

Your Employee Assistance Program is a support service that can help you take the first step toward change.

Supporting transgender and gender non-binary employees

Over the past three decades, state and federal discrimination and harassment legislation has evolved to protect men and women of all races, religions, ages, and abilities. Now, one of the last barriers to true employment equity is being addressed: gender identity and expression.

The state of the union

Approximately 1.4 million adults in the U.S. identify as transgender – having a gender identity different from the sex assigned to them at birth -- and about a third of millennials identify as non-binary – having a gender that is not exclusively male or female, a gender other than male or female, both genders, or no gender. There is a growing understanding and acceptance of gender identity issues across the country as more than 70 percent of Americans believe that transgender people should be protected from discrimination.

Unfortunately, only 19 states (California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington) and the District of Columbia currently prohibit discrimination based on gender identity.

Progress is happening in the workplace, though. According to the Human Rights Campaign's most recent Corporate Equality Index, three-quarters of Fortune 500 companies have gender-identity protections in place, compared with just three percent in 2002. Forty percent of employers have at least one plan that covers hormone replacement therapy; in 2002, it was zero. But there's no denying that many organizations are struggling to address the many nuances involved in not only supporting their transgender and non-binary employees, but their entire workplace.

Supporting transgender and non-binary employees

Going through a gender transition or "coming out" as non-binary can be daunting for everyone - from the person involved to the senior leaders. But the bottom line for most organizations is ensuring a safe, fair and respectful work environment and that means incorporating gender identity into diversity, and implementing discrimination and harassment prevention guidelines and policies.

Here are some other ways managers and organizations can help support transgender and non-binary employees:

At the managerial level:

- Understand the issues and language of gender identity (e.g. gender identity is not the same thing as sexual orientation).
- Discuss with transitioning employees how they would like to announce their transition, and how and when they will be presenting their true gender identity. Work with them to create a plan to make their transition as smooth as possible.
- Address the bathroom policy and communicate it to the entire workforce before an individual announces their gender-identity or intended transition. Make it possible for people to use the bathroom that conforms to their identity, not just biology, or consider designating bathrooms as

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all-gender. You can find more information on bathroom best practices from the U.S. Department of Labor.

- Incorporate gender identity into diversity training for all levels of the company. Contact your Employee Assistance Program (EAP) for information and assistance.
- When the employee is ready, call a meeting and make the announcement.
    - Make it clear that the person is a valuable employee and has management's full support.
    - Explain company policies (including discrimination and harassment guidelines).
    - Stress that as of a certain date the employee will be referred to by their new name and preferred pronoun.
    - Answer people's questions.
- Be the first to use the employee's desired pronoun and name.
- Lead the updating of HR records, email addresses, business cards etc.
- Have a true open door policy so that all employees can approach you when they're ready.

At the organizational level:

- Adapt dress codes to focus on the clothing itself, not on gender. For example, the length of shorts and skirts in general, without adding gender qualifiers.
- Provide appropriate medical benefits for transitioning employees. This includes counseling, hormone replacement therapy and various types of surgery. Some of these benefits can be provided through your EAP.
- Demonstrate zero-tolerance for any form of harassment or bullying.
- Support community organizations that promote LGBTQ+ equality and respect.

When transgender or non-binary employees face hostility, harassment and resentment in the workplace, their managers face work disruptions, interpersonal conflicts, legal issues and loss of productivity. It is vital that team leaders have clear corporate policies and guidelines, the support of senior management and access to gender identity experts and resources. Contact your EAP for more information.