

Managing Transgender in the Workplace

Brief guidelines for Human Resources and Managers

- 1. Brief Overview**
- 2. Workplace Communication Framework**
- 3. How to Manage Employee or Third Party Concerns**
- 4. Sample Communication**
- 5. Additional Resources**

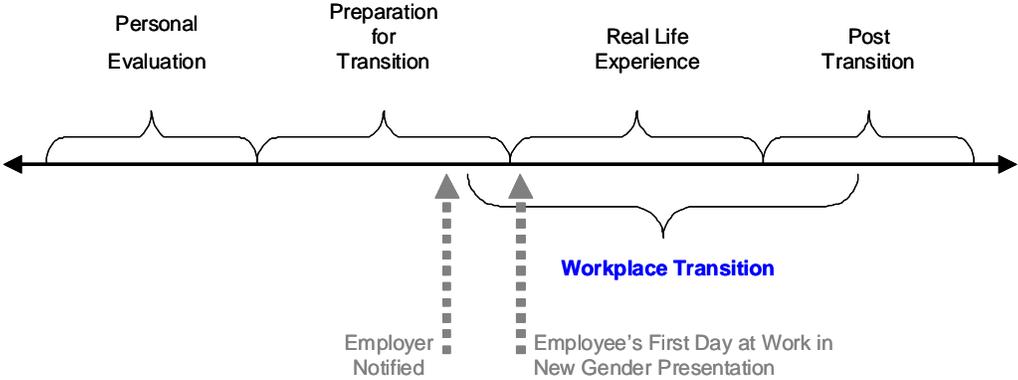
1. Brief Overview

This may be your first opportunity to implement a transgender communication plan or you're thinking about updating your workplace discrimination and harassment policies to include language for gender identity or expression or gender identity to the list of protected categories.

This information is not an exhaustive overview of the topic of transgender identity but serves as a simple overview to employers to get started or respond to an immediate need that has surfaced. We recommend that you contact one of our in-house experts to help you through the workplace transition.

We are going to list some practical considerations to help you support an employee in transition but it is important to keep in mind that this is also an **emotional and psychological transition for everyone involved.**

Employees in transition are generally closely guided by accepted international medical standards of care followed in Canada and the US. To help understand the medical process of the transition we have provided a general guideline excerpted from the 2nd Edition of Human Rights Campaign Foundation Report. The transition does not necessarily involve all of the following steps:



- Psychological and overall health evaluation to rule out other diagnosis
- Ongoing mental health counselling to assess the extent of the condition and understand options, consequences and obstacles
- Hormone therapy generally attributed to the person's new gender (e.g.: testosterone for transmen or estrogen and testosterone blockers for transwomen)
- Continued medical supervision to assess hormone-induced physical changes
- The "real life experience" of living and presenting in the person's new gender identity on a full-time basis for a minimal duration of one year to ascertain level of comfort in reassigned gender. Most transgender employees will approach management about their transition at this stage of the process.
- Continued hormone administration and life in the reassigned gender may be accompanied by surgery to adjust primary and secondary sex characteristics, facial structure, etc.

Note: A transgender person's pursuit of surgery tends to become a central focus of a person's transition. Medical treatment related to a gender transition should be treated with the same confidentiality as other medical treatments.

2. Workplace Communication Framework

Now that you have a little understanding of the process for the individual we will turn our attention to the workplace. Before we introduce the communication framework in Appendix A there are practical steps that you may want to consider taking as an employer to protect the worksite from acts of discrimination and harassment:

- Update respect in the workplace policies to include gender identify
- Update mandatory employee orientation on discrimination and harassment to include gender identify
- Create gender transition guidelines, these should include but are not limited to:
 - Workplace communication plan
 - Addresses restroom and other locker room/changing facilities
 - Dress code
 - Review of benefit coverage
 - Addresses name change
 - Performance management
 - Education and compliance for supervisors, employees and union reps
- Mandatory Respect in the Workplace education (that includes gender identity)
- Confidentiality and Privacy (ensure employee's privacy)

Aligning your company policies will go a long way to stress that your organization is serious about respect in the workplace.

Communication Framework

For an employer supporting an employee for the first time through a gender transition the most worrisome part is how to communicate this important message to the staff, possibly customers and suppliers that is inclusive and considerate of the transition for everyone involved. It is important to note that though there are practical steps that need to be taken, how you communicate about these practical steps and the employee's change are crucial. We have developed a communication framework located in Appendix A for you to consider and we've provided some sample communication under Appendix B.

It is important that the communication reflects your company's commitment to diversity and respect in the workplace and we encourage you to work with the employee to craft communication that is satisfactory to both parties.

3. How to Manage Employee or Third Party Concerns

You may have an employee raise concerns about their discomfort with the transition. Discomfort is natural and may be attributed to the lack of education, grief at the loss of an existing relationship, unsure about the future relationship. It is important to address the discomfort with education and conversation. We recommend that once the initial announcement is issued and following diversity in the workplace training that a session for the workgroup called “collaboration” be arranged. This will assist the work group in developing a plan on how they’re going to move forward.

If the employee raises a concern based on their religious beliefs, refer to human rights and the company policy about discrimination and harassment. It is important for you to remember and to be comfortable in reminding the concerned employee that workplace policies are not about changing people’s beliefs, but about ensuring equitable access and treatment of all employees. You can review with employee how your policies have the purpose of creating and maintaining a common workplace value of judging workers solely on their ability to do a job. Like most employers, you will likely find that by reiterating this message, you can reduce or eliminate this and other worker’s discontent with these and other non-discrimination policies. Education and training on workplace respect which specifically includes transgender issues will often reduce any remaining discomfort with the company’s policies and will give employee’s a chance to explore their discomfort on how to interact with the transgender employee.

Most employers who have faced this change with an employee said that very few of their customers noticed or commented on the employee’s change or the company’s policy supporting the employee’s gender change. In fact, a majority of those who did notice or comment to the company praised the company for their policy change and support of their employee. Nonetheless, in some circumstances you may also receive feedback from a third party such as a supplier or customer. You may even be put in a position where they want to do business elsewhere. Though this is an extreme example, you will need to prepare yourself in the event a third party takes that position. We recommend that you continue to espouse the company’s commitment to diversity and respect for all. Again, you can educate your customers that the issue is about complying with Human Rights requirements and ensuring all employees have equitable access to the workplace. As you may have done with employees, you can emphasize that your policy is not changing the beliefs of others. Concern within the company prior to any comment made by a customer often arises when a transgender employee has a job in which she or he works directly with customers. One aspect of your integration of the transgender employee should be your work with the employee on how you and the employee can work together to address any potentially negative reaction from a customer,

Appendix A: Workplace Communication Framework for Gender Diversity

Type of Communication	To Whom	From Whom	When	Communication Notes	Track Who's Been Informed
Verbal or Written	Management	Employee		Employee advises employer that they are making a gender change and the communication and accommodation planning begins. Manager should immediately contact Human Resources.	
Written	Employee	Management		<p>A message to the employee from management should be provided to communicate and assure that the company supports a diverse, safe and harassment free worksite. Include a key contact person for the employee in the event there is a situation and to provide ongoing communication about the next phases of transition and accommodation required.</p> <p>Also assure the employee that any communication to the organization will be in consultation with the employee.</p>	
Written and possibly verbal (verbal should be followed with written reinforcement)	TBD – only those who need to know	Management and sometimes the employee		<p>This should be addressed to only those colleagues in direct contact with the employee and should be limited to expressing support for the employee during the transition and sharing the company policy and values about a diverse and harassment free workplace.</p> <p>Depending on the position and the employee they may also want to send a written message from themselves. This should be explored with the employee.</p>	
Verbal or written	Colleagues	Employee		It is important that the employee take some role in communicating their change in a safe and supported environment	
Written	Third Party Groups	Management and/or Employee		<p>This will have to be assessed carefully if a communication to a third party is necessary and it should include the knowledge and consent of the employee.</p> <p>In some cases the employee themselves may feel comfortable sharing the transition with the third party. Again, this will need to be agreed to ahead of time.</p>	
TRAINING AND EDUCATION					
Management Diversity Training	Supervisors, managers, executives	Homewood Human Solutions		Diversity training. How to manage employee and third party concerns. Managing workplace discrimination and harassment.	
Respectful Workplace Sessions	Employees	Homewood Human Solutions		Respectful workplace education sessions that include gender identify.	
Department Collaboration Session	Worksites directly involved	Homewood Human Solutions		Meeting for with departments, including the employee undergoing change, focuses on what is needed to feel comfortable to moving forward. The team themselves come up with a workable plan using a professional facilitator to guide the process.	

4. Sample Communication Material

Management communication to Employee Expressing Support:

Dear XYZ,

We want to take this opportunity to thank you for sharing your personal plans to transition from XXX to XXX over the next (XXXtime period). (Company XYZ) is proud of our diverse workplace and we will do everything we can to support you and our colleagues.

To assist with a smooth transition we have designated (XXX) from Human Resources to be your main contact throughout the process. (XXX) will be working closely with our EFAP provider, Homewood Human Solutions, to help us prepare a communication plan in collaboration with you including upcoming education sessions.

The timing of an announcement and education sessions will be scheduled at a mutually agreeable timetable. There are some basic logistics that (XXX) will review with you in preparation.

Please feel free to contact myself or XXXX if any workplace concerns surface.
Sincerely,

Management communication to Employee or can be modified for Third Party:

While this is an extremely personal matter, XYZ has asked us to share this information with coworkers to avoid any misunderstandings, and hopefully relieve any concerns. XYZ has come to the conclusion that they are transgendered and will be making the transition from XXX to XXX. Effective XXX, XX will be working as a fulltime (male/female) as (new name).

We realize that people may have different reactions and we will be providing support to XYZ and you over the coming weeks and months. XXX from Human Resources will be the main point of contact for questions or concerns. We will be providing education sessions:

- Date, location, time

XYZ understands that this might be a surprise to some (which is normal), you may have many questions. We will be working with XYZ on the best way to answer the questions you may have. We will provide a further update to you about how we will support you in answering your questions, while maintaining XYZ' privacy. We would like to take this time to remind our staff about our commitment to a diverse and respectful workplace and the values that guide us.

Include company policies, philosophy here.

Additional Resources

Workplace Guideline Resources

- www.hrc.org/documents/HRC-Workplace-Gender-Transition-Guidelines.pdf
- www.canadianlabour.ca

Website Resources

- www.egale.ca - Egale Canada is Canada's LGBT human rights organization: advancing equality, diversity, education, and justice.
- <http://www.hrc.org/issues/workplace.asp>- Workplace Resources
- www.AlbertaTrans.org
- www.transalliancesociety.org

Legal Decisions on Transgender Issues

Ferris v. Office and Technical Employees Union, Local 15 (1999) 36 CHRR D/329 (BC Human Rights Tribunal)

M.L. and Commission des droits de la personne et des droits de la jeunesse du Quebec v. Maison des jeunes (1998) 33 CHRR D/623 (Trib. Que.)

Sheridan v. Sanctuary Investments Ltd. (1999) 33 CHRR D/467 (B.C. Human Rights Tribunal)

Montreuil v. National Bank of Canada (Canadian Human Rights Tribunal) Feb. 5, 2004

Kimberly Nixon v. Vancouver Rape Relief Society (2006) S.C.C.A. No. 365

Hogan, Stonehouse, AB and McDonald v. Her Majesty the Queen in Right of Ontario As represented by the Minister of Health and Long-Term Care 2006 HRTO 32

A.B. v. Minister of Transportation and Minister of Government Services (Settlement, H.R.T.O. 2006)