

CREATING AN LGBT-FRIENDLY WORKPLACE



There are a number of steps that you can take to make your workplace more LGBT-friendly. Start an employee resource group, help a coworker transition on the job, ask your company for the same benefits straight married couples receive or organize for domestic partner benefits. The ideas listed below are only a start.

NONDISCRIMINATION POLICIES

More and more employers have nondiscrimination policies that prohibit discrimination based on sexual orientation; a much smaller number of company policies include gender identity. In some cases, a company's policy may be the only thing an employee can point to in the event of discrimination. If your employer doesn't have a nondiscrimination policy in place, or if the policy does not include sexual orientation or gender identity, you can take steps to create such a policy. Employee associations, either those in-house or unions, may also be able to make suggestions about how to draft policies, apply pressure and form alliances with other groups to make sure a policy is put in place.



Implementing a Nondiscrimination Policy

A good nondiscrimination policy includes:

- Clear language that discrimination will not be tolerated
- Specifics about prohibited behavior
- A description of the penalties for violating the policy
- A clear outline or grievance procedure for an employee who has experienced discrimination
- Prompt investigation of complaints of discrimination
- Protection against retaliation

For examples of nondiscrimination policies visit Lambda Legal's website at www.lambdalegal.org, the National Gay and Lesbian Task Force's website at www.nglftf.org, the Human Rights Campaign's website at www.hrc.org or any of the websites of the other organizations listed in the back of this booklet ("Resources," page 38).

LGBT EMPLOYEE RESOURCE GROUPS

What is an LGBT employee resource group?

LGBT employee resource groups (ERGs) provide information and support for LGBT employees and their employers. Some ERGs focus on advocacy and workplace activism, while others provide primarily social networking and support. Often, LGBT employee groups work to create company nondiscrimination policies or to obtain domestic partner benefits. They may also take the lead in establishing diversity education and “safe space” programs (which use visual cues such as stickers or posters to show that a workplace welcomes LGBT workers).

How can I start an LGBT employee group?

1. Find out about your company’s policy regarding employee groups. Does your employer formally recognize or fund such groups? Does your employer have a specific policy about forming a group? If not, ask how you can start a group. Find out if someone in management will need to sponsor your group. Consult with a human resources representative.

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2. Set goals. Create a mission statement for your group and draft a plan of action and a timeline for achieving your goals. Research may help you with this; networking with successful employee groups at other companies and reading about LGBT workplace issues may also give you some ideas. (See “Resources,” page 38, for more information.)

3. Develop a structure for your group. Designate certain people as the ones who will officially represent the group to management. It makes sense to identify the strongest speakers and writers in your group for these jobs.

4. Build alliances. Network with other employee groups at your company, with labor unions and community groups and with LGBT employee groups at other companies. Seek support from non-LGBT allies in your workplace. Consider how you might want to publicize your group, both within your company and outside it. Before publicizing outside your company, however, you may want to check with a human resources representative to see if you need to get clearance from management.

Safe Space Programs

Many LGBT employee groups — including LEAGUE at AT&T, the nation's oldest LGBT employee group — have implemented safe space programs. Usually safe space programs are designed to let all workers know that discrimination will not be tolerated and that a company respects and values its LGBT employees. Some companies post magnets, stickers or posters to help LGBT employees feel supported and safe to be out on the job. Many LGBT employee groups work to create a safe environment in the workplace, even if they do not use a formal safe space program.

Workplace Education

Some LGBT employee groups have worked to initiate diversity training programs for their coworkers. Sometimes this involves bringing in an outside consultant to conduct workshops. Other times, group members will hold less formal information sessions. Assess the needs of your particular workplace and cooperate with management or human resources to develop an education plan. Contact Out & Equal or Common Ground (see “Resources,” page 38) for more information about implementing a diversity program in your workplace.



Adding “T” to an LGB Resource Group

Policies that protect gender identity and expression in the workplace help to keep companies from forcing employees to fit extreme gender stereotypes and make for a more truly LGBT-friendly workplace. If your company’s employee resource group is not transgender inclusive, consider consulting with the group’s leaders about amending the mission statement. Find out what the group’s goals are and discuss the possibility of using language such as “gender expression, identity and characteristics,” both in the group’s policies and in the broader company policies that the group is working to promote.

CREATING A TRANS-FRIENDLY WORKPLACE

Transitioning on the Job

If you are thinking about transitioning on the job, you may face some difficult choices. Some employees opt to quit their jobs and start over elsewhere, while others choose to transition in their current workplace. For those who decide to find a new job, the job search may be complicated, especially when it comes to providing a complete work history or personal references.

Transitioning at your current job will be eased by a good amount of preparation. Know your company’s nondiscrimination policy and find out if there is any protective legislation in your area that prohibits discrimination based on gender expression, identity and characteristics. Gather allies around you — work closely with your therapist or support groups and come out to family and friends or likely allies such as an LGBT employee resource group. Make sure that your therapist will assist you by speaking with the proper people at your workplace, if necessary, and give your therapist written permission to do so. You may want to obtain copies of your performance evaluations and other materials that your company has on file, just in case you face discrimination down the line. Also, look into legally changing your name and other identification documents such as your Social Security card. The process for changing a birth certificate varies from state to state, though it often requires a court order. The vast majority of states allow a transgendered person to amend a birth certificate to reflect a

change in gender. See www.lambdalegal.org for more information.

Decide which person in your workplace you should come out to first; this is typically a human resources representative. Depending on your company's structure, you may also consider speaking with a corporate diversity specialist; be sure you know what kind of confidentiality expectations there are in each situation. Starting with your supervisor or coworkers is not recommended if there are other resources. It is probably best to consult your superiors at least three months before you plan to transition. Be willing to educate the people you work with by answering their questions or providing them with informational materials. Find out what has worked at other companies and

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see if officials from those companies would be willing to advise your employer. It may be helpful to provide your superiors with a report and timeline about your transition process, but be sure to clearly mark this information "personal and confidential." Include signed confidentiality release forms if you want your employer to be able to speak with your doctor or therapist.

In the event that you do face discrimination, document your workplace transition process. Record your transition process, including any possibly discriminatory behavior, in a journal that you keep at home. (See "What to Do If You're Discriminated Against at Work," page 13.)

You will also need to inform your coworkers about your transition. Do this in whatever way is most comfortable, consistent with any work rules and professionalism, perhaps by drafting a memo and sending it accompanied by a letter from your employer, or by having a meeting with the other employees you regularly work with. The more support your employer is willing to show

for your transition, the better your coworkers will be in adjusting. You may also recommend workplace sensitivity training. (For groups that provide these services, see “Resources,” page 38.)

Cross-dressing On and Off the Job

Even if your workplace has a nondiscrimination policy that includes gender identity, you might still be fired for cross-dressing on or off the job. Most workplace policies are not contracts, just general statements of principle, and therefore they can be changed at will. If you are a closeted cross-dresser but

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you decide to come out to your employee resource group, explain that you expect confidentiality (although confidentiality can’t be guaranteed). Being an out cross-dresser in the workplace doesn’t necessarily mean that you cross-dress at work, just that you are comfortable with people knowing that you cross-dress outside of work.

Gender-Bending at Work

If you gender-bend or present yourself androgynously on the job, a unique set of questions arises: Is your gender-bending obvious to those you work with, or is it more subtle? Should you pass or not? Do you want your coworkers to refer to you by a different name or pronoun? Which bathroom will you use? You’ll need to consider how much information you want to disclose to your coworkers and determine the answers to questions like these by assessing the openness and safety of your workplace. If your workplace does not have a nondiscrimination policy

that includes gender identity, characteristics or expression, your safest bet may be to change only one element of your appearance at a time and to start small in order to first gauge your coworkers' reactions and then proceed from there.

Restroom Issues

If you come out as transgender or are transitioning in the workplace, chances are you'll be faced with questions about restroom access. The law requires your employer to provide a safe and convenient restroom. Your supervisor may be concerned about the comfort of other employees. It is best to discuss the situation with your supervisor before it becomes a major issue, so that your coworkers know what to expect.

In many workplaces, transgendered employees use the restroom that corresponds to the gender they are currently presenting. This is the best approach to maintain consistency and respect throughout the transition process. Single-toilet uni-sex bathrooms with doors that lock are another option. There may be laws at the local level that will affect how your company handles the restroom issue.

If other employees complain, some employers will make special arrangements for the complaining worker rather than for the transgendered employee.

Dress Codes

Employers generally have the right to implement dress codes. If the dress code has different rules for men and women, then the current law in most places requires that the rules for each sex be relatively equal in their burdens. Some courts have upheld different dress policies for men and women. Lambda Legal is currently challenging some of these rules to ensure that men and women are not compelled to adhere to dress codes that reinforce gender stereotypes. We believe it is better to avoid this kind of gender-based policy because of the potential for discrimination.

