co-workers, the GTL should make contact with the legal department for their input on an appropriate solution.

C. Changes in Circumstances

When gender transition has been in place for a few months, the comfort level of the employee in transition and the co-workers usually increases. In addition, the appearance of employees in transition tends to conform more to the expected norms of their new gender with time, increasing co-worker comfort. Lastly, there may be changes to the site that change the considerations for facilities usage. The initial decision about facilities usage may be
put in place for 30 to 90 days, to be reassessed at the end of that time. Of course, changes in circumstances may be brought up at any time if such changes necessitate modification of the transition plan.

D. **Sex Reassignment Surgery (SRS) as a factor in facilities usage determinations**

Sex reassignment surgery refers to surgical procedures intended to assist in transition from one sex to another. The guidelines do not base decisions about facilities usage upon SRS. The Company has based this determination on the following reasons.

- The use of SRS as a factor is inappropriate because there are numerous types of SRS, which vary in their effectiveness and appearance. Such a requirement requires the Company to assess proof regarding specific details of the employee’s medical history and treatment. This is problematic because such questions may impact medical privacy laws, which differ by jurisdiction.

- The use of SRS as a factor is inappropriate because it may create the perception that the Company endorses, condones or regulates its employees’ decision to undergo gender transition. This is undesirable for reasons including employee relations, public relations, insurance coverage and potential litigation. It is best for the Company to stay out of the employee’s medical decision-making.

- The use of SRS as a factor is inappropriate because SRS does not address all objections to facilities usage. The set of five Facilities Usage Criteria better achieves the Company’s goals of maximizing workplace harmony and minimizing distractions.

- The use of SRS as a factor is inappropriate because the standards of care of the primary medical organization in this area (www.hbigda.org) require successfully living as the opposite sex for a year or more prior to medical approval for surgery. Therefore, it is likely that an employee in transition will not complete his/her medical treatment for a substantial period of time. Requiring an employee who appears female to the general public to use a men’s facility, or vice versa, will likely cause more workplace distraction than necessary. The criteria adopted in these guidelines better addresses these issues than a surgical requirement.
The use of SRS as a factor is inappropriate because bathroom usage does not generally involve public viewing of nudity. Therefore genital surgery is irrelevant to the facilities usage determination. Locker room usage sometimes involves public viewing of nudity, and therefore the particulars of SRS could be relevant, through the Company will not seek this information from the employee. Rather, the issue is the comfort level of reasonable co-workers with sharing that particular locker room with that employee. This may depend, in part, on the availability of private changing facilities within the locker room.

4. Legal Aspects

Legal protections in the workplace for gender identity are constantly evolving. In the last ten years, there has been a rapid increase in protection on the international, federal, state and local levels.

Some of the countries in which Company does business have prohibited discrimination on the basis of gender identity, including Canada, Britain and Australia. The European Union also prohibits such discrimination. U.S. Federal statutes, however, such as the Americans with Disabilities Act and the Rehabilitation Act of 1973, exclude “transsexualism” and “gender disorders not resulting from physical impairments” from protection. Title VII of the Civil Rights Act prohibits discrimination because of sex, though it does not mention gender identity. However, several states and about one hundred local U.S. communities have passed laws protecting employees from discrimination based on gender identity. Minneapolis passed the first such law in 1975. On the state level, Minnesota passed the first such law in 1993, followed by Rhode Island (2001) New Mexico (2003) California (2004), Illinois (2005) and Maine (2005).

In the last five years, several federal courts have ruled that discrimination on the basis of gender identity is prohibited “sex” discrimination. This means that one may not discriminate against a person because they do not conform to stereotypes about how men and women should appear and behave. For example, a federal Appeals Court held that a transgender bank customer, born male but living as a female and dressing in traditionally female attire, stated a claim for sex discrimination under the Equal Credit Opportunity Act based on a bank loan officer’s refusal to serve that customer because of non-traditional gender identity.

State courts and administrative agencies have also been active in extending protection to transgender employees. In 1993, the Washington Supreme Court held that transsexuality is protected disability under that state’s disability law. Courts in Massachusetts and New Jersey, and administrative agencies in Florida, Illinois, and Oregon have also so ruled. Some have ruled that state sex discrimination laws
include transgender people, including courts in New York, Massachusetts, and New Jersey, and administrative agencies in Connecticut, Hawaii and Vermont. Courts in Washington, D.C. have interpreted the D.C. statute prohibiting "personal appearance" discrimination to include transgender people.

While many jurisdictions do not have laws against gender identity discrimination, it is likely that more and more jurisdictions will adopt such laws in the future. It is in the best interests of the Company not to make employment decisions based on personal identity or other grounds not affecting job performance.
IV. Guidelines Review Session

Purpose/Summary

In most cases, it is appropriate to hold a meeting for those in frequent workplace contact with an employee in gender transition to review The Company’s Gender Transition Guidelines. Due to the sensitive balance between information and privacy, special sensitivity must be shown in the scheduling and conduct of this meeting. This memorandum sets forth guidelines for such meetings. Reference should also be made to the Global Diversity Guidelines for Gender Transition that explain the other steps to be taken in cases of gender transition.

These guidelines do not constitute a contract or contractual obligation or a promise of specific treatment in a specific situation, and the Company reserves the right, in its sole discretion, to amend, modify, or discontinue its use without prior notice, notwithstanding any person's acts, omissions or statements to the contrary.

1. Company Commitment and Objectives

The Company is committed to fostering a work environment where everyone is treated fairly with trust and respect, including employees in gender transition and their co-workers. Company is committed to maintaining a harmonious work environment in cases of gender transition. The objective is to provide guidance for GTLs responsible for conducting a Gender Transition Guidelines Review Session.

2. Requirements for Session

A. Actions to be taken: When an employee notifies the Company of a planned gender transition, there are a series of steps to be taken, contained in the Global Diversity Guidelines for Gender Transition. One of these is to schedule a meeting for those in frequent workplace contact, if appropriate.

This session is conducted by the GTL or, if warranted, by an outside expert with training and experience in speaking about gender transition in the workplace. The employee in transition is not present at the session. If there is an expert, s/he should be provided with these guidelines on a confidential basis to ensure that s/he is aware of The Company’s requirements.

The GTL should determine the names and contact info of co-workers in frequent workplace contact with the employee in transition, to determine who should attend the meeting. Media relations should also be invited to the meeting. If there
are vendors or customers with whom the employee in transition has frequent workplace contact, these may be invited to the meeting as well. Depending upon the circumstances, it may be more appropriate to have a separate meeting for vendors, individual meetings with customers, or notification of these groups by the GTL in a brief letter noting the new name and pronoun. The GTL should get input from the employee in transition and management when making this decision. It may also be appropriate to consider the input of others who have a primary relationship with these vendors or customers, such as purchasing officers and sales representatives.

The GTL should consult the employee in transition to decide if he/she would like to write a short letter to be handed out at the meeting. The text of the letter should be reviewed by the GTL to ensure that there are no typographical errors or other content distracting to the intent of the letter. The letter should be short, introduce the employee’s new name, state his/her commitment to good working environment, and if desired, include a short personal message about his/her transition. A model of an employee letter is provided below.

The GTL should solicit a short letter from management expressing management support. The letter should reference The Company’s Equal Opportunity Policy, express management’s commitment to non-discrimination and harassment-free work environment for all, commitment to maximizing workplace harmony, express support of employee in transition and encourage co-workers to seek out the GTL for guidance. A model of a management letter is provided below.

The GTL should attend the meeting and be available to speak with employees afterwards.

The GTL should advise the employee in transition of how the meeting went. The GTL should not discuss the names of co-workers or others at the meeting who voiced particular questions or concerns.

B. Purpose of the session and considerations: The purpose of the session is threefold: 1) explain the Company’s Gender Transition Guidelines and appropriate norms of employee conduct, 2) to introduce attendees to the concept of gender transition and to advise them of what to expect, and 3) advise where to obtain guidance or voice a complaint.

Some employees in transition may be concerned about the requirement of a Guidelines Review Session, particularly since they will not be present. The GTL and session leader should consider the concerns of the employee in transition in the set-up and conduct of the session. However, it is important that the session be held. To the extent that the employee in transition is appearing in public in a different gender role, his/her transition is a public event. Company employees must be apprised of The Company’s guidelines and expected norms and have a forum to express questions and concerns. All other aspects of the employee’s
private life will remain private. However, in some cases an employee may insist that a Guidelines Review Session not be held because of concerns about

This session requires a balance between information and privacy. While the old and new name of the employee will be revealed, the session is not a referendum on this employee or his/her personal choices, nor is Company taking any position on the employee’s personal choices. The intent is strictly as stated above. At the same time, questions and concerns of the employees must be encouraged, because if not addressed directly at this meeting, they will surface in suboptimal ways. This is the reason the meeting is held without the employee in transition. The presence of that employee will make it more difficult for co-workers to voice their questions and concerns for fear of appearing ungracious or critical.

The session leader should be prepared for questions that seem ungracious or critical. Such questions should be answered with sensitivity, even if the meeting leader believes that the question is malicious or mean-spirited. The purpose is not to convince everyone of the morality or propriety of gender transition, and employees are not being asked to change their personal opinions. They are being asked only to follow The Company’s guidelines in order to create a harmonious and productive work environment.

If an invitee cannot attend, the GTL should speak to them to review the basics and see if they have any questions or concerns.

3. Draft Agenda

There are certain topics that Company would like to see covered during the policy review session. The session leader’s judgment should be used to decide if changes in content, order or style are appropriate given the particular circumstances.

Agenda of Guidelines Review Session (without presence of employee in transition)

- Statement of purpose of the meeting
  - Review Company Gender Transition policies and appropriate norms of employee conduct
  - Introduce gender transition and advise what to expect
  - Advise where to obtain guidance or voice a complaint

- Explanation of gender transition
  - Early feelings of different gender, intensifying into maturity
  - Unclear whether biological or social, possibly both
  - Medical treatment requires concurrence of mental health professionals and physicians
• Transition often occurs years later because of shame and prejudice
• There are three main prejudices against non-traditional gender identity: serious mental illness, sign of criminal tendencies, and indicator of promiscuity. These stereotypes should be put away.

• Company nondiscrimination policy
  • Company’s Policy states commitment to non-discrimination and harassment-free work environment
  • Company’s Gender Transition Guidelines states commitment to maximizing workplace productivity in cases of gender transition
  • Company’s guidelines are a response to gender transition in the workplace, not an endorsement or position of any kind.

• Employee in gender transition
  • Include name and job title (reference to title reframes context from personal to business)

• Changes co-workers can expect to see
  • Name
  • Dress
  • Gendered behavior
  • Appearance
  • Not much else

• Facilities usage
  • As set forth in transition plan

• Appropriate norms of conduct for co-workers
  • The new name of the employee, if any, and the proper pronoun to use (he or she).
  • It is likely that co-workers will make mistakes with name and pronoun, especially at the beginning
  • An appropriate response to making a mistake is to mention the correct name or pronoun. Extended apologies are not necessary.
  • If, after a reasonable period of time (i.e., a month or two), a particular employee continually uses the wrong name or pronoun, and such usage appears to be intentionally designed to harass, the GTL will provide guidance to the offending employee.
  • It is appropriate for those with a personal relationship to inquire about personal matters generally.
  • If you ask a question you think is appropriate, and the co-worker indicates that the question seems inappropriate, it would probably be best to refrain from pursuing it.
• It is The Company’s policy that medical privacy be retained by the employee in transition; employees in transition should not be asked to discuss his/her anatomy with co-workers.

• Procedures for guidance or complaints
  • The Company recognizes that this is new for most people, and that employees will have questions and concerns
  • The Company encourages seeking guidance from the GTL
  • Give contact information for GTL
  • Concerns or complaints about gender transition should be directed to the GTL, not to the employee in transition
  • The usual Company grievance procedures apply.

[NOTE TO GTL: While co-workers should bring complaints or concerns to the GTL, the GTL should keep in mind that some matters may fall under other policies, such as sexual harassment.]

• Letter from employee in transition (if any)
• Letter expressing management support
• [when previewing this agenda, make a note to ensure there are sufficient copies of these letters at the meeting]
• Q&A

4. Model Employee and Management Letter

For use at the Gender Transition Guidelines Review Session, the GTL should consult the employee in transition to decide if he/she would like to write a short letter to be handed out at the meeting. The text of the letter should be reviewed by the GTL to ensure that there are no typographical errors or other content distracting to the intent of the letter. The letter should be short, introduce the employee’s new name, state his/her commitment to good working environment, and if desired, include a short personal message about his/her transition. A model of an employee letter is provided below. The content of the letter should be changed as appropriate to fit the particular situation and the writer’s individual style.

Dear Friends and Colleagues,

I must share some news about a major personal decision that will affect my appearance at work. In consultation with management, it is now appropriate to discuss this matter in more detail.

My doctors have diagnosed me with gender dysphoria, a medical condition in which psychological gender is not in alignment with biological sex. For many, this condition ultimately results in sex reassignment.
During the past few years, I have worked intensively with a therapist having expertise in gender issues. I have finally come to understand the need for a final answer. With this revelation, a huge weight was lifted from my shoulders. After much consideration, I now know what I must do to make my life whole. Though this was a difficult decision, I have decided to begin living my life as a man/woman.

My name has been changed legally to ___________. Additionally, on or about ________________, I will be on medical leave. Upon my return I will begin living my life fully as (new name). I will not look very much different than I do now, other than some different clothes. For some of you, this may be difficult to understand or accept. I do not ask that you change your personal opinion. I only ask that you continue to accept me as a valued member of the workplace. It is my hope that this process will be completed with the least amount of disruption to the workplace.

I emphasize that this will not negatively impact my job performance in any way. In fact, having this issue behind me, I will be more at peace. It is my expectation that I will maintain the good working relationships that I currently have with you all. Some of you might feel apprehensive initially, but please remember that I am still the same person that you have always known.

Thank all of you for your consideration, patience and understanding.

Sincerely,

Model Management Letter

For use at the Gender Transition Guidelines Review Session, the GTL should solicit a short letter from management expressing management support. The letter should reference The Company’s Equal Opportunity Policy, express management’s commitment to non-discrimination and harassment-free work environment for all, commitment to maximizing workplace harmony, express support of employee in transition and encourage co-workers to seek out the GTL for guidance. A model of a management letter is provided below. The content of the letter should be changed as appropriate to fit the particular situation and the writer’s individual style.

We are writing this to notify you of a change regarding one of our team members in the _______ department. Although this change is of a personal nature, it is one that will be visible to you. Consequently, we feel that it is important to let you know about the change and any possible impact it may have.
One of our valued team members, __________, will be continuing a personal transition that began some years ago. Beginning on __________, he/she will be taking a major step in a gender transition and will begin living full-time as a man/woman. He/She _______ has adopted the name __________.

We realize that this may come as a surprise to some people and anticipate that a variety of personal reactions may surface as this change occurs. For that reason, we felt that it would be beneficial to our employees to have an opportunity to learn about The Company’s guidelines regarding gender transition and ask any questions they may have.

We reiterate The Company’s support for all our employees and their diverse personal lives, as well as The Company’s commitment to employee diversity. As always, our responsibility is to ensure a safe and healthy working environment where employees of diverse backgrounds and beliefs can work free of harassment, intimidation, or discrimination.

Please treat ___________, with respect, using correct references to name or pronoun of the new gender, refraining from asking inappropriate questions or making inappropriate comments, and respecting employee confidentiality. Particularly at the beginning of gender transition, it is common for co-workers to make some mistakes regarding these matters. Do not take offense at respectful corrections offered by the employee in transition.

If you are interested in learning more about the issues involved in gender transition in the workplace, here are some resources for your consideration. These are provided for informational purposes only, and the Company does not endorse the opinions expresses therein.

- The Human Rights Campaign has a section on transgender issues in the workplace at http://hrc.org/worklife


- This book, written by a counselor/activist, gives information on the basics of transgender issues, the process of gender transition at work and co-worker issues. Walworth, Working with a Transsexual: A Guide for Coworkers (Center for Gender Sanity 2003) 135 pages
Your Company management along with Human Resources is working to support __________ during this transition period and in the performance of her job and ask that you do the same. To minimize disruption to our colleague, we ask that you address any questions or concerns about this subject to __________ , our local Diversity Manager.

Thank you for your understanding and consideration in keeping Company a productive and safe working environment for employees of diverse personal backgrounds.
V. Gender Transition: Frequently Asked Questions

This document is for the guidance of the Gender Transition Leader in cases of gender transition. It is for their use in being prepared for questions from employees in transition, managers and co-workers. It is not to be generally distributed as those without a background understanding of gender transition and The Company’s Gender Transition Guidelines may misconstrue its meaning and intent.

- What does “gender identity” mean?
- What does “gender transition” mean?
- How is this related to “sexual orientation”?
- Are there medical standards of care for gender transition?
- How much accommodation is to be made for employees in gender transition?
- How will the employee in transition dress?
- What is a “gender transition plan”?
- What if the employee in gender transition wishes to deviate from the transition plan?
- Isn’t this solely a private matter?
- What if I or others have a religious or moral objection to gender transition?
- What is appropriate or inappropriate to ask a co-worker about his/her gender transition, or for an employee in gender transition to disclose?
- What if I make a mistake?
- What if I prefer not to recognize the employee’s “new identity”?
- What about bathrooms?
- What about locker rooms?
- Is this required by law?
- How will this be explained to co-workers, customers and vendors?
- What if co-workers, customers or vendors ask not to work with the employee?
- How should I respond to media contacts on this issue?

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What does “gender identity” mean?

“Gender identity” is broadly defined as “gendered identification, self-expression and appearance” corresponding to a deeply-felt psychological identification as
male or female. Gender identity may or may not correspond to a person’s sex assigned at birth. “Gendered identification” refers to the employee’s self-determination of his/her gender as male, female, or other, “gendered self-expression” refers to the employee’s expression of gender, such as clothing, and “gendered appearance” refers to the employee’s appearance that may be interpreted by others as masculine or feminine. Employees may not be subject to discrimination or harassment based on gender identity.

What does “gender transition” mean?

“Gender transition” refers to transition from male to female, or from female to male. Those who transition feel strongly and persistently that their gender identity is different from their sex at birth, and wish to transition from one gender to the other. Thus, a person born female may decide to transition to living as a male. Conversely, a person born male may decide to transition to living as a female.

This transition often takes a year or more. You may have heard the term “transsexual,” a term popularized by the medical community in the 1960s, referring to one who undergoes sex reassignment surgery (sometimes called gender confirmation surgery). The term “transgender,” of more recent origin, is a broader term encompassing all gender variance, including those in which surgical reassignment is contraindicated.

The Company’s guidelines do not use the terms transsexual or transgender. Their meanings are currently subject to debate, making them inappropriate for The Company’s purpose. The Company’s guidelines are designed to provide for a harmonious workplace in cases of gender transition, and to minimize workplace distractions. Instead, the guidelines use the terms gender identity and employee in transition.

How is this related to “sexual orientation”?

“Sexual orientation” refers to one’s orientation towards male and/or female partners. The terms for “sexual orientation” include straight, gay, lesbian and bisexual. Unlike “gender identity,” “sexual orientation” does not refer to one’s self-identification as male or female. Those who undergo gender transition may consider themselves heterosexual, that is, they prefer partners of the opposite sex (though “opposite sex” can be ambiguous in this context). Thus, everyone has both a sexual orientation (e.g., heterosexual) and a gender identity (e.g., male).

Are there medical standards of care for gender transition?

The Harry Benjamin International Gender Dysphoria Association (HBIGDA) is considered the leading medical association regarding gender transition. They maintain standards of care regarding gender transition that are observed by most physicians and psychologists who have patients in gender transition. In general,
these standards indicate that, in order to qualify for surgical intervention, clients must live for 12 months in the new gender, though there are exceptions. (www.hbigda.org)

The Company’s guidelines are designed to leave medical management to the employee’s health providers. The Company does not monitor the employee’s medical treatment. The employee’s medical treatment is considered a private matter.

How much accommodation is to be made for employees in gender transition?

When Company becomes aware of gender transition, a gender transition plan is created. That plan sets out reasonable accommodations that the employee is to receive in light of the specific circumstances at the work site.

How will the employee in transition dress?

It is expected that the employee in transition will adhere to the dress code of his/her new gender, and that appropriate work attire will be worn.

What is a “gender transition plan”?

This is a plan that will govern the employee’s transition. It is agreed to by the Gender Transition Leader (GTL) and the employee’s supervisory management. It will address issues such as timeline, dress and facilities usage.

What is the Gender Transition Leader (GTL)?

This is the local Diversity Manager in charge of the gender transition plan. The GTL has had extensive training in creating and implementing a gender transition plan.

What if the employee in transition wishes to deviate from the gender transition plan?

The purpose of the transition plan is to ensure that gender transition does not unduly disrupt the work environment, both for the employee in transition and for others in the workplace. Deviation from the transition plan without management approval may constitute grounds for corrective action by Company to ensure that the plan is adhered to in the future. However, if an employee feels that the transition plan needs to be changed in order to constitute a reasonable accommodation, a request should be made to the GTL. The request should specifically state the change requested and evidence supporting a significant need for the change. Within a reasonable period of time, the GTL will contact the employee’s manager to discuss the change, and issue a decision.

Isn’t this solely a private matter?
Because of the nature of gender transition on the job, it cannot be kept from those at the workplace. Company deems it best to address the needs of managers and co-workers by providing information on the Company’s guidelines in cases of gender transition. Beyond the fact of gender transition, however, it is a private matter.

What if I or others have a religious or moral objection to gender transition?

Company is not asking employees to change their religious or moral opinions. Employees are entitled to their private opinions regarding these guidelines. The Company’s policy only prohibits discrimination and harassment, that is, adverse employment actions or hostile working environments.

What is appropriate or inappropriate to ask a co-worker about his/her gender transition, or for an employee in gender transition to disclose?

Because most people have not been exposed to gender transition, it is often unclear what is appropriate to ask. Here are some guidelines. There are three levels of information.

1. Form of address – if a co-worker is in contact with an employee in gender transition, and is unsure how to address them, it is appropriate to ask how they preferred to be addressed by name (should I call you Susan rather than George?) and what pronoun to use in reference to them (should I refer to you as “she”?).

2. Personal questions – if a co-worker is in frequent contact with an employee in gender transition, and there has been a personal relationship involving sharing about other personal matters, it may be appropriate to ask general personal questions about his/her life. General questions such as “how is it going?” and “are things going well?” are both appropriate and comforting. If you ask a question you think is appropriate, and the co-worker indicates that the question seems inappropriate, it would probably be best to refrain from pursuing it.

3. Medical information – it is not appropriate to ask co-workers questions about medical condition or procedures. Employees in gender transition have a right to keep medical information confidential. Discussion of medical information at the workplace is a waiver of workplace confidentiality, and Company may take action based on such information. Further, it is likely that public disclosure of medical information regarding gender transition will lower the comfort level of co-workers and raise objections to facilities usage.

What if I make a mistake?

Because most people have not been exposed to gender transition, it is likely that co-workers will make mistakes, such as referring to the employee in gender transition by the wrong name or pronoun, or asking inappropriate questions.
Employees in transition should gently correct a co-worker who makes a mistake. It is assumed that mistakes will be less frequent after a reasonable period of time.

What if I prefer not to recognize the employee’s “new identity”?

Company is not asking employees to change their religious or moral opinions. Employees are entitled to their private opinions regarding the provisions of this guidelines. However, continually addressing the employee by his/her former name or gender identity after a reasonable period of time may constitute a hostile working environment. If brought to The Company’s attention, the matter will have to be addressed to ensure that the work environment is not hostile to the employee.

What about bathrooms?

Bathroom accommodations will be based on the specific circumstances at the work site. There are five criteria: number of bathrooms within reasonable walking distance, availability of single use or lockable bathrooms, length of employee’s transition, employee’s comfort level and co-worker comfort level. At some point, an employee in transition will begin to use public bathrooms of the opposite sex. Co-workers who may be uncomfortable with such arrangements should speak with the GTL to receive guidance.

What about locker rooms?

Locker room accommodations will be based on the specific circumstances at the work site. There are five considerations: the availability of single use or lockable facilities for showering (if appropriate) and changing clothes, the presence of private stalls within the locker room where employees can shower and change clothes, length of employee’s transition, employee’s comfort level and co-worker comfort level. At some point, it is likely that an employee in transition will begin to use public locker rooms of the opposite sex. Co-workers who may be uncomfortable with such arrangements should speak with the GTL to receive guidance.

Is this required by law?

Legal protections in the workplace for gender identity are constantly evolving. There has been a rapid increase in protection on the international, federal, state and local levels, and the law is in a state of flux. These guidelines are based on Company policy rather than specific legal requirements.

How will this be explained to co-workers, customers and vendors?

A Gender Transition Guidelines Review Session will be held with those in frequent workplace contact with the employee in transition to give guidance on The Company’s guidelines.
What if co-workers, customers or vendors ask not to work with the employee?

The Company does not subject protected employees to adverse employment actions based on his/her personal identity. Therefore, Company cannot honor a request to isolate the employee from certain contacts. Those who choose to work with the Company must respect the Company’s policies.

How should I respond to media contacts on this issue?

All media contacts should be referred to the media relations office.