

**UNIVERSITY OF SOUTHERN CALIFORNIA  
LESBIAN GAY BISEXUAL TRANSGENDER (LGBT) RESOURCE CENTER**

MANAGING TRANSSEXUAL TRANSITION IN THE WORKPLACE

Janis Walworth, MS

[www.gendersanity.com/shrm.html](http://www.gendersanity.com/shrm.html)

Updated December 18, 2003

This article is not meant to educate readers about the basics of transsexualism. It does not discuss hormonal and surgical treatments, developmental and psychological issues, theories about possible causes of transsexualism, or any of the myriad challenges transsexual people face outside the workplace. Rather, this paper informs HR professionals about what to expect when an employee changes gender and how to handle the various issues that may arise in the workplace. A list of resources for further general education about transsexualism is given at the end of this article.

The focus of this paper is transsexual, rather than other transgendered, employees. Transsexuals are defined as people who live, or wish to begin living, in the gender role associated with the other sex from the one in which they were born and raised. Transgender is a broader term that includes transsexuals as well as cross-dressers, androgynes, and others who self-identify as transgendered. Employees who fall into these latter categories, as well as intersex employees, are beyond the scope of this paper, although there are many overlapping issues.

This paper does not discuss sexual orientation. Although people often assume that transsexuals are gay or lesbian, these are really separate issues. Transsexualism is concerned with gender identity, or which gender people feel themselves to be. Being lesbian, gay or bisexual is a matter of sexual orientation, or who people are attracted to romantically. Transsexuals, like other people, may be gay, lesbian, bisexual or heterosexual.

Readers who are not familiar with the vocabulary associated with transsexualism may want to refer to the glossary at the end of this paper before reading the text. Some words have a specific meaning in this context. For example, the word transition is used narrowly here to mean the process of physically, behaviorally and legally changing from one sex to the other. Feminine and masculine pronouns have been used alternately in the sections of this paper to avoid confusion and also to reflect the fact that male-to-female and female-to-male transsexuals exist in approximately equal numbers.

The article begins by discussing the business case for assisting transsexual employees with their transition, the need to use flexible strategies in doing so, the legal milieu in which transition takes place, and the meaning of nondiscrimination for transsexual workers. A larger picture of the transition process is visited briefly, putting workplace issues in context. The paper then moves on to issues of confidentiality, the initial meeting of an HR professional with a transsexual employee, information needed from the employee, the formation of a transition team, informing and training co-workers, restroom use, document changes, problems that can be encountered, and follow-up measures to be taken.

#### The Business Case for Assisting Transsexual Employees

As many as 200,000 people have gone through a transition from male to female or female to male during the last several decades in the United States (How Frequently Does Transsexualism Occur? Lynn Conway, 2002, [ai.eecs.umich.edu/people/conway/TS/TSpredvalence.html](http://ai.eecs.umich.edu/people/conway/TS/TSpredvalence.html)). Perhaps 10,000 more do so each year. In the early days of transsexual treatment, transitioning individuals were required to leave their jobs and start over, but with increasing frequency, they continue to work for the same organization during and after transition.

Despite the number of transsexuals seeking to remain on their jobs as they transition, few HR professionals receive training that helps them prepare for the moment when an employee informs them that she is transsexual and plans to transition from one sex to the other. Although this situation produces some unique challenges for HR professionals, there are many parallels with issues such as race and gender, with which the HR professional is well acquainted. Knowledge of principles and techniques relevant to these areas can be applied to issues that arise when an employee transitions.

Managers and HR professionals sometimes wonder whether it is worth the trouble to assist a transsexual worker with her transition. There are some good reasons for doing so. Transsexual employees are frequently very intelligent and creative people who can contribute a great deal to a company. Being transsexual has nothing to do with a person's ability to perform her job. It is in the best interest of a company to try to retain a talented employee whether or not she is transsexual. In the 1960s, IBM fired Lynn Conway, one of its most brilliant innovators in the new computer field, because she was transsexual. She went on to make enormous contributions at other companies, and today IBM welcomes transgendered employees. In a highly competitive business environment, companies cannot afford to throw away some of their best workers.

The alternatives to assisting the transsexual worker are to fire her or to let her transition without assistance. Firing a worker because she is transsexual may invite lawsuits, particularly in jurisdictions that have laws protecting workers from discrimination on the basis of gender identity and expression or in which courts have interpreted state and federal sex or disability discrimination laws to protect transsexual people. In addition, it can be costly to find and train a new person to replace the transsexual worker. Allowing a transsexual employee to transition without assistance is not a good idea because it sets the stage for tension and hostility in the workplace, which can result in lowered productivity, harassment and legal action.

In order for a transition to be considered successful, it must work for the transsexual person, for the people she works with, and for the organization. If the organization is committed to making the transition successful and follows basic guidelines, this process can go smoothly.

### Flexible Strategies

No two transitions are exactly alike. Although there are Standards of Care for the treatment of transsexuals, there are many choices that can be made within that framework, and the paths that individual transsexuals take are varied (The HBGDA Standards of Care for Gender Identity Disorders. Harry Benjamin International Gender Dysphoria Association, 2001, [www.hbigda.org/soc.html](http://www.hbigda.org/soc.html)). The Standards set forth recommendations for psychotherapy, hormone administration, and genital reconstructive surgery, but not all of these features are included in every transition. Some transsexuals are precluded from taking hormones or having surgery for medical reasons. Some postpone, or may never have, major surgical procedures because the costs are not covered by their health insurance, requiring the transsexual person to come up with tens of thousands of dollars. Cosmetic surgery, electrolysis, voice training or surgery, and other procedures may also be undertaken.

Not only do the specific steps of transition and their timing vary, individuals also differ in how public they want to be as transsexuals. Some prefer that very few people know they are transsexual and hope that after transition they can quietly blend in as members of their new sex. Others are committed to educating the public about transsexualism, are eager to answer questions, and continue to talk openly about being transsexual long after transition.

Work situations vary, too. The composition of the workforce; the type of work being done; the amount of interaction the transsexual employee has with peers, superiors, subordinates, vendors and clients; the physical layout

of the workplace; the public or private nature of the enterprise; and the surrounding culture all have a bearing on how the transition should be handled. For all these reasons, there is no single formula for managing transitions in the workplace. This article offers sound guidance based on the most successful strategies in a large number of transitions, but it must be tailored to meet the needs of specific situations.

### Legal Considerations

There is no explicit federal protection against discrimination for transsexual persons, and transsexuals are specifically excluded from the federal Americans With Disabilities Act (ADA). In 1989, the U.S. Supreme Court held that discrimination based on nonconformity to traditional sex stereotypes is a violation of Title VII of the Civil Rights Act. Since 1996, several circuit courts and district courts have recognized that discrimination on the basis of gender nonconformity and/or transgender status is a form of discrimination on the basis of sex. Although it has not been tested in court, the constitutionality of the exclusion of transsexuals from the ADA is in question.

Since 1975, four states, eight counties and 45 cities across the United States have enacted nondiscrimination statutes that protect transgendered individuals (National Gay and Lesbian Task Force, [www.nglftf.org](http://www.nglftf.org); Human Rights Campaign WorkNet, [www.hrc.org/worknet](http://www.hrc.org/worknet); Transgender Law and Policy Institute, [www.transgenderlaw.org](http://www.transgenderlaw.org)). Three-quarters of these laws have been passed since 1996, and 11 states are considering enacting similar laws in 2003. In five states, administrative agencies or courts have interpreted existing sex discrimination laws to apply to transgendered people. State courts or administrative agencies have held that transsexuals are protected under the disability laws of five states. The District of Columbia's nondiscrimination law based on personal appearance has been found to protect transgendered people.

There is a clear trend in both case law and legislation toward greater protection for transgendered individuals. This trend is evident, too, in business. Over 50 major corporations, including American Airlines, Apple, IBM, Xerox, Walgreens, Nike, Lucent, Intel, Kodak and Aetna, and smaller companies have nondiscrimination policies that protect their workers against discrimination on the basis of gender identity and expression. Most of these policies have been adopted in the last few years. In 2003, a significant proportion of the American workforce enjoys some protection legally or through corporate policies.

### The Meaning of Nondiscrimination

For transsexual people, nondiscrimination means not being treated differently from other men and women simply because they happen to be

transgendered. But should they be treated the same as other women or the same as other men? Legally, there is no standard definition of a person's legal gender and no single point in time when a transsexual person changes from one category to the other.

The way legal gender is handled varies depending on the jurisdiction. For example, many states permit a transsexual person to obtain a new driver's license with relative ease to accommodate the medical requirement that a transsexual person must live as a member of his or her new gender for at least a year prior to obtaining genital reconstructive surgery. In other states, changing the sex designation on any form of state-issued identification may be very difficult or impossible. There is no uniformity on this issue among states, between state and federal policies, or even among federal agencies.

The context in which legal gender is being considered also has a bearing on how transsexual people are viewed. Having a driver's license showing their new sex is sufficient to allow transsexuals to be treated legally as members of that gender for most purposes. Some agencies, however, require evidence that an irreversible step has been taken to alter the body in the direction of the target sex before they will acknowledge the transsexual person's new sex. This irreversible step could be taking hormones over a period of time or having chest or genital reconstructive surgery. For other purposes, only genital surgery will meet the requirement for having changed sex, but the exact nature of the genital surgery is unspecified.

Given this variability in the law, tying recognition of transsexuals' gender in the workplace to legal recognition of their sex is problematic. Even more dubious is an attempt to base their acknowledged gender on medical or surgical treatment milestones. The most sensible approach in the workplace is to consider the transsexual person to be a member of the sex in which he presents himself. This approach is in accord with the growing legal trend toward recognizing that a transsexual person should be treated as a legal member of the gender in which he is living his life. Until the time that the transsexual person begins working in his new role, he should be considered a member of his original sex and treated the same as other members of that sex. Once he begins to work in his new role, however, he should be considered a member of the new sex and treated the same as other members of that sex. For example, a female-to-male transsexual employee should adhere to the dress code for women until he starts coming to work as a man. From then on, he should follow the dress code for men.

#### Antecedents of Workplace Transition

By the time an employee informs the HR department that she plans to change sex, she has probably been dealing with this issue for many years. The typical transsexual person is aware that there is a discrepancy between

her gender identity and her physical sex at age 5 or 6. She may have spent decades searching for the cause of her feelings or trying to make them go away. She is probably seeing a therapist who has helped her determine that this is the right path for her and the right pace.

The Standards of Care for transsexuals recommend at least a year of living full time as a member of the target sex before genital reconstructive surgery is performed, which requires that the transsexual person begin working in her new role before transition is complete. Although this mid-transition period can be awkward for both the transsexual person and those around her, it is an important part of the transition process.

Coming out at work is often one of the last steps in the transition from one sex to the other. Before this happens, a transsexual employee has probably told her family about her change and dealt with the consequences, which may include estrangement, divorce and child custody battles. She has most likely talked with friends and members of groups she belongs to and may have lost some friends or been asked to leave church or social groups. She may have faced ridicule or harassment.

Before speaking to an HR professional, a transsexual employee may have gotten a driver's license, credit cards, accounts and other documents in her new name. She may have had electrolysis or cosmetic surgery and acquired a new wardrobe. She has been living part of her life in her new role and juggling two identities while still doing her job and meeting other responsibilities. She has probably been taking hormones for several months and has begun to see some physical changes, which she may have to conceal at work. Her decision about when to come out at work has been carefully coordinated with changes in her appearance.

Typically, by the time an HR professional is brought into this process, the transsexual employee has been in transition for many months. If a transsexual worker has been able to perform her job during this time, she has demonstrated an extraordinary ability to handle stress and manage the complex demands on her. Once she has comfortably assumed her new role at work, her life is likely to be less complicated and less stressful. If she has made it through the last several months, there should be no question about her ability to continue to meet her work responsibilities.

She has also probably become somewhat of an expert on transsexual issues and the process of transition. She has access to professionals who deal with transsexuals, and she has become acquainted with the experiences of many other transsexuals at their workplaces. She can therefore be a valuable resource for the HR department, and her ability to contribute to the transition process in the workplace should not be overlooked.

## Confidentiality and Respectful Disclosure

Control over the flow of information is very important in managing the transition process. The manner in which co-workers and clients are informed about the transsexual employee's change and the timing of this disclosure are critical in making the transition progress smoothly. Therefore, confidentiality should be a primary concern in the early stages of transition planning. Premature disclosures about the impending transition before strategies are in place to deal with it can lead to an unmanageable situation. Rumors may circulate that distort the truth and fail to provide facts or guidance. Without accurate knowledge, people may substitute myths gleaned from the media, the Internet, or their friends. In the absence of data, they may fabricate information based on their own beliefs or feelings. Since rumors are unaccompanied by any statement from management about how the transsexual worker should be treated, people may feel free to express hostility toward him, resulting in uncomfortable feelings and a loss of productivity. It is much more difficult to recover from this situation than it is to control the flow of information from the beginning.

Anything in written form regarding the transsexual individual should be safeguarded. No one in the workplace or outside the workplace should be told about the transsexual employee unless there is a good reason to do so. When it becomes necessary for additional people to be informed about the upcoming transition, sensitivity to the manner and timing of disclosures should be emphasized. It is a good idea to develop a plan for how to handle a premature disclosure should one occur despite efforts to keep the information confidential. This plan should include an official statement from management addressing how the transsexual employee should be treated and immediate training for employees who have contact with the transsexual person, as well as managers who may have to deal with issues that arise relating to the transsexual worker.

In rare cases, the media might be interested in reporting the fact that an employee of the organization is transsexual. If this is a possibility, it is wise to prepare a statement to use in the event that the employee's transsexualism becomes public knowledge. It should acknowledge that the organization has a transsexual employee, cite his work performance in the past, express the expectation that he will continue to do his job effectively, and voice the support of the company for him.

## Initial Conversations

When an employee contacts the HR department and explains that she is planning to transition and wants to start working in her new role, she would like an assurance that HR will work with her to help make her transition as

smooth as possible. It is often with great trepidation that the transsexual person has come to this point and she may have heard stories from other transsexuals who were treated badly at work, so this assurance is important.

Second, she wants to know that the information she divulges will be treated with the utmost confidentiality. She has probably been taking great care to safeguard her transsexual status and wants to be sure this information will be disclosed at an appropriate time and in a respectful manner. In addition, she would like to feel confident that the individuals who will help plan her transition will take steps to inform themselves about transsexualism and the transition process.

Finally, the transsexual employee would like to be assured that she will have input into planning the steps of her transition at work. Certainly, she should have the predominant voice in the timing of beginning to work in her new role and any changes in her workplace routine. In addition, the insights she has gained in conducting her transition thus far can be beneficially applied in the work situation.

Sometimes a transsexual worker gives an HR professional permission to speak with her therapist, and in fact, the therapist may be a good source of information about transsexualism generally. If more than very general information from the therapist is desired, the transsexual person must give the therapist written permission to talk with the HR professional.

Consultation with the therapist could be helpful if there is a question about the transsexual person's ability to carry out her work responsibilities.

Usually, however, this consultation is unnecessary.

In some cases, the HR department may be contacted by someone other than the transsexual employee herself. A union representative, an employee assistance professional, or member of a gay, lesbian and bisexual employee group may make the contact on behalf of the transsexual worker. The reason for this is usually that the transsexual employee wants to determine anonymously whether she will have support from the HR department and wants to conceal her identity as long as possible to prevent rumors from starting. The HR professional contacted in this way should not press for the name of the transsexual person but should use the employee's representative as a conduit for information.

#### Information Needed From the Transsexual Employee

Once the transsexual employee has made contact with the HR professional, information must be gathered before planning the steps of transition can begin. The HR department needs to know when the transsexual person anticipates being ready to assume his new role. Usually when a transsexual employee comes to the HR department, he will have a date or time frame in



mind for when he would like to start working in his new role. He may also have an idea about when he may need to take some time off for surgeries or other procedures. These dates are subject to change, depending on the transsexual person's readiness at each stage.

How much time off does he anticipate needing and when? Some transsexual people want to have some surgical procedures done before they start working in their new role. They may have such procedures several weeks or months before or immediately before assuming their new role. Depending on the procedure, they may need to take off a few days to a few weeks. In addition, the transsexual employee may want to take off a little time between roles to adjust his appearance and take care of paperwork. He may be planning to schedule additional surgeries after he has been working in his new role for several months or a year or more. At this initial visit, however, he may not have planned that far ahead yet.

How has the transsexual person managed information so far? Has he told anyone else in the workplace? If so, what reaction did he get? Does he plan to tell others? What kind of relationship does he have with the people he works with? This information can help the HR professional evaluate the likelihood that rumors will start or have already started concerning the transsexual employee. The presence of such rumors might indicate that it is time to make an announcement about the employee and provide training. Does the employee want a change in his responsibilities or location, temporary or permanent, now or when he begins working in his new role? In most situations, transsexual employees can continue to carry out their responsibilities without disruption when they begin working in their new role. In rare cases, however, the employee may desire a transfer to a different location or a change in his responsibilities. For example, if the transsexual person deals extensively with customers or clients, he might be more comfortable beginning his transition in a more private position. Some transsexuals find it easier to begin working in their new role among peers who haven't known them previously. Others find the support of co-workers who already know them invaluable. It is important to discuss with each transsexual employee the pros and cons of the various alternatives available to him.

What problems, if any, does he anticipate? Has he thought of solutions? The transsexual employee may have considered some particular features of his job or specific people with whom he comes in contact that may present problems during transition. He may also have some ideas about how to handle these potential problems and may be able to draw on solutions that have worked for transsexuals in other organizations. In the early stages of planning the transition, the input of the transsexual employee can help to focus attention on possible problem areas, as well as suggesting solutions.

Does the transsexual employee have any material that can help to educate the HR professional and others in the workplace? Currently, there are numerous books and articles about transsexualism, as well as videos and Web sites. Some of the better material is listed at the end of this article, but new information is appearing constantly, and the transsexual worker can be a valuable source for this material.

#### Transition Team

Once the initial contact has been made, a transition team to oversee the process can be formed. This may be an informal association consisting only of the transsexual employee and an HR professional or it may include the employee's manager, additional HR professionals, a union representative, a supervisor, or an outside consultant. If the transsexual worker has contacted the HR department through an intermediary, that person can take the place of the transsexual person on the transition team until the transsexual individual is ready to make herself known.

The transition team can meet on a regular or an as-needed basis. Once again, sensitivity to appropriate timing and manner of disclosure should be stressed. The team should educate itself regarding transsexualism and transition issues. Unless one or more people on the team have dealt with transition in a similar situation, outside experts and/or resource materials are needed to provide this training.

One of the first tasks for the transition team is to decide on a timeline. The primary consideration should be the transsexual employee's readiness. The team should evaluate whether the employee's desired timeline will work for the organization. Adequate time must be allowed to put training in place, make sure managers understand their role, and prepare solutions for potential problems. Considerations such as a particularly busy time of year, major reorganizations, and scheduled vacation times may influence the optimal timing for transition.

If the employee desires a change in responsibilities or location, the transition team should discuss what the change will be and how it will be implemented. Will it be permanent or will the employee return to her position and if so, when? If the transsexual person deals with vendors, clients, customers or the public and will continue to do so after transition, the transition team should decide how these contacts will be handled. Depending on the situation, clients may be informed before transition takes place, or the company can prepare a statement and wait for clients to inquire.

The transition team must also make decisions concerning the disclosure of information to the transsexual person's co-workers, the specifics of training to be provided, document changes, restroom use, and monitoring the adjustment of the transsexual person and her co-workers. The team should also anticipate problems that may arise and be ready to implement solutions to them. These tasks are delineated in the following sections.

#### Disclosure to Co-Workers

If there are managers who have not been part of the transition team who will be impacted by the transition, they should be told about the impending transition shortly before the transsexual person's co-workers and subordinates are told. A meeting is usually the best venue for telling them, and the need for appropriately timed and respectful communication about the transsexual employee should be stressed.

Co-workers and subordinates should be told about the transsexual employee's transition shortly before he begins working in his new role. Not everyone in a large company needs to be informed, but people who work in direct contact with the transsexual person on a daily basis should be included, and perhaps others who have more limited contact. The best timing is a week or two before the transsexual employee assumes his new role.

Often, the transsexual employee wants to personally tell a few co-workers with whom he is close before everyone else is told. Other co-workers are often told in a letter from the transsexual person explaining briefly that he is transsexual, that he is planning to begin working as a member of the other sex, the date his new role will begin, and what his new name will be. Such a letter is often accompanied by a memo from the company expressing the expectation that the transsexual person will continue to perform his job competently and that others will treat him with respect. This memo can also contain information about any training that will be given.

Alternatively, employees may be told at a meeting that one of their co-workers will be transitioning and who that person is. The transsexual person can speak at the meeting or a letter from him can be read or handed out. Some transsexuals are not comfortable speaking or writing a letter to their co-workers; in this case, the company would make the announcement, either in writing or in a meeting. The disclosure can be made at a training session.

#### Training

Misconceptions about transsexualism can be drawn from media portrayals of transsexuals as neurotic, dysfunctional, flamboyant, sex-crazed, perverted or depressed. They may appear as prostitutes, people in unstable

relationships, drug abusers, or serial killers. Misinformation abounds on the Internet, where transsexual people are often portrayed as sex workers, and it can be found that 50 percent or 90 percent of transsexuals commit suicide. Lacking accurate information, people may make up their own theories, such as that taking hormones appropriate for the other sex leads to mood swings, poor judgment, and loss of rationality. Once these misconceptions have taken root, they are difficult to eradicate. It is best to provide accurate information about transsexualism as soon as possible after co-workers find out about their transsexual peer, to lessen the need for them to go to possibly unreliable sources. One way to do this is through training.

The transition team must decide who should receive training. Employees who have contact with the transsexual person on a day-to-day basis, supervisors, and managers who may have to deal with issues relating to the transsexual worker should be trained. Usually, training is mandatory for those groups, just as it is for training about sexual harassment or racial issues. The transsexual employee should not attend the training so that others will feel free to ask sensitive questions and voice their concerns.

Training can do a lot to dispel co-workers' fears about a transsexual worker. Co-workers may fear that the transsexual person will no longer perform her job satisfactorily. This is particularly an issue when co-workers depend heavily on each other for their safety or their success. Fear also contributes to a reluctance to share a restroom with the transsexual person. Not understanding transsexualism, co-workers may erroneously assume that it involves sexual deviance, which might be directed toward them. Providing information about transsexualism helps to overcome ignorance and ameliorate fear.

In addition to explaining what transsexualism is and what happens during the transition from one sex to the other, trainers, as well as HR professionals, managers and executives, should model respectful behavior toward the transsexual person, using her new name and the pronouns appropriate for her new sex. Most people have never been in this situation, and they look to authority figures for models of how to behave. If the company wants employees to treat the transsexual person with respect, those at higher levels must display this behavior.

Resource materials may be made available to employees who want to learn more about transsexualism. Books and articles listed at the end of this article can be purchased or downloaded from the Internet and kept in a library or the HR department. The transsexual employee and the company's gay, lesbian, bisexual employee group may be able to provide additional

material. These materials are not a substitute for training, but they are a valuable addition to it.

### Trainers

In some cases, employers have relied on the transsexual person to inform his co-workers about transsexualism, either in a formal training session or in informal conversations. When a company does not provide any training, it leaves the task of training to the transsexual worker by default. While many transsexuals are comfortable answering questions, asking a transsexual employee to provide training in his own company is not a good idea.

In this situation, a transsexual employee may feel pressured to reveal details about his personal life, thus crossing professional boundaries and leading to discomfort in the workplace. Co-workers may have questions they are uncomfortable asking him for fear of getting too personal or unintentionally insulting him. Ultimately, the exchange of personal information in the workplace may open the door to charges of sexual harassment.

Another reason to avoid this situation is that the transsexual worker may be seen as a biased and therefore unreliable source of information. Finally, transition is a difficult period, and the transsexual worker does not need the added stress of training his co-workers. If the transsexual employee is willing to answer questions, he can make that known in his letter to his co-workers and can provide supplementary information after the training takes place.

Transsexuals from outside the company may make themselves available to talk to the public, college classes and workplace groups, often free of charge. Most of these are not professional trainers; they may have little experience handling workplace transitions and they may be poor speakers. They have the advantage of being knowledgeable about transsexualism and able to answer questions without crossing professional boundaries, but they are often not up to the task of answering questions related to the workplace.

Having the transsexual person's therapist do the training is sometimes a possibility. Some therapists feel it is a conflict of interest to do a training session for their own client's co-workers, while others do it routinely. Therapists who specialize in gender issues are usually well informed and can answer most questions about transsexualism and transition. They cannot, of course, answer questions of a personal nature about the specific employee who is transitioning. One disadvantage of having any therapist do the training is that it tends to reinforce the idea that transsexualism is a mental illness.

HR professionals can do the training, provided they are very well informed about transsexualism. Ideally, they should know several transsexual people, have done a lot of reading about transsexualism, and have had experience with workplace transitions. HR professionals are the best equipped to answer questions about the specific workplace where the transition is taking place and are likely to be more knowledgeable about applicable laws and policies than therapists or transsexual educators. They are also more likely to be seen as an objective source of information.

The best training is provided by a professional trainer who is an expert on transsexualism and one who is transsexual but not an employee of the company (this may be two people or the same person). This combination can supply accurate information about transsexualism, provide firsthand experience of what it's like to be transsexual, and provide employees with the opportunity to meet a transsexual person other than their co-worker. Often simply meeting a transsexual individual who is rational, friendly and articulate has an extremely positive impact on co-workers and serves to alleviate many of their fears and misconceptions. It helps them to sort out which characteristics of their transsexual co-worker are related to transsexualism and which are simply part of that individual's personality. They have a chance to ask all kinds of questions without overstepping professional boundaries, and the transsexual trainer can answer them without revealing personal information about their co-worker. It also demonstrates to them that a transsexual person can perform a job competently and professionally.

#### Restroom Use

Transsexual workers, like all other employees, should use the restroom appropriate for their gender presentation. Once a transsexual person has begun coming to work in her new role, she should use any restroom designated for her new gender. Often, people feel that the transsexual person should continue to use the restroom appropriate for her initial gender until she has completed the transition process because only then will she have genitals like those of other members of her new sex. This formulation is problematic for several reasons.

It is awkward for a woman to walk into the men's room or for a man to enter the women's room, regardless of the shape of their genitals. If transsexual individuals are forced to use the restroom appropriate for their original sex until their genitals are sufficiently transformed despite their appearance as members of their new sex, it singles them out for embarrassment and humiliation and in some cases exposes them to a risk of violence. It announces to everyone in the vicinity (including visitors to the work site)

that the transsexual person's genitals do not match her gender presentation, thus violating her privacy.

During transition, the genitals may be transformed by both hormones and surgery. In male-to-female transsexuals, estrogen causes the male organs to shrink. For female-to-male transsexuals, testosterone causes elongation of the clitoral tissue into a small penis. If having genitals that conform to standard male or female configurations is the criterion for restroom use, who will decide when the transsexual person's genitals are sufficiently altered to warrant a change in restroom use? Are the changes brought about by hormone use sufficient or is surgery necessary? If surgery is required, exactly which surgery is to be done? There is no single procedure universally recognized as sex-transformative surgery. Male-to-female transsexuals may have orchiectomy, vaginoplasty and/or labioplasty. Female-to-male transsexuals may have hysterectomy, ovariectomy, metoidioplasty and/or phalloplasty.

Some transsexual individuals never have genital surgery for a variety of reasons. Phalloplasty for female-to-male transsexuals, for example, is often prohibitively expensive and less than optimally functional, so very few transsexual men have it done. Likewise, some male-to-female transsexuals cannot afford genital reconstructive surgery or have medical contraindications. If a transsexual employee works for the company for 20 years after transitioning, would she still be required to use the restroom consistent with her original sex? If the company hires a transsexual person who has already transitioned, would she be asked whether she has had genital surgery? Would this question be asked of all new hires just in case one happens to be transsexual?

Other employees are not questioned about their genitals before they are given permission to use a particular restroom. If they were, cases might come to light in which other people's genitals might not sufficiently conform to the norm for either male or female, for example in intersex conditions, after accidents in which the genitals have been injured, or after treatment for genital disease. Men and women are generally allowed to use the restroom consistent with their gender presentation without having to prove that their genitals conform to any standard, and it should be no different for transsexuals.

In short, restroom use should not depend on genitalia. Since genitals are not used in the performance of most jobs, they should not be subjects of inquiry for employers or co-workers. Exceptions may exist in isolated instances when there are specific rules prohibiting a person with certain genitalia from performing specific tasks, for example in jobs involving bathing or other intimate care of clients.

Other people in the workplace may not immediately feel comfortable sharing a restroom with a person they have known as a member of the other sex. Training can go a long way toward mitigating these feelings. When co-workers learn that transsexuals are not sex perverts and are in the restroom only to do the same business as everyone else, they become more comfortable sharing a restroom with a transsexual person. HR professionals should inform co-workers that if they observe the transsexual employee engaging in any illicit activity in the restroom, they should report the incident, just as they would if it involved any other employee. The transsexual person is governed by the same regulations as everyone else and no special exceptions are being made.

Sometimes inexpensive modifications to existing restrooms can resolve discomfort. Men's room stalls sometimes lack doors, and the barriers surrounding stalls in women's rooms are sometimes too short. Wide gaps in stall enclosures and doors that fail to lock or stay closed are common problems. Making sure the stalls in both men's and women's rooms provide adequate privacy helps everyone to share restrooms more comfortably.

In some companies, a temporary accommodation has been employed to give everyone time to get used to the change. For example, the transsexual employee may volunteer to use only certain restrooms appropriate for her new sex or only unisex restrooms for a month or two. The exact arrangement depends on the physical layout of the workplace and the radius of the transsexual person's work activities. The transsexual employee should be inconvenienced as little as possible. For example, if she is restricted to only one restroom, every effort should be made to ensure that it is the most convenient one possible. After the specified period of time, the temporary arrangement ends and the transsexual employee is free to use any restroom appropriate for her new sex.

#### Document Changes

Most transsexuals change their names when they transition. They may go through court to do so legally or they may adopt a new name through the usage method, which permits legal recognition of a new name simply through the fact that it is the name the person uses. Transsexuals change their names on their checking accounts, credit cards, business accounts, memberships, driver's licenses, and social security cards. When an employee begins working in his new role, his name should be changed on company records, and the payroll department should begin issuing checks in his new name. His Social Security number does not change. This part of the process is no different than for a woman who changes her name when she marries.



As far as possible, transsexuals change the sex designation to match their new name wherever it appears. Almost every state permits a transsexual person to change the sex designation on his driver's license, usually requiring documentation from a physician showing that the transsexual person is undergoing treatment or has completed treatment for gender identity disorder. Most states allow transsexuals to change the sex on their birth certificates after they have undergone genital reconstructive surgery. The Social Security Administration allows a change of sex designation, and passports can be issued in the new gender. Many of the changes of gender on legal documents can be made before transition is completed. The transsexual person takes care of most of these changes.

The transsexual employee should be consulted about changes to be made to his insurance records because these changes may profoundly affect his coverage. If the employee was married prior to transitioning, his marriage remains valid unless he dissolves it through divorce. Thus, entitlement to spousal benefits remains unchanged.

#### Potential Problems

Many co-workers want to be supportive of a transitioning transsexual worker. Others are interested only in getting their job done and don't want to expend any time or effort in dealing with the transition. Some employees, however, may be offended by the idea of a person changing sex. It may be counter to their religious beliefs or they may simply feel that it is wrong. The likelihood of negative reactions can be reduced by establishing a culture of appreciation of differences, providing adequate training, and treating all employees fairly. A diverse workplace means that employees must be able to work with all kinds of people. It is not required that they "believe in" or accept transsexualism. These employees are entitled to their beliefs, but they should be required to treat the transsexual person, and every other employee, with respect.

Co-workers sometimes feel resentful of the transsexual employee. They may believe that the transsexual person is being given special privileges, is being allowed to get away with things they could not, or is being given more attention and consideration than they are. HR professionals should remind these employees that they are protected by the same laws and policies that protect the transsexual person. If they were in a minority with regard to race, nationality or religion, or if they became disabled, they too would receive the same kind of accommodation and protection against discrimination the transsexual person is receiving. If they have problems in their lives or in working with a transsexual person, the same counseling resources are available to them as are available to the transsexual employee.

In some workplaces, co-workers express their hostility toward a transsexual person by refusing to use her new name and correct pronouns, or they may harass the transsexual person verbally, threaten physical violence, refuse to work with her, or stop speaking to her. The transsexual employee will often not report such behavior because doing so tends to increase harassment, it reinforces the idea that the transsexual person is trying to get others in trouble, it may be seen as a sign of weakness, or it may bring retaliation. Management must be proactive in monitoring behavior toward the transsexual employee and provide a way for her to report harassment confidentially. Any harassment that is taking place should be dealt with swiftly to send a clear message to all employees that this behavior is unacceptable and will have consequences for the perpetrators.

The transsexual employee can also be the source of problems. Sometimes a transsexual person is excited about the changes she is going through and wants to share the details with others, but co-workers may object to hearing about her transition. A caution to the transsexual employee to discuss these matters only after checking to make sure everyone within hearing wants to listen, or saving these conversations for outside the workplace, may be all that is needed.

Occasionally a transsexual person dresses inappropriately for her new role. Dress codes requiring employees to wear appropriate attire apply to the transsexual worker just as to any other employee. If there are different dress codes for men and women, the dress code for the employee's new role is the appropriate standard as soon as she begins working in her new role.

Some transsexuals may be too sensitive about people making honest mistakes with their name and pronouns. The transsexual employee should be reminded to give people a chance to get used to her new presentation. The transsexual person has had years to learn to cope with the fact that her gender identity did not match her body, and her co-workers may also need some time to adjust.

Employers as well as co-workers sometimes worry that a transsexual worker is or may become mentally unbalanced or emotionally unstable or that other changes may make her unable to perform her job. These fears have no objective or rational basis. If the employee has been able to do her job during the several months before beginning to work in her new role, she almost certainly will afterwards. Hormone treatments do not normally affect a transsexual person's emotional stability, and transsexualism is not a reflection on a person's mental health. Physical strength may be affected:

male-to-female transsexuals may have to work harder to retain muscle mass, while female-to-male transsexuals can build strength more easily.

Often, transsexual employees become easier to work with, more productive, happier and more outgoing after transitioning, but other things may not change. If the employee has problems with anger management, observing professional boundaries, poor judgment, and the like, these will probably continue. The biggest impediment to high-quality work performance during transition is the stress of dealing with hostility from others in the work environment if this is allowed to occur.

In very rare cases, a transsexual person may decide not to go through with transition and revert to her former role. The Standards of Care for transsexuals are designed to give people in transition every opportunity to do just this, so that irreversible steps, such as surgery, are not taken if the transsexual person might regret them. Thus the abandonment of the transition process can be seen as a success in that a serious mistake has been avoided. It can be difficult, however, for the transsexual person's co-workers, especially if they have tried to be supportive of her. This reversal occurs in less than 1 percent of transitions, but when it does, a meeting in which a psychotherapist or an HR professional explains it helps co-workers to come to terms with it.

#### Follow-Up

A system for monitoring conditions in the transsexual person's work environment should be devised. Transsexuals may not report harassment because they don't want to cause trouble or because they fear repercussions from their co-workers or supervisors. The HR professional should take the initiative in ongoing assessment of the adjustment of both the transsexual person and his co-workers.

The company should be prepared to investigate and deal swiftly with any complaints of harassment or discrimination. Procedures already in place to deal with other types of unacceptable behavior can be used. Complaints about the behavior of the transsexual employee must receive the same follow-up as any other complaint, although simply reminding or informing the transsexual worker about expectations of him in his new role can sometimes resolve them. If harassment or hostile behavior goes unchecked, problems may become more intransigent or even insoluble.

If there are employees who have ongoing difficulty working with a transsexual person despite training, counseling should be provided for them. This can be done through employee assistance programs, counseling staff, or outside therapists. A therapist who is familiar with transition issues may

be particularly helpful in some cases, although any good therapist should be able to assist employees in dealing with their feelings. HR professionals may need to remind employees of the availability of this resource.

Most of the difficulties that arise when an employee transitions resolve themselves within a month or two as others in the work environment become accustomed to the transsexual person in his new role. Nonetheless, the HR department should continue its follow-up with the transsexual employee for an extended time period to make sure that there are no problems.

When a transsexual employee is ready to have reconstructive surgery performed, he may find that the company's health insurance plan does not cover procedures related to change of sex. Although insurance providers may justify this exclusion on the basis that these procedures are elective or experimental, they are part of an accepted medical protocol that has proven effective in treating transsexuals. In an effort to provide fair compensation for their transsexual workers, some companies are now offering insurance plans that cover transsexual treatment. The cost of these programs is minimal (the additional cost has been estimated to be 0.005 percent to 0.5 percent) and they help companies retain valued workers (Transgender at Work, [www.tgender.net/taw](http://www.tgender.net/taw)).

## Conclusion

The transitioning of transsexual employees is becoming more common. Still, it is an occurrence that many people find challenging. Whether the transition proceeds smoothly or there is hostility and resentment, disruption in the work routine, and loss of productivity depends to a large extent on how the company manages the transition. Keys to successful transition are:

Treating the transsexual in a manner consistent with her gender presentation.

Including the transsexual employee in planning the steps of transition.

Maintaining confidentiality until disclosure is made to the transsexual employee's co-workers.

Providing training for co-workers and managers.

Demonstrating the support of the company from the highest levels.

Modeling respectful behavior toward the transsexual person.

Developing a detailed plan to handle transition arrangements such as restroom use and document changes.

Applying the same standards to both the transsexual person and her co-workers.

Enforcing zero tolerance for harassment.

Monitoring the adjustment of the transsexual person and co-workers through long-term follow-up.

When basic guidelines are followed and common sense and flexibility are employed, transition can proceed smoothly without disrupting the workplace, interfering with productivity, or costing the company a valued worker. Transsexual workers have made outstanding contributions to their companies in a wide variety of fields. Retaining a transsexual worker through transition is a win for both the company and the employee.

## **Glossary**

**Androgyne**

A person whose gender presentation is neither masculine nor feminine.

**Assigned sex**

Sex recorded at birth, usually on the basis of external genitalia.

**Biological sex**

Male, female or intersex according to anatomy, chromosomes and other physical features.

**Coming out**

Revealing sexual orientation or gender difference.

**Cross-dresser (CD)**

Man or woman who dresses in clothes of the other sex some of the time.

**Female-to-male (FTM)**

Transgendered person who was assigned female sex at birth.

**Gender**

Collection of traits thought by a culture to be associated with maleness or femaleness.

**Gender expression**

Behavior through which one's gender is communicated.

**Gender identity**

Self-identification as man, woman or other.

**Gender identity disorder**

Technical term for the diagnosis of transsexualism.

**Gender presentation**

Appearance in conformity with society's standards for women or men, or conformity to neither.

**Genital reconstructive surgery**

Surgery that changes external genitalia from one sex to more closely approximate those of the other sex.

**Intersex**

Conditions in which biological sex is not clearly male or female (e.g., hermaphrodite).

**Male-to-female (MTF)**

Transgendered person who was assigned male sex at birth.

**Real-life test or experience (RLT)**

Required period of cross-living before sex reassignment surgery.

**Sex reassignment surgery (SRS)**

Genital reconstructive surgery.

Sex

Categorization as male, female or intersex by the shape of genitalia or other biological features.

Sexual orientation

Categorization based on the sameness or difference of an individual's sex and that of the persons to which one is romantically attracted.

Target sex

Sex that a person is transitioning toward.

Transgendered (TG)

Differently gendered in any way (includes cross-dressers and transsexuals, as well as self-identified individuals who do not conform to gender stereotypes).

Transition

The process of becoming a member of one's target sex by making changes in appearance, behavior and body.

Transsexual man (or transman)

Female-to-male transsexual person.

Transsexual (TS or just T)

Person whose gender identity is different from assigned sex and who lives, or wants to live, as a member of the other sex.

Transvestite (TV)

Heterosexual man who sometimes enjoys dressing in women's clothing, sometimes with an erotic component (many prefer the term cross-dresser).

Transsexual woman (or transwoman)

Male-to-female transsexual person.

## Resources

### Web Sites

- Center for Gender Sanity, [www.gendersanity.com](http://www.gendersanity.com)

Information for employers who have transsexual workers and help for transsexuals transitioning at work.

- FTM International (FTMI), [www.ftmi.org](http://www.ftmi.org)

Information and networking for female-to-male transgendered people.

- Gender Education and Advocacy (GEA), [www.gender.org](http://www.gender.org)

Includes a list of publications on transgender issues in employment.

- Human Rights Campaign (HRC) WorkNet, [www.hrc.org/worknet](http://www.hrc.org/worknet)

Articles and statistics on work-related issues involving sexual orientation and gender identity.

- International Foundation for Gender Education (IFGE), [www.ifge.org](http://www.ifge.org)

Good source for books about cross-dressing and transsexualism.

- Intersex Society of North America (ISNA), [www.isna.org](http://www.isna.org)

Education and advocacy about intersex issues.

- National Center for Lesbian Rights (NCLR), [www.nclrights.org](http://www.nclrights.org)

Source of news about legal developments, the text of court decisions, and policy advice concerning transgender issues, including employment.

- National Gay and Lesbian Task Force (NGLTF), [www.nglftf.org](http://www.nglftf.org)

Statistics on laws and corporate policies that protect transgendered workers.

- Pride at Work (PAW), [www.prideatwork.org](http://www.prideatwork.org)

Information from the AFL-CIO constituency group on gay, lesbian, bisexual and transgender issues.

- Transgender at Work (TAW), [www.tgender.net/taw](http://www.tgender.net/taw)

Discussion for employers on health insurance issues, transgender-inclusive Equal Opportunity policies, restroom use, and more.

- Transgender Law and Policy Institute, [www.transgenderlaw.org](http://www.transgenderlaw.org)

Updated information on laws, litigation and employer policies concerning transgendered people.

### Publications

How Frequently Does Transsexualism Occur? Lynn Conway, 2002. Available online at [ai.eecs.umich.edu/people/conway/TS/TSprevalence.html](http://ai.eecs.umich.edu/people/conway/TS/TSprevalence.html)

The most thorough examination of the prevalence of transgendered and transsexual women.

The HBGDA Standards of Care for Gender Identity Disorders. Harry Benjamin International Gender Dysphoria Association, 2001. Available online at [www.hbigda.org/soc.html](http://www.hbigda.org/soc.html)

Details the psychotherapeutic, medical and surgical care recommended for the treatment of transsexuals.

The International Bill of Gender Rights vs. the Cider House Rules: Transgenders Struggle With the Courts Over What Clothing They Are Allowed to Wear on the Job, Which Restroom They Are Allowed to Use on the Job, Their Right to Marry, and the Very Definition of Their Sex. Phyllis Randolph Frye. William and Mary Journal of Women and the Law, vol. 7, p. 133, 2000. Available online at [transgenderlegal.com/cider1.htm](http://transgenderlegal.com/cider1.htm)

Discussion of legal issues involving transgendered workers.

The State of the Workplace for Gay, Lesbian, Bisexual and Transgender Americans: A Semi-Annual Snapshot. Human Rights Campaign, 2002.

Available online at [www.hrc.org/publications/sow2002/snapshot.pdf](http://www.hrc.org/publications/sow2002/snapshot.pdf)

Statistics on workplace protections for transgendered employees.

Training Tough Topics. Liz Winfeld, ed. AMACOM, 2000. \$99.95 loose-leaf.

Includes a curriculum for training about transgender issues in the workplace.

Transgenderism and Transition in the Workplace. Dana Priesing. Human Rights Campaign, 1999. Available online at

[www.hrc.org/worknet/transgender/dana2.pdf](http://www.hrc.org/worknet/transgender/dana2.pdf)

Guidelines for transgendered people who plan to transition at work.

Transsexual Workers: An Employer's Guide. Janis Walworth. Los Angeles: Center for Gender Sanity, 1998. \$16.00 paper.

Basic information on transsexualism, guidelines for managing transition on the job, and answers to specific workplace dilemmas.

True Selves: Understanding Transsexualism. Mildred Brown and Chloe Ann Rounsley. San Francisco: Jossey-Bass, 1996. \$24.95 hardcover.

An explanation of transsexualism in plain language, with a chapter on employment.

Working With a Transsexual: A Guide for Coworkers. Janis Walworth. Los Angeles: Center for Gender Sanity, 1999. \$12.00 paper.

Help for those who work with a transsexual person and want to increase their understanding.

Workplace Guidelines for Transgendered Employees. American Airlines, 2001. Available online at

[www.hrc.org/worknet/transgender/AA\\_guidelines.pdf](http://www.hrc.org/worknet/transgender/AA_guidelines.pdf)

Document detailing American Airlines policies regarding transsexuals.

SHRM wishes to thank Janis Walworth, MS, for contributing this paper. It is intended as general information only and is not a substitute for legal or professional advice.

Janis Walworth, MS, is co-founder of the Center for Gender Sanity, an organization that assists with transgender issues in the workplace. She is author of two books, *Transsexual Workers: An Employer's Guide* and *Working With a Transsexual: A Guide for Coworkers*, and a chapter on



training transgender issues in Training Tough Topics. She has helped with transsexual transitions in dozens of workplaces across the United States.

Copyright 2003, Society for Human Resource Management. Inquiries regarding reprints and use of this article should be directed to [Dkeary@shrm.org](mailto:Dkeary@shrm.org).