

Transgender in the Workplace: A New Paradigm for Today's Organizations

**Vanessa Sheridan,
Presenter**

"Gender and gender identity, sex and sexuality, are spheres of self-discovery that overlap and relate but are not one and the same."

--Janet Mock



What is Sexual Orientation?

- **Sexual orientation** is “an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes...and is defined in terms of relationships with others.”
- “People express their sexual orientation through behaviors with others, including such simple actions as holding hands or kissing. Thus, sexual orientation is closely tied to the intimate personal relationships that meet deeply felt needs for love, attachment, and intimacy.”

--Source: American Psychological Association

What Is Transgender?

“Transgender” - from the Latin words

- *trans*, meaning “across” or “through,” and
- *genus*, meaning “a class, kind, or group marked by common characteristics.”

“Transgender is an umbrella term for persons whose gender identity, gender expression, or behavior does not conform to that typically associated with the sex to which they were assigned at birth.”

Source: American Psychological Association

One does not “choose” to be transgender any more than one “prefers” to be heterosexual or blue-eyed or Asian or tall or right-handed.

It’s neither a “choice” nor a “preference.”

It’s a reality, not a question of morality.

**Today we're going to focus on
the intersection of:**

- **sexual orientation**
- **gender identity**
- **gender expression**

**We're moving toward an exciting new
workplace paradigm:**

Gender Authenticity.

- “Male” and “female” are biological terms that refer to physical sex.
 - E.g., chromosomes, DNA, genitalia, and other body-related characteristics or attributes.

- “Man,” “woman,” “boy,” and “girl” are gender terms.

Noting The Difference

Sex is between the legs.

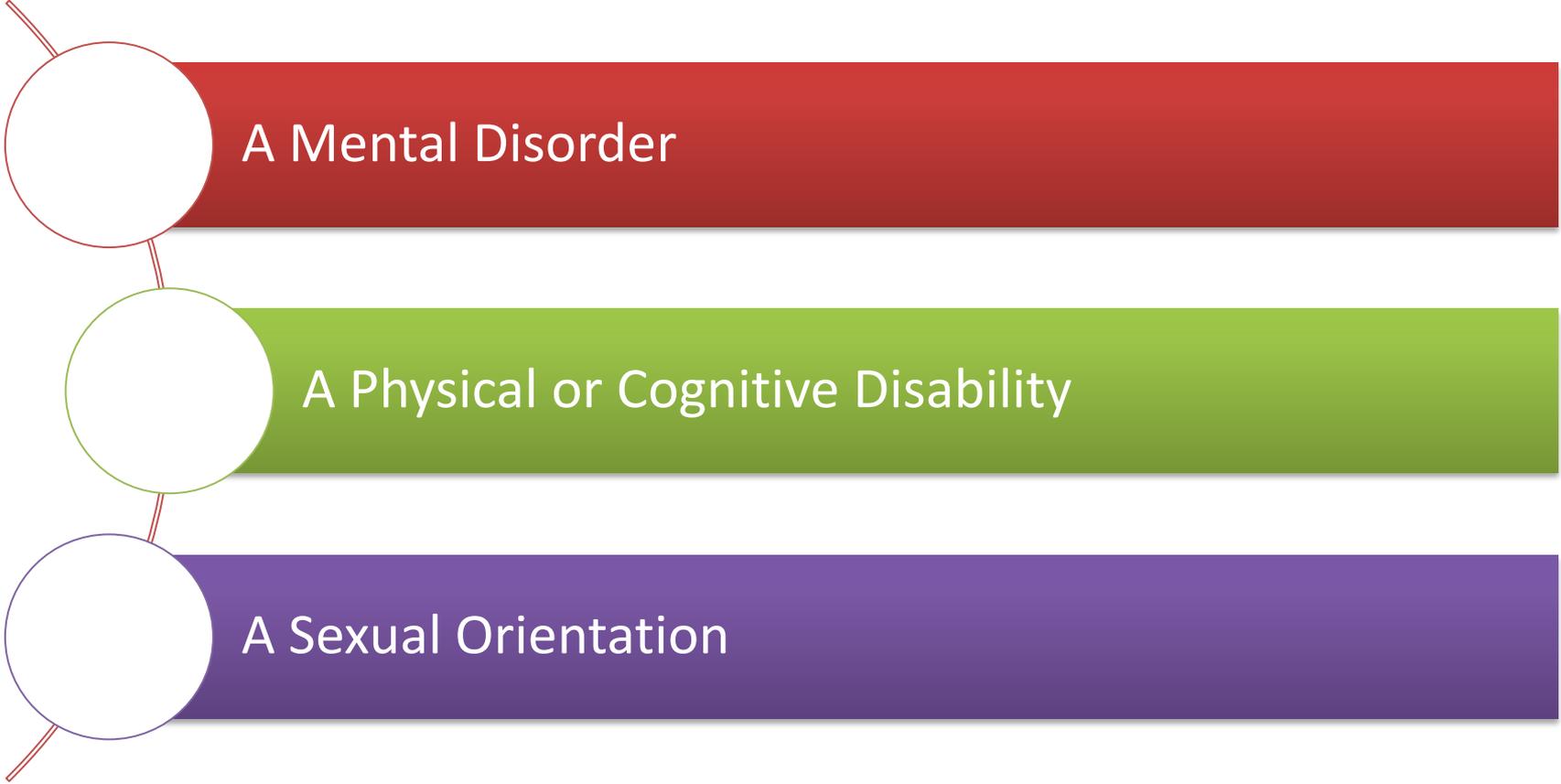
Gender is between the ears.

To Be More Specific...

Sexual orientation is about who you
sleep with.

Gender identity is about who you
sleep as.

What Transgender Is Not

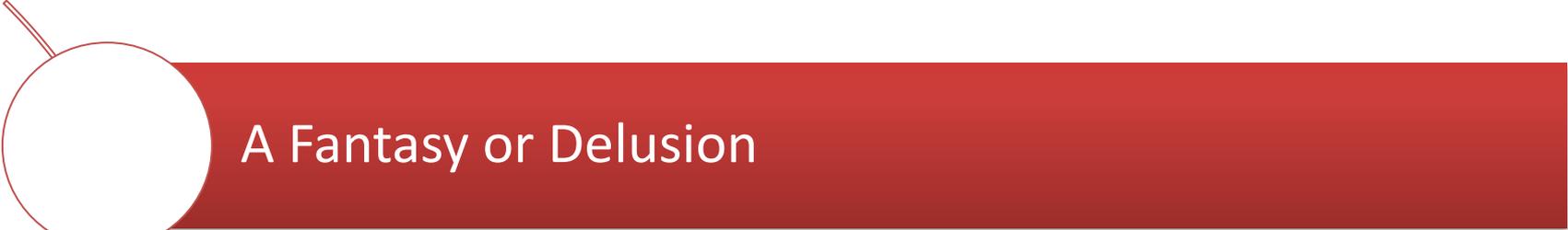


A Mental Disorder

A Physical or Cognitive Disability

A Sexual Orientation

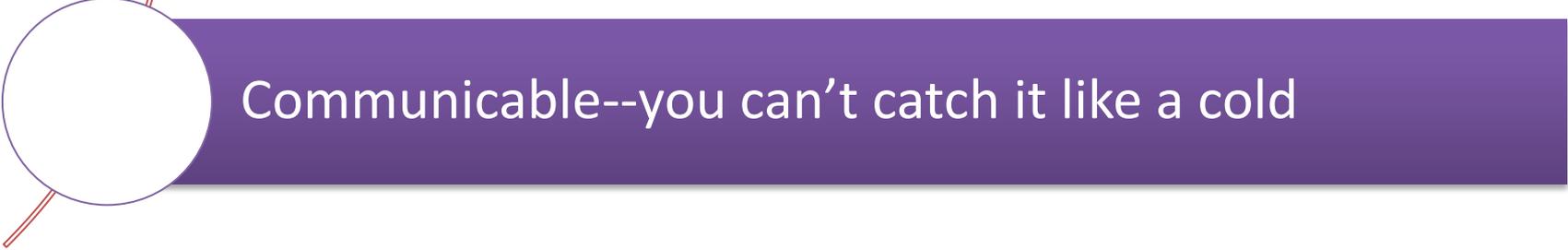
Also, Transgender Is Not



A Fantasy or Delusion



A Sexual Perversion



Communicable--you can't catch it like a cold

What is Gender Identity?

- **Gender identity:** a person's internal, invisible, deeply felt psychological identification as male, female, or something else.
- This unique awareness may--or may not--correspond to the individual's body or designated sex at birth.

- **“Transgender” is a very large concept that includes all kinds of people.**
- **Being transgender doesn’t always mean that you move from one end of the gender binary to the other. Some people exist in the middle --and happily so.**

**Western culture's rigid gender binary system
"proclaims that
sex is determined at birth;
gender is based on your sex at birth;
you should not change your sex or gender;
and you should act according to your assigned sex
and its correlating gender-appropriate behaviors."**

--Janet Mock

What is Gender Expression?

- ***Gender expression:*** how a person communicates their personal identity to others through behavior, body type, clothing and accessories, hairstyles, mannerisms, verbalized orientation, or other individual characteristics.
- These are physical, visual cues which contain symbolic information about gender.

Gender Expression

Sartorial (Attire/Clothing/Accessories)

Mannerisms and Behaviors

Verbalized Orientation

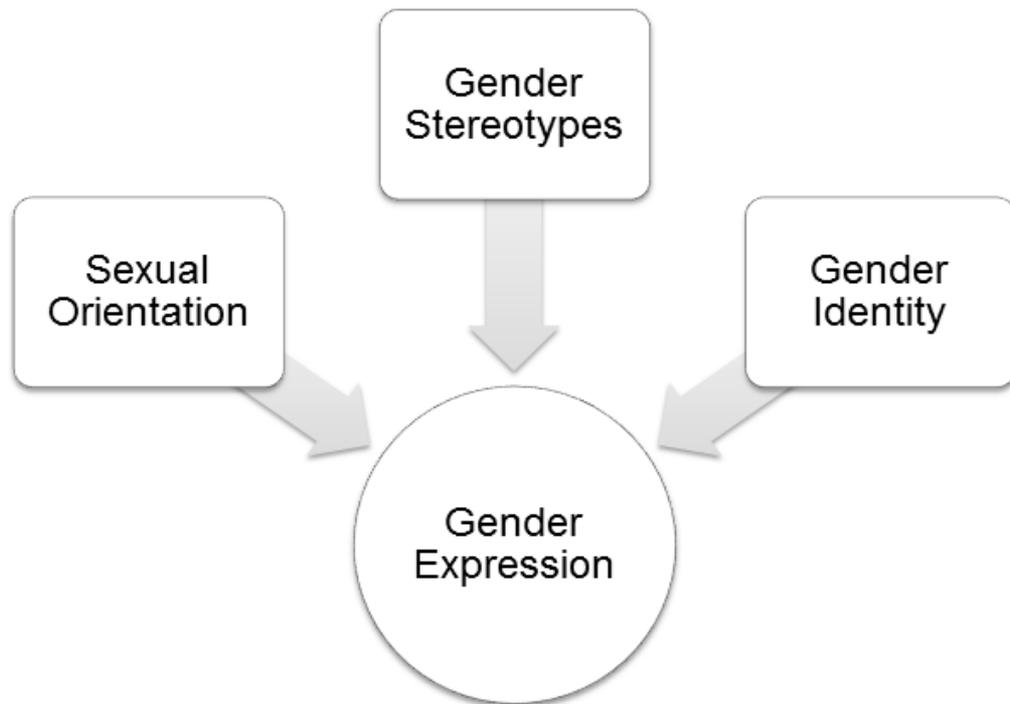
Verbalized Identity

Life Roles

Body Morphology

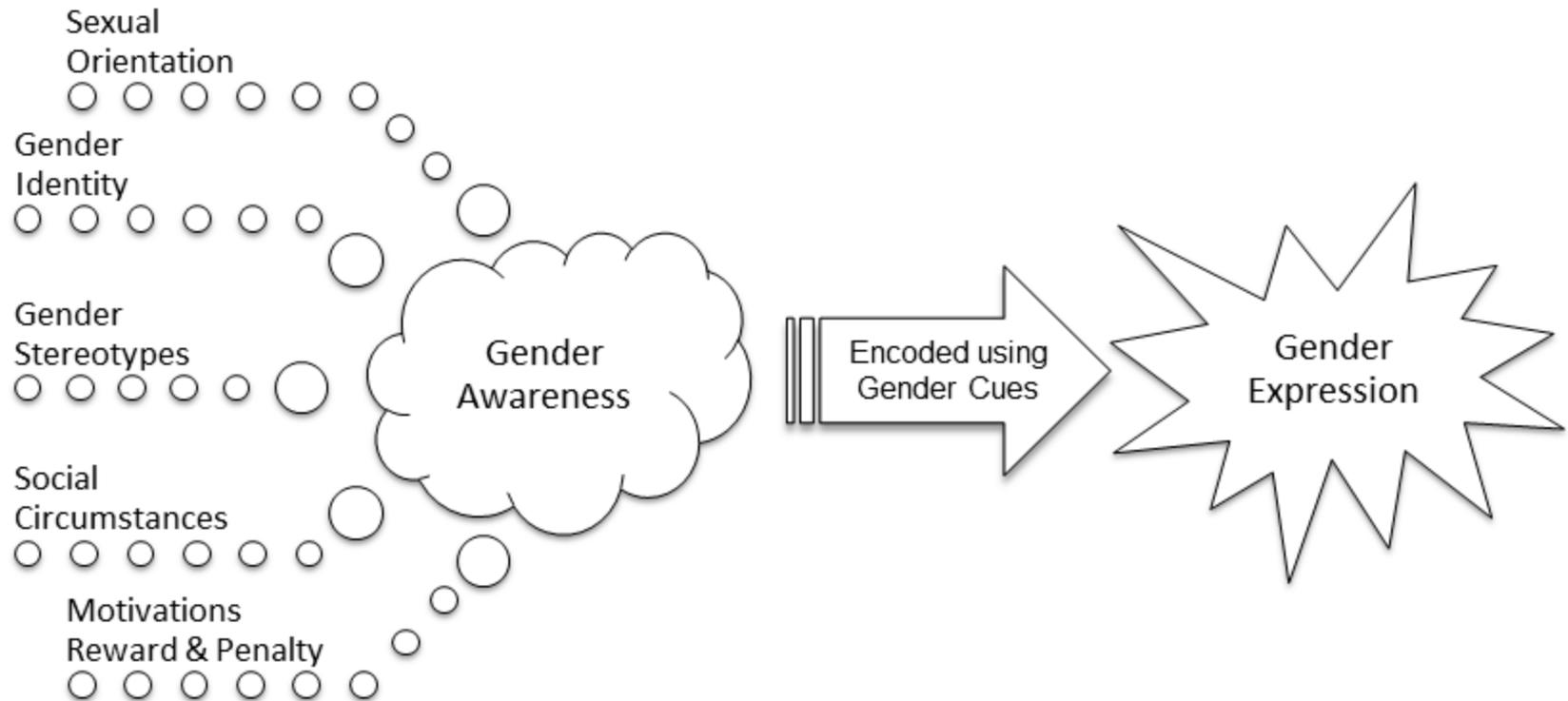
- ***Gender expression*** is external and, therefore, visible to others.
- People only discriminate against something they can actually see.
- They *cannot* see an internal gender identity or a sexual orientation. Those characteristics are innate and invisible to others.
- However, people can easily observe socially nonconforming gender expression (NCE). That's where discrimination often begins.

- **Gender Expression is created and shaped by by:**
 - The individual's perception of the *Gender Stereotypes* expected in their current social situation;
 - the anticipated rewards and penalties associated with their choice/ability to conform--or not conform--to those stereotypes.

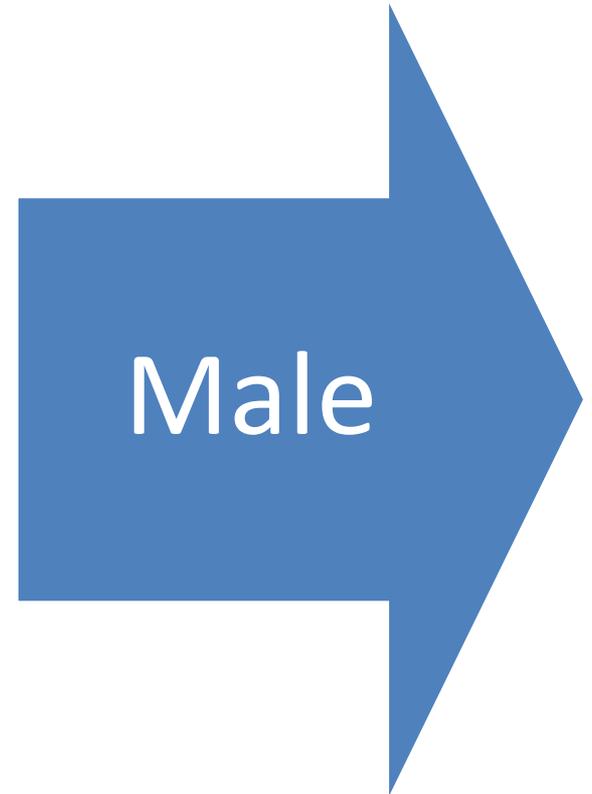
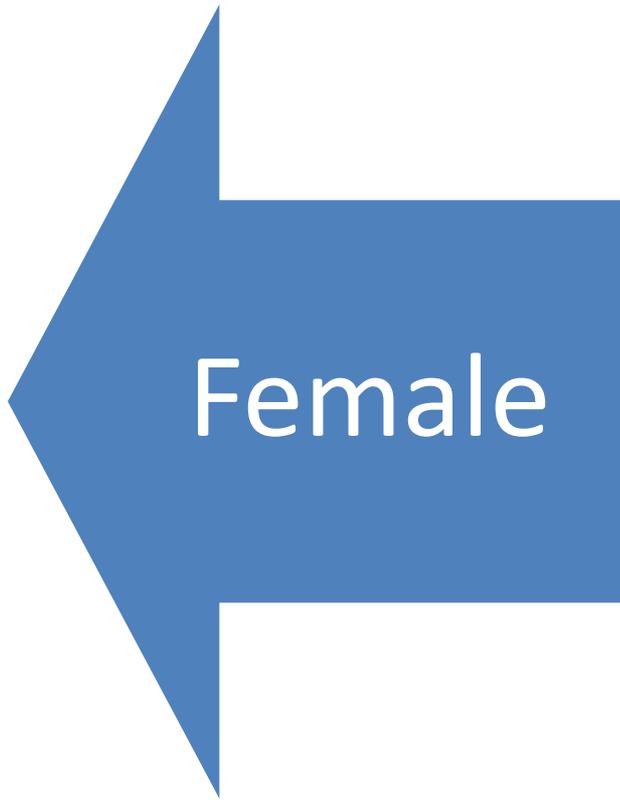


- **The gender stereotypes and their associated rewards/penalties can change from social situation to social situation.**
- **Accordingly, an individual's gender expression may change to enable that person to maximize the rewards and minimize the penalties.**

Gender Encoding



The Gender Binary



- **The gender binary allows only two genders and controls how those genders are allowed to behave.**
- **Any of us can potentially face discrimination whenever we somehow violate society's arbitrary rules for conforming to the gender binary.**

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Authenticity:

**the quality of being genuine and true
to one's own values.**

The New Paradigm

How to avoid the complexity of the
alphabet soup of LGBTQAIXYZ...

build your organizational culture around
Gender Authenticity.

- **When people are free to be honest and genuine about who they are, they can bring their whole selves to work.**
 - They no longer have to pretend, hide, or keep a secret.
 - A lot of psychic energy is freed up.
 - That energy can then be focused on doing one's job well, not on hiding, pretending, or being forced to lie.

- **When that happens, everyone—the employee, the employer, the customer, and society as a whole—benefits.**

- **Gender Authenticity** is a significant and legitimate business concept that:
 - enhances an organization's culture.
 - allows employees to operate with honesty and dignity so they can do their best work.
 - improves an organization's teamwork, productivity, and profitability.

Who Are Transgender People?

- **Transsexuals** intuitively recognize that they were born into the wrong physical sex.
 - Their bodies and their brains are not congruent.
- **Transsexuals** are often motivated to rectify what they perceive as an accident of birth.
 - They seek a sense of well-being and wholeness in their lives.
 - When a transsexual person pursues such a goal, it is called “**transitioning.**”

- **The cliché says that a transsexual is a woman trapped in a man's body (or a man trapped in a woman's body)--but it's not always that simple.**
- **For transsexuals, it's about an internal dissonance: a constant, uncomfortable--and sometimes unbearable--feeling of detachment from their bodies and from themselves.**
 - **This never ending discomfort is what motivates/drives some transsexuals to transition.**

- **Transitioning** usually involves a complex series of medically supervised treatments, including:
 - Intake/assessment/diagnosis
 - Psychotherapy
 - Hormone replacement therapy (HRT)
 - The “real life” test (3 months to 2 years)
 - Surgical treatments may include such procedures as
 - Facial feminization surgery
 - Breast augmentation or reduction
 - Genital reassignment surgery

- **A person who transitions does not have any change in their intellect or ability.**
- **If anything, they will probably be happier and able to function more productively than ever before.**

- **Christopher T. Beck, a United States Navy Seal for 20 years; retired in 2012**
- **Received the Purple Heart and the Bronze Star for outstanding service**
- **Member of Seal Team 6**
- **By any standards, a legitimate American hero**

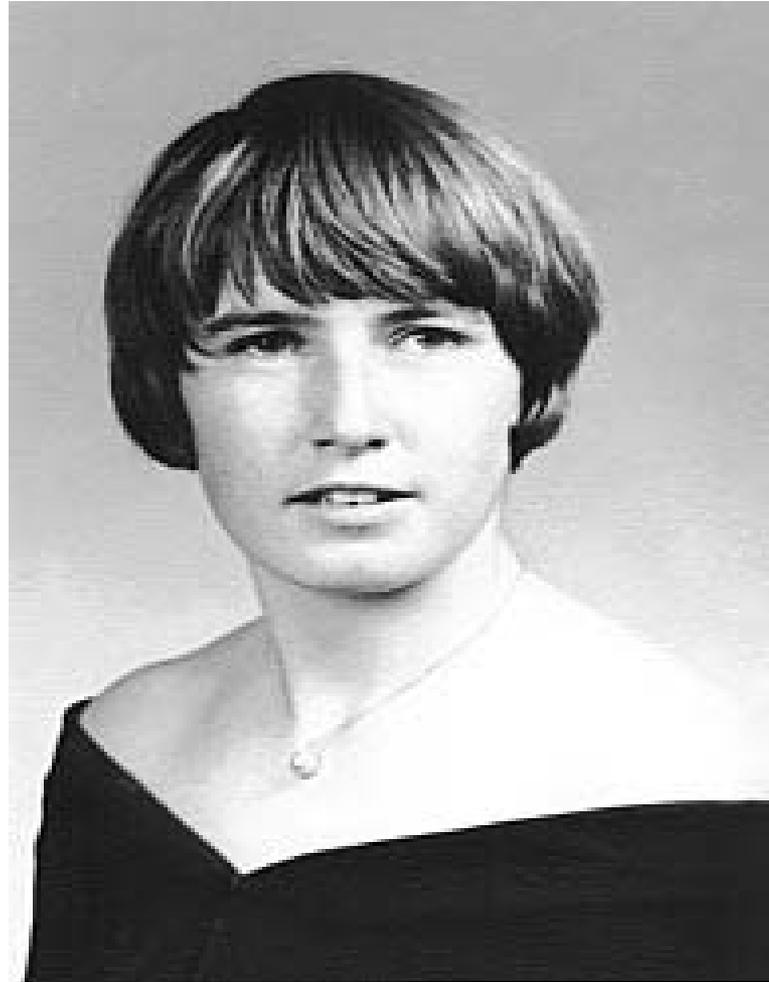


Kristin Beck today
(on the Anderson Cooper 360 show)

AC360[®] Exclusive



**Jamie Green,
High School Graduation Picture, 1966**



Dr. Jamison Green today, legally male



Don Lepley, international pilot for UPS



Don transitioned on the job and is now Kelly. She is still a pilot and flies all over the world for UPS.



Kelly in her office

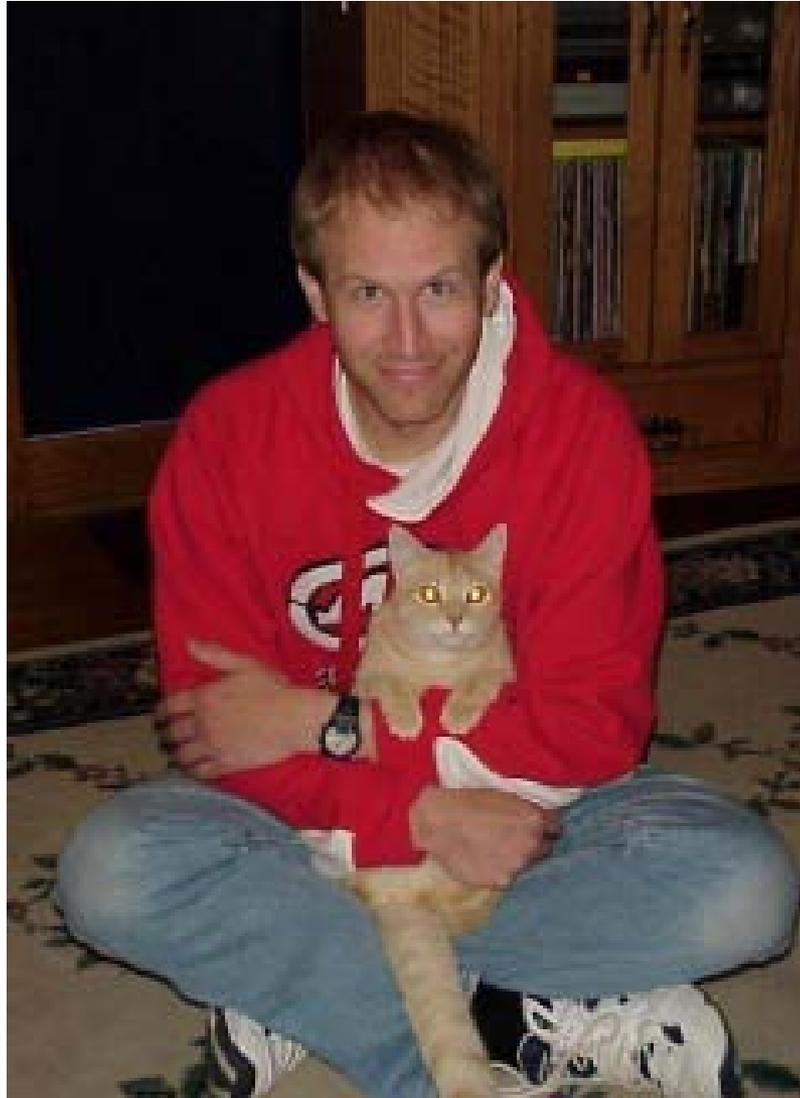


Who Are Transgender People?

- ***Crossdressers*** (formerly called transvestites) are persons who wear the clothing and/or adopt the appearance and behavior of the opposite sex.
 - They may do this for many reasons, including personal satisfaction and gender expression.
- Unlike transsexuals, crossdressers **do not** fully identify as--or have a desire to physically become--a member of the opposite sex.
- Also, and contrary to popular belief, research indicates that most crossdressers identify as heterosexual.

- Here's an example of a crossdresser.

Before:



- **And after:**

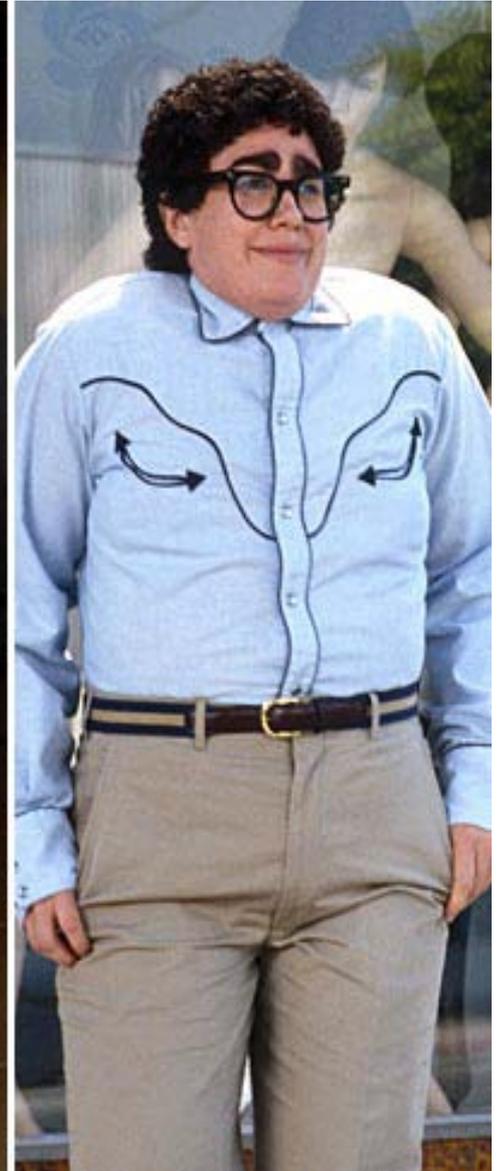


Intersexuals

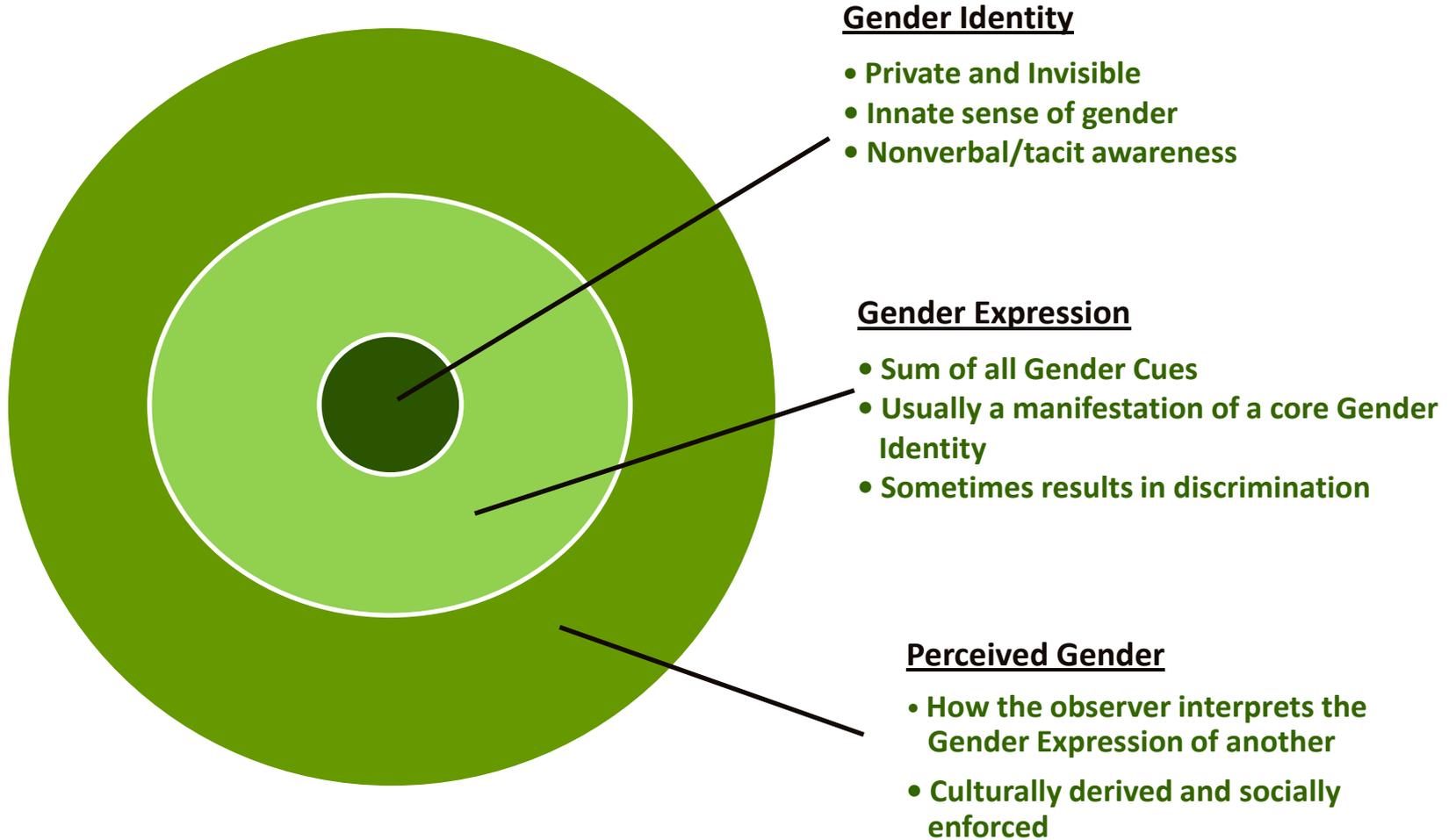
- *Intersex* persons (formerly called hermaphrodites) have physical characteristics that do not match the typical understandings of male and female.
- Many intersex persons are born with chromosomal anomalies and/or ambiguous genitalia.
- Sometimes intersex persons may have an androgynous appearance.

- Remember Pat, from the old SNL tv show, played by Julia Sweeney?

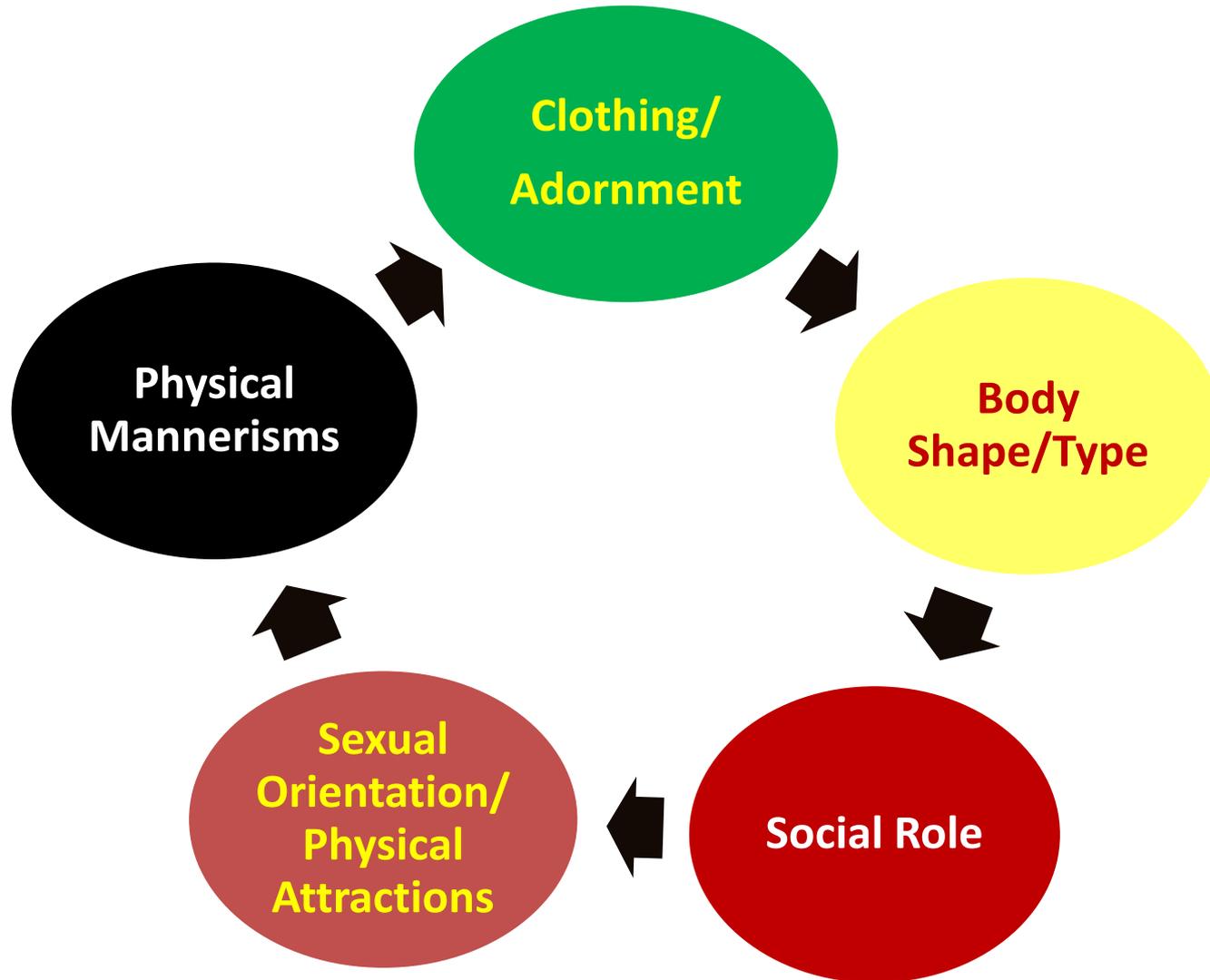
(Keep in mind that this was a fictional comedy character, not a real intersex person.)



Layers of Gender



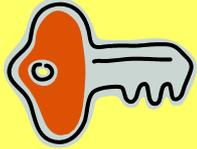
Aspects Of Gender Expression: Gender Cues



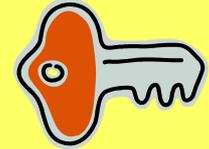
The Scope of the Problem

- The transgender unemployment rate is at least **twice** the national average.
- The discrimination that transgender persons of color face is further compounded by institutional racism.
 - For trans people of color, the unemployment rate is **four** times the national average.
- Rampant unemployment creates high levels of poverty and all the problems that are associated with it -- e.g., depression, homelessness, chemical dependency, alcohol abuse, addiction, prostitution, suicide, etc.

--Source: The landmark Transgender Study, "Injustice At Every Turn."



Key Understandings



- **RESISTANCE** to Gender Expression Diversity (GED) is the primary source of discrimination against transgender persons.
- People don't discriminate on the basis of an invisible, internal **gender identity**.
 - Remember, they don't get upset over something they don't notice or can't actually see.
- Discrimination almost always occurs because of resistance to some non-conforming, externally visible **expression of gender**.

Legal Implications

- "The EEOC has held that discrimination against an individual because that person is transgender (also known as gender identity discrimination) is discrimination because of sex and therefore is covered under Title VII of the Civil Rights Act of 1964."
- "The Commission has also found that claims by lesbian, gay, and bisexual individuals alleging sex-stereotyping state a sex discrimination claim under Title VII." (See *Macy v. Department of Justice.*)
- Therefore, sex-stereotyping is the same as sexual harassment--and sexual harassment is illegal under Title VII.

- **Two federal appeals courts have agreed with the EEOC that sex discrimination includes discrimination based on gender identity or expression.**
 - These are the 6th Circuit, covering KY, MI, OH and TN, and the 11th Circuit, covering GA, AL and FL.
 - Some lower federal courts have also agreed with the EEOC interpretation.
- **18 states and D.C. have explicitly included gender identity as a protected category: CA, CO, CT, DE, HI, IA, IL, MA, MD (as of October), ME, MN, NJ, NM, NV, OR, RI, VT and WA.**

According to leading transgender attorney
Jillian T. Weiss, J.D., Ph.D.,

- There are basically two types of employment discrimination actions.
 - One of these is a lawsuit for an **adverse action**, such as termination, demotion, failure to hire, suspension, undesirable reassignment, or reduction in benefits.
 - The second is a lawsuit for a **hostile workplace environment**, such as harassment.

Best Practices

Let's look at some ways to effectively integrate transgender workers into the cultural fabric of an organization.

Remember, the key for success is

Gender Authenticity.

**“The box is a lonely place to be.
You’ve got to think outside of it.”**

**--Joe Maddon,
Tampa Bay Rays Manager**

Self-Determining Gender

- **A trans-inclusive, i.e., Gender Authentic, work environment affirms and supports each person's right to gender self-determination and personal autonomy.**
- **This means that you alone know what gender you are. It's up to you to decide how you will express your gender.**

Efficacy

- **Transgender inclusion initiatives enhance an organization's cultural competence by:**
 - Improving recruitment/retention of top talent, especially among Millennials, Gen X, and Gen Y
 - Improving teamwork and morale
 - Providing a supportive workplace environment that increases the opportunity for potential breakthrough ideas
 - Increasing overall efficiency and productivity
 - Maximizing ROI
 - Boosting the bottom line

I&D

- **Transgender employees can easily be integrated into an existing Inclusion & Diversity (I&D) model.**
- **You don't need to reinvent the wheel-- just expand it a little.**

“Diversity involves diverse populations being visible and represented in your organization. Inclusion involves all those diverse populations working on behalf of your organization, including in positions of leadership, power, and influence.”

**--Matt Kailey,
transgender author and consultant**

- **Review and update company policies:**
 - **EEO statement**
 - **Anti-harassment policy**
 - **Employee code of conduct**
 - **Dress and grooming policies**
 - **Other relevant HR policies and procedures**

It's about *behaviors*, not *beliefs*!

- Keep the focus on actions, not opinions.
- It's about acting with respect and professionalism toward *everyone*.
- Personal feelings or religious beliefs are not the issue here.
- Remember: it's *always* about how we treat each other in the workplace.

Words matter!

- Using a transperson's correct name and associated pronouns (him, her, she, he, etc.) is a VERY big deal.
- How would you like it if someone consistently used the wrong name or pronouns when referring to you?

- It's *transgender*, NOT transgendered.
- Adding the suffix “ed” to a noun implies that something was done to a person to make them what they are.
- This, in turn, denies them the dignity that is rightfully theirs through birth and as an intrinsically worthy human being.

**Facilities Usage,
or
“The Great Restroom Debate”**

- **Imagine resigning yourself to not ever using the restroom in a public place. For many trans people, this is often a cruel and daily reality.**
- **If a transperson wants to use the restroom at work, he or she is sometimes forced to make concessions that most people never have to think or worry about.**

**That is, unless your organization
has implemented a specific
restroom policy--in which case,
problem solved.**

- **Any potential resistance usually comes from someone who feels they must complain or protest about the mere presence of a transgender individual in the restroom or locker room.**
- **In such cases, you can always invite the complainer to find another restroom to use.**

Refusal to allow restroom use by a transgender employee may be construed as a violation of Title VII of the Civil Rights Act.

-- Jillian T. Weiss, J.D., Ph.D.

The Most Effective Policy:

- Make sure that employees have access to restrooms that correspond to their visible gender presentation.
- Whenever possible, add a “gender-neutral” restroom option.

Handling Resistance

- **Opposition to the new business reality of transgender inclusion will probably not bode well in the long run for those who choose to be holdouts.**
- **An inability or unwillingness to adapt to changing global workplace expectations is indicative of mental rigidity and personal inflexibility.**
 - **These traits are not viewed as career advancement assets in today's rapidly shifting business climate.**

Employee Benefits

- Transgender employees and their spouses/significant others should have access to the same benefits as other employees.
- Medically necessary treatments and procedures should be included in employer-provided healthcare and short-term disability coverage.
 - This is especially important for transgender employees, since –according to the American Medical Association-- their health care is not cosmetic or gratuitous but medically essential.
- Establish and support LGBT employee resource groups (ERGs)—and be sure that transgender employees are included/represented.

Education and Training

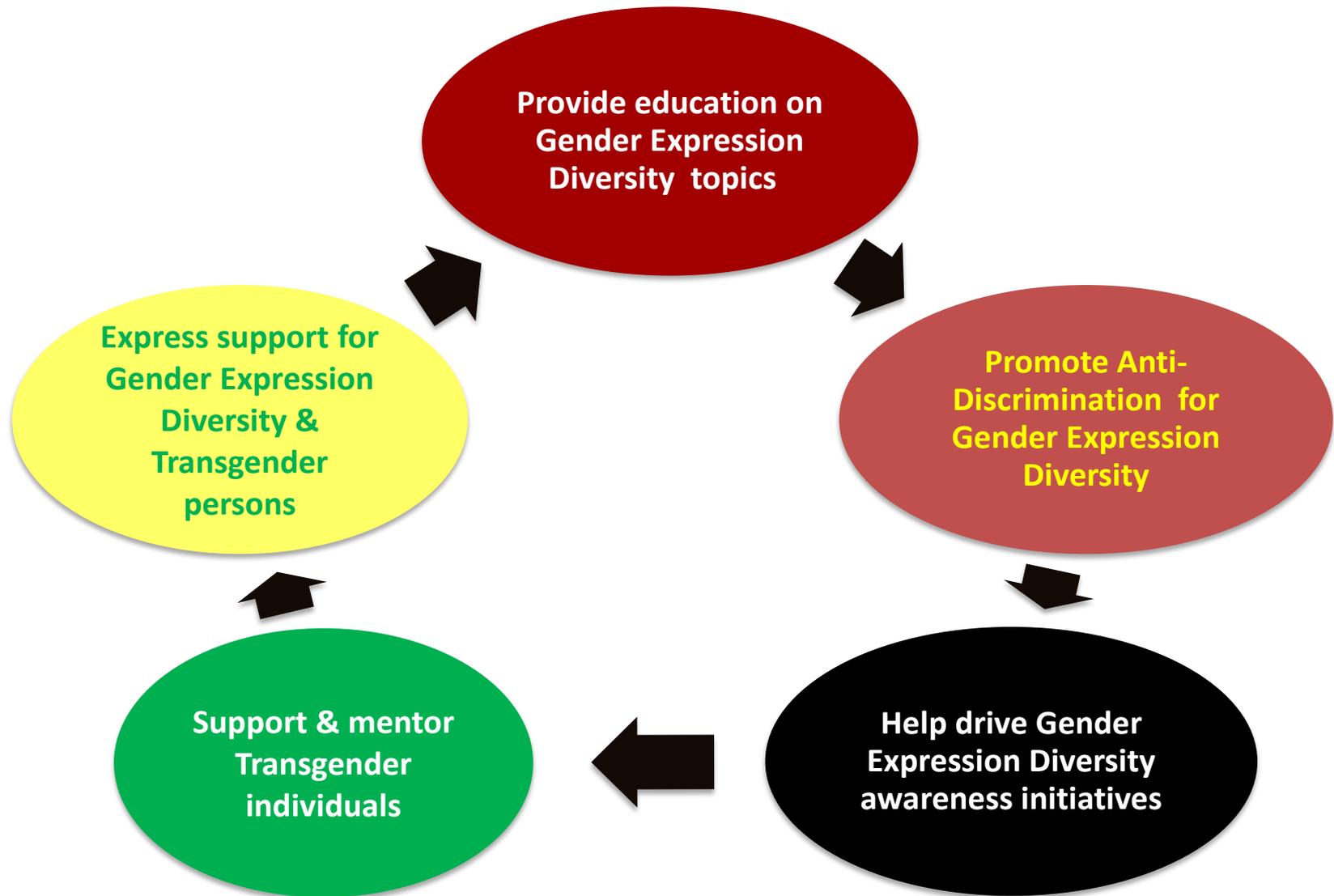
- **Workshops, seminars, and other learning opportunities that address transgender issues should be an integral part of regularly scheduled employee diversity trainings.**
- **Such trainings should occur on both the corporate and local levels.**

- **Transgender awareness refresher training should be offered periodically for all supervisory/management personnel. (I recommend such trainings be offered at least every two years.)**

– Why? Because:

- **Human rights laws and organizational policies/procedures can and do change.**
- **Transgender-related issues and workplace concerns continue to evolve over time.**
- **Relevant legal and liability areas are becoming increasingly complex.**
- **Personnel turnover occurs.**

A Process For Progress: Be An Ally



Let's Talk About It

How are you feeling about all this?

What would you like to share or ask?

Thank you!

www.vanessasheridan.com