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# Strategies for Developing a Transgender-Inclusive Workplace

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Inclusion. Equality. Fairness. Respect. It's reasonable to say that all of these words have significant meaning to everyone, particularly at work. All employees should be able to participate in, and contribute to, the progress and success of an organization by being included, by being afforded equal rights, and by being treated fairly and respectfully. However, sometimes employees feel they cannot be themselves at work and will not fully engage as part of the team if they don't believe these basic human rights can be realized – *if the workplace is not inclusive of all employees or the culture is not forward-thinking*. This can be especially true for individuals who transition from one gender to another, or who identify as a different gender than what they were assigned at birth.

JAN receives inquiries from employers seeking information about ways to include transgender employees in the workplace. Transgender is a term for people whose gender identity, expression, or behavior are different from those typically associated with their assigned sex at birth (NCTE, 2015). For example, a transgender man may have been assigned female at birth, but identifies as a man. Many of the inquiries JAN receives related to transgender issues come from employers who have an employee who has been employed for some time and is known as one gender, but is transitioning to a different gender. Our discussions with employers and others often center-around supporting the employee's transition and making modifications at work that ensure that transgender employees are able to work in a manner consistent with how they live their daily lives, based on their gender identity.

The Americans with Disabilities (ADA) does not apply to situations involving workers who are transgender because being transgender is not considered a disability under the ADA. However, more and more businesses are recognizing the need to establish policies related to

accommodating transgender workers – without an established federal mandate to do so. The accommodation process can be similar to that applied to workers with disabilities. When a transgender employee makes the employer aware of his or her transition and identifies work-related needs as part of the process, it's time to have an open dialogue with the employee to discuss the employee's needs, work-related barriers, and solutions for overcoming those barriers. Ask how the environment or means of communication can be adapted to promote inclusion and make the effort to maintain a supportive work environment that enables the individual to be him or herself. It's also critically important to educate human resource personnel, supervisors, and managers about respectfully discussing transgender issues with employees.

Having gender transition guidelines available for human resource personnel and supervisors and managers will prepare staff to appropriately communicate with transgender employees and manage accommodation situations. The Human Rights Campaign (HRC) offers practical information and examples of gender transition guidelines that can be adapted and implemented to promote a transgender-inclusive business. To learn more, see HRC's [Workplace Gender Transition Guidelines](#). For examples of guidelines implemented by national corporations, see [Chevron's Gender Transition Guidelines](#) and [Ernst & Young's Gender Transition Guidelines](#).

There are many ways to support transgender workers. The following suggestions will be useful to businesses trying to promote a transgender-inclusive workplace:

- Educate staff about what "transgender" means. A transgender person is someone whose sex assigned at birth is different from who they know they are on the inside. This includes people who have medically transitioned to align their internal knowledge of gender with their physical presentation and those who have not medically transitioned (HRC, 2015).
- Train management staff to lead by example by treating transgender workers respectfully and fairly, and by becoming part of the individual's support team.
- Respect the name a transgender person is using. During the transition process, an individual will often change his or her name to align with their gender identity.
- Use the individual's preferred pronoun and encourage others to do so. For example, when an individual presents as female, use feminine references like she, her, hers. When a person presents as male, use masculine references like he, him, his. In uncertain cases, use the person's first name (GLAAD, 2015).
- Talk with the individual about ways to communicate his or her transition to others they must interact with at work – if the employee would like others to be informed. Ask if he or she wishes to inform their manager, co-workers, clients, etc. on their own, or if he or she prefers that this be done by the employer. Learn what information the employee would and would not like to share with others.
- Remove gender-specific rules from a dress code or grooming policy.

- Permit employees to use the restroom facilities that correspond with their gender identity. Employers may also establish single-occupancy gender-neutral (unisex) facilities or allow use of multiple-occupant, gender-neutral restroom facilities with lockable single occupant stalls. The Occupational Safety and Health Administration (OSHA) has issued transgender inclusive restroom access guidelines. For more information, go to *Best Practices: A Guide to Restroom Access for Transgender Workers*.
- Allow a flexible schedule and permit the use of leave for medical procedures.
- Discuss if there is a preference to remain in his or her current position or to consider reassignment to another position during transition.
- Update name and gender designations for human resource and administrative records once an employee has officially transitioned. Also, update employment-related photo identification.
- Finally, respect the individual's privacy and allow him or her the right to be who they are.

## References

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