

Gender Identity, Affirmation, & Transition

The Ultimate Guide for HR



Talent Management



Contents



- Gender Identity
- Rights in the Workplace
- Ellie's Journey: A gender transition success story
- Best Practices for Inclusion
- Accommodations and Considerations
- Further Reading

Gender Identity, Affirmation, & Transition

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LGBTQ+ individuals, especially those with different gender identities, are often forced to hide their authentic selves at work for fear of repercussions from employer discrimination or harassment from colleagues.

It's HR's job to make sure that all employees feel safe and supported, regardless of sexual orientation or gender identity. Education and support for employees is critical as the workforce sees a rise in employees who identify as LGBTQ+.

The numbers don't lie. When employees can show up as their authentic selves, companies gain workers who are 150% more creative, 150% more empowered, and feel two times as safe in their workplace. Workplaces that support LGBTQIA+ employees and foster inclusiveness become better.

1. Gender Identity

It's important for HR to fully understand gender identity terms like transgender and non-binary, and to understand the differences between the different gender expressions. This ensures that employees with gender identities feel supported and helps to educate other employees.

The term gender identity is defined by the [Human Rights Campaign](#) as "One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth."

Common Gender Expressions

Transgender means that an individual doesn't identify with the gender assigned at birth, typically transitioning from male to female or vice versa. Some transgender individuals choose to transition medically by taking hormones or having gender-affirming surgery.

Non-binary is just what it sounds like - an individual's gender identity is outside of the traditional gender binary of male or female. Although some transgender individuals identify as non-binary, other non-binary individuals don't identify as transgender.

Cisgender refers to an individual who does identify with their assigned gender at birth. In other words, someone who doesn't identify with a different gender identity.

Genderqueer is a term that is used synonymously with non-binary, where an individual's identity can't be expressed using the typical male or female identities.

Gender fluid means that an individual doesn't identify with a fixed gender. Their gender is fluid, and as such, may change over time or in certain situations.

And the list doesn't stop there - there are other gender identities, such as pangender, agender, and demigender.

As of 2021, [2 million people](#) identified as transgender, and [1.2 million](#) identified as non-binary. That's a good indication that the world is becoming more inclusive, and more LGBTQ+ individuals feel safe enough to be their authentic selves. In all cases of non-gender-conforming identities, an individual doesn't identify with their assigned sex at birth.

For HR, though, the practices are largely the same: Ensure you're creating a safe and inclusive workspace for any gender or gender expression.

2. Rights in the Workplace

For years, courts have grappled with whether gender identity should be included in Title VII of the 1964 Civil Rights Act, and it was up to states' individual decisions. In 2020, *Bostock vs. Clayton County* ruled that Title VII bars discrimination from sexual orientation or gender identity. Note: this is regardless of whether an employee has medically transitioned or not.

In 2021, on his first day in office, President Biden signed [EO 13988](#), an Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.

Discrimination against employees with different gender identities can land you in hot water legally. There have been over seven major lawsuits in 2022 alone.

3. Ellie's Journey: A gender transition success story

Ellie Parsons grew up the son of a car dealer, helping in the family business and moving through the motions of life and work – school, career, marriage, children.

Then the pandemic hit. Like many people, Parsons took a closer look at life, evaluating what mattered and exploring what could be next. She recognized she had spent most of her life thinking she was a man who occasionally enjoyed wearing women's clothing.

"Even before I came out, there were many other LGBTQ+ folks at work, and everyone supported them," says Parsons, a manager at [Ovia Health](#). "Seeing that acceptance made me feel safe that I could be vulnerable and bring my whole self to work, which are two things our former CEO really stressed."

"When I first started realizing I was trans, I was able to talk to a non-binary colleague about it. She talked about her own story with gender and just helped to provide validation that there's no 'correct' way to express your gender," Parsons says. "Being able to talk to someone who had been through a similar situation was just really helpful."

From there, she talked to a few other close friends at work, who gave her the confidence to come out to the entire organization on April 2, just two days after Trans Day of Visibility.

As a transgender employee in a leadership role, Parsons felt it was especially important to come out so other people in the organization could see that her company was a safe space for everyone. She found emotional and financial support at her workplace.

Colleagues and friends stood by her, listening and supporting her through the ups and downs. "It's great when colleagues use the right pronouns and the correct name," Parsons says. "Personally, I thought it would be hard on my colleagues to use a new name and pronouns, but everyone's been really great with it. When people do slip, if they can catch themselves and correct it, that's nice too."

The company provided insurance that would help cover the cost of hormone treatments, surgery, therapy and other medical procedures. “I find that the lives of trans people are hard. It’s hard to tell your friends and family who you really are. It’s hard when relationships change because you reveal your true self,” Parsons says. “When businesses support trans people, it is a huge help. Not only does it help financially ..., but it’s also a relief mentally knowing that the business values you as a person and that they are willing to support you in your journey.”

4. Lessons Learned: Best Practices for Inclusion

Not all transition stories are as uplifting as Ellie’s, though. Gender transitions at work can bring harassment and judgement due to a lack of understanding from coworkers. That’s why you want to make sure that all employees feel safe and comfortable in the workplace. Here are some [best practices](#) for employees who identify as transgender, non-binary or any other gender identity to avoid pitfalls and common mistakes.

Let Employees Call the Shots

Always give employees who are open with their gender identity the chance to disclose their preferred pronouns. Don’t assume that because someone is genderqueer, they automatically use they/them pronouns. Some non-binary individuals may use interchangeable pronouns, such as she/they, or he/they. Some may be comfortable with any pronouns at all. It’s an individual preference, and your safest bet is to ask the employee directly to avoid assumptions.

Sometimes employees will choose not to share their gender identity, and you should be supportive of that as well. At the end of the day, disclosure of gender identity is up to personal preference. Some find it easier to not share their gender identity at work, and some employees will be more open about it. Be supportive of employees who share their identity, and respectful of those who decide to keep it private to just HR or not share at all.

Don't Assume

It can be easy to want to assume someone's gender or pronouns from the way they present themselves, but it's important to allow every employee to self-identify their preferred name, gender identity, and pronouns. You may want to include a space for indicating a candidate's preferred name and preferred pronouns on your hiring forms, to give the employee a chance to share their identity up front.

Don't assume that it's okay to disclose an employee's gender identity or pronouns just because they shared them with you, either. Unless otherwise specified, always let employees disclose whatever amount of information they are comfortable with. The best rule of thumb when it comes to gender identity is to just ask the employee directly.

Educate Employees

One of the best ways to avoid workplace discrimination is with training, workshops, and education programs to promote an inclusive workplace.

Offer training and resources for employees who are unfamiliar with LGBTQ+ issues. Basics like pronoun usage and stereotypes to avoid can go a long way to ensure that everyone is welcoming of a new LGBTQ+ employee. Even if HR isn't hiring a transgender or non-binary employee, training and resources are still a good idea. Some employees may not disclose their identity.

Education can help bridge barriers between employees and kickstart meaningful conversations.

Some common points you may want to hit are:

- **Terminology** - What does 'transitioning' mean? What do acronyms like AMAB and AFAB mean? What is the difference between gender and sex?

Pronoun Guide

She/Her/Hers – Typically used for feminine-presenting people.

Ex: She got her report done before it was due.

He/Him/His – Typically used for masculine-presenting people.

Ex: Does he know where his laptop is?

They/Them/Theirs – Typically used by gender-nonconforming individuals when binary pronouns (*she/her* or *he/him*) do not fit a person's gender identity.

Although the singular '*they*' can be controversial, it is largely accepted by linguists and is becoming more commonplace to avoid gender assumptions. It's even used by those who don't have different gender identities when referring to someone whose gender is unknown.

Ex: They have received their training.

Xe/Xem/Xyr – Pronouns such as *xe/xem* (pronounced zee/zem) or *ey/em* (pronounced ay/em) are called neopronouns and are less common than the other pronouns mentioned here. They may be used by those who do not feel like their gender identity correlates to the more common pronouns.

- **Etiquette** - What kinds of questions are okay to ask a colleague with a different gender identity, and what may cross the line?
- **Education** - Educating employees on some of the changes that a transgender individual may go through during transition can increase empathy and understanding.

Normalize Pronoun Identifiers

A pronoun guide can be a great resource for employees to understand how to address those who use different pronouns and create an inclusive environment to prevent LGBTQ+ employees from feeling "othered."

Pronouns can also be a mixture of two more common pronouns, such as *she/they*. This simply means that an individual identifies with *she/her* pronouns as well as *they/them* pronouns and are comfortable being referred to with either one. Additionally, those who use gender-nonconforming pronouns may also use a different honorific, like *Mx*. Instead of *Mr.* or *Mrs.*

Some communication tools like Slack can implement bots that encourage the use of gender-neutral language, such as these tools from [AllyBot](#) or [Inclusive Bot](#).

Encourage including pronouns in email signatures and other identifiers, regardless of gender identity. Cisgender employees disclosing their pronouns normalizes pronoun usage and creates a more welcoming environment for gender-nonconforming employees to share their pronouns as well.

Be Actively Inclusive

Over 75% of transgender respondents in a [2015 study](#) reported taking steps to avoid mistreatment at work. Many companies may think they're being inclusive, but gender identity discrimination and harassment are still prevalent. That's why it's important to be actively, instead of passively, inclusive.

Using an employee's preferred name and pronouns isn't just important for fostering an inclusive environment. Using an employee's deadname - the name they were born with that they no longer identify with - can result in [legal action](#) for your company, too.

Ensure you are being actively supportive in whatever ways your employee needs. Passive support, such as written policies, are great to ensure that employees know that they are protected, but HR should ensure that those policies are being actively enforced, appropriate actions are taken when it comes to discrimination or harassment, and all policies are updated when needed to ensure inclusivity. Establishing an [Employee Resource Group](#) can help employees with different gender identities or sexual orientations feel more supported.

It's important to be on the lookout for more than overt discrimination - microaggressions and unequal treatment based on gender identity can be just as harmful to an LGBTQ+ employee as direct bullying and harassment, and these covert sleights may make employees less likely to report them.

Make sure your company has anti-discrimination and inclusivity policies and communicate them clearly to your team.

5. Accommodations and Considerations

Dress Code Tips

Base your dress code on the needs of the company and the safety of employees.

Instead of:

- Women should not wear earrings longer than two inches
- Men should wear suits, dress pants, or collared shirts

Try:

- No jewelry that can cause a safety hazard, including earrings longer than two inches or dangling necklaces
- All employees should dress in business professional attire, such as suits, dresses, or skirts

Dress Codes

Dress codes are commonplace for employees, and you don't need to sacrifice your existing dress code policies to be inclusive. Instead, you just need to ensure that your current dress codes are inclusive and gender neutral. Gendered dress codes for employees with different gender identities can be actively harmful to their mental health.

Make your dress code general to all employees - avoid gender stereotypes in your dress code, such as requiring skirts or dresses for women. Instead, generalize the code to be geared towards professionalism instead of towards men or women. For non-binary employees especially, gendered dress codes can be confusing and a source of stress.

Protect Employee Privacy

Keeping employee information private is important for every employee but can be especially important for employees with different gender identities.

If you find out that a new hire's legal name doesn't match the name they gave you, approach the subject professionally and respectfully by simply asking what their preferred name is. Use their preferred name for all forms and documentation that allow it and keep their legal name - as well as any other private information about their gender identity - completely confidential

unless directed otherwise by the employee.

While some employees may be open about their gender identity, others will prefer to keep it private to prevent backlash from colleagues, or just due to personal preference. Even if an employee

is open with HR about their gender identity, never assume that means you can share that information with others. Ask your employee how they would like to be identified in the workplace, and how you can support them. If they do decide they would like to share their gender identity with other employees, offer assistance with the process.

Bathrooms and Locker Rooms

Bathroom usage for trans and non-binary employees has been a hot-button issue for years - but it shouldn't be. Put simply, an employee should use the bathroom that they feel most comfortable using.

A transgender employee who hasn't transitioned and isn't out to their co-workers may feel most comfortable using the bathroom that correlates to their assigned sex at birth. An employee who is a transgender woman and has medically transitioned may feel more comfortable using the women's restroom. A pre-transition trans woman may want to use the women's restroom, too.

If cisgender employees express concern about sharing the restroom with their trans or non-binary colleagues, make sure to educate and inform. Listen to their concerns, and present facts and statistics. Reports of harassment in bathrooms are [rare](#), regardless of gender identity.

Gender-neutral bathrooms can be immensely helpful to non-binary employees, or employees who are not comfortable going into the men's or women's restroom. If you do designate a gender-neutral bathroom, be sure it is accessible - not in the basement or the top floor of your building.

One way to avoid conflict when it comes to bathroom usage is to create a clear-cut policy that specifically states the rules for bathroom usage with a focus on gender identity. This can help your employees with different gender identities by giving them a written confirmation that they can use the bathroom they feel most comfortable with and setting expectations for cisgender employees.

Identity Changes to Documentation

Documentation for trans and non-binary employees is especially important. Having gender-affirming badges and documents can help an employee feel supported in the workplace. Make sure forms and documents have options beyond male or female for non-binary employees, and keep any forms that contain an employee's legal name private. If an employee has recently come out or is transitioning, update their documentation accordingly and help start the process to change badges and other identification.

The EEOC recently added a [non-binary option](#) for filing, allowing employees to select "X" as their gender when filing a complaint.

Healthcare and Medical Benefits

Healthcare is tricky to navigate for employees with different gender identities, and it's important to consider what an employee with a different gender identity may need.

If a transgender employee is medically transitioning, they may need time off for surgery or doctor's appointments. Consider whether your company's healthcare plan covers costs for things like hormone replacement therapy (HRT) or therapy. Lay out the options an employee has and walk them through these benefits, so they have an expectation of what is covered.

Another thing to consider is the scope of practice allowed. Many transgender or non-binary people experience some type of [healthcare discrimination](#), and healthcare in general can be hard to navigate. Flexibility is key so that these employees can find the right care team for them based on individual needs.

6. Further Reading

There is always more reading, learning, and educating that HR can do to support gender identity in the workplace. The world is constantly changing, and HR should stay on top of news and updates about gender identity and LGBTQ+ topics.

- hr.uw.edu/ops/transgender-resources/resources-for-managers-and-colleagues-of-transgender-employees/
- www.hrc.org/resources/transitioning-in-the-workplace-a-guide-for-trans-employees
- www.nolo.com/legal-encyclopedia/question-employee-transgender-transition-28105.html
- www.mazzonicenter.org/
- www.hibob.com/guides/hr-leaders-guide-for-non-binary-gender-inclusion/

6% of the workforce identify as LGBTQIA

that's 11 million workers

Despite progress, LGBTQIA employees do not feel included

50%
of LGBTQIA employees are closeted at work

1 in 5
US companies provide equitable benefits

68%
have been harassed at work

When employees aren't accepted:

negative touch points =
40% less productive



13x more likely
to quit a job



Being out at work means

Feeling **2x safer**

1.5x more empowered

1.5x more creative

Access our helpful tools, articles
and other Essential Insights at
www.hrmorning.com

