**GENDER TRANSITION IN THE WORKPLACE POLICY**

**PURPOSE**

[EMPLOYER'S NAME] adheres to Title VII of the Civil Rights Act of 1964, along with applicable North Dakota state and local employment laws, and is dedicated to offering equal opportunities to all individuals, regardless of sex, sexual orientation, gender identity, or gender expression.

As part of this commitment, [EMPLOYER'S NAME] works to cultivate a safe and supportive work environment for every employee. This policy outlines procedures to support transgender and gender non-conforming employees, including guidance for when an employee transitions to presenting as a different gender. These guidelines reinforce [EMPLOYER'S NAME]’s [NAME OF EQUAL EMPLOYMENT OPPORTUNITY/ANTI-DISCRIMINATION POLICY], which explicitly protects gender identity and expression.

While this policy provides a framework, it does not anticipate every potential situation involving transgender or gender non-conforming employees. Each individual’s needs will be evaluated and addressed on a case-by-case basis, with the primary objective of fostering a safe, respectful, and inclusive workplace. The focus is on integrating employees seamlessly into the work environment while minimizing stigma. By promoting [principles such as respect, trust, collaboration, and teamwork/[EMPLOYER'S DIVERSITY PRINCIPLES]], [EMPLOYER'S NAME] aims to create an environment where all employees can thrive professionally.

This document is a resource for transgender employees, their colleagues, managers, and allies. For further clarification or discussions related to transgender topics, employees are encouraged to [contact [EMPLOYER'S NAME]’s [LGBTQ employee resource group/human resources department/[OTHER RESOURCE]] or consult the resources provided at the end of this document].

**DEFINITIONS**

The following terms are provided to support understanding and clarity regarding this policy. Employees may or may not choose to use these terms to describe themselves, and their usage may vary.

Sex

Refers to the classification of a person as male or female, assigned at birth based on the visual assessment of anatomy. Scientific research suggests sex is influenced by various factors, including chromosomes, hormones, reproductive organs, and secondary sex characteristics, in conjunction with gender identity.

Gender

Represents the behavioral, cultural, and psychological traits often associated with being male or female.

Gender Identity

Refers to a person’s deeply felt internal sense of being male, female, or something outside or between these categories. Often referred to as "brain sex," gender identity has biological and genetic components and is a key determinant of a person’s sense of self. While many identify as male or female, others may identify as:

* Genderqueer.
* Non-binary.
* Agender.
* Bigender.

Gender expression

Encompasses the external characteristics and behaviors that society may interpret as masculine, feminine, or something else. These can include names, pronouns, clothing, hairstyles, mannerisms, and social interactions.

Gender dysphoria

A diagnosis recognized by the American Psychiatric Association (APA), describing distress experienced due to a mismatch between an individual’s gender identity and their sex assigned at birth. Not all transgender individuals experience gender dysphoria. The diagnosis facilitates access to treatments, such as medical interventions, for those who seek them.

Gender non-conforming

Describes individuals whose gender expression differs from conventional societal expectations of masculinity and femininity. A gender non-conforming person may or may not identify as transgender.

LGBTQ

A common abbreviation for the lesbian, gay, bisexual, transgender, and queer community.

Sexual orientation

Describes a person’s romantic, emotional, or physical attraction to others. It is separate from gender identity, and transgender people may identify as heterosexual, gay, lesbian, bisexual, or asexual, among other orientations.

Transgender

An umbrella term for individuals whose gender identity differs from the sex they were assigned at birth. This is a natural aspect of human diversity and is not inherently negative or pathological. Related terms include:

* Transgender woman (trans woman): A person assigned male at birth who identifies as female.
* Transgender man (trans man): A person assigned female at birth who identifies as male.
* Transsexual: An older term describing someone who has pursued medical interventions to align their physical characteristics with their gender identity. Many prefer the term transgender over transsexual.

Cisgender

Describes individuals whose gender identity aligns with the sex they were assigned at birth.

Transition

The process through which a person changes from living as their sex assigned at birth to living as their gender identity. Transitioning is a highly individualized process and may include steps such as:

* Informing family, friends, or colleagues ("**coming out**").
* Adopting a new name and pronouns.
* Modifying personal appearance or clothing.
* Amending legal documents to reflect their gender identity.
* Seeking medical treatments, such as hormones or surgery.

Not all transgender individuals take every step in the transition process, and some do not consider themselves transgender, instead identifying simply as male or female.

Everyone has:

* A sex assigned at birth.
* A gender identity.
* A gender expression.
* A sexual orientation.

The terms, concepts, and rights outlined in this policy apply universally, regardless of whether an individual identifies as transgender or uses other descriptors for themselves.

**TRANSITIONING AT WORK**

Many individuals feel aligned with the sex they were assigned at birth, but some experience discomfort or a disconnect between their physical characteristics and their deeply held gender identity. For some, addressing this misalignment involves steps to change their gender presentation or physical appearance—a process often referred to as "transitioning" or, more appropriately, "gender-affirming treatment." The goal of this process is to align the individual's external presentation with the gender identity they already embody.

What transitioning may involve

Transitioning is a personal and individualized process that can include:

* Changing one’s name and pronouns.
* Modifying clothing, hairstyle, or other aspects of appearance.
* Undergoing hormone therapy or other medical treatments to alter physical characteristics.
* Pursuing surgeries to align anatomy with gender identity.

Some of these steps are undertaken with medical supervision and follow established guidelines developed by healthcare professionals. However, not all transgender individuals pursue the same transition steps, and many do not undergo surgery due to personal, financial, or other reasons.

Individualized plans for transition

Each individual’s transition is unique, and the steps they choose to take will depend on their circumstances and needs. To foster an inclusive, respectful, and productive workplace, [EMPLOYER'S NAME] will work with transitioning employees to develop a tailored plan that addresses their specific needs while balancing workplace requirements.

Rights and responsibilities

To ensure a supportive environment for transitioning employees and their colleagues, [EMPLOYER'S NAME] outlines the rights and responsibilities of all involved parties, providing clear expectations and resources to promote understanding, inclusion, and workplace functionality. Employees are encouraged to communicate their needs, and management will collaborate with transitioning employees to facilitate their integration while respecting their privacy and dignity.

**TRANSITIONING EMPLOYEES**

At [EMPLOYER'S NAME], every employee has the right to express their authentic self while adhering to professional expectations. If you are transitioning, this means you may express your gender identity, characteristics, and presentation without fear of retaliation or negative consequences. In return, you are expected to work collaboratively with [EMPLOYER'S NAME] to ensure that your needs are understood and supported while meeting workplace expectations.

Privacy and communication

Your transition will be treated with the utmost confidentiality and shared only with individuals who need to know to facilitate the process. However, you are encouraged to take part in educating your coworkers to the degree you feel comfortable, fostering understanding and inclusivity.

Initiating workplace transition

When you are ready to disclose your intention to transition, notify designated personnel who can assist and support you. Your primary point of contact may be your immediate supervisor or the [HUMAN RESOURCES DIRECTOR/EMPLOYER-DESIGNATED REPRESENTATIVE] ("**Primary Contact**"). This person will work with you to assemble a Support Team that may include managers and staff members. Together, you will create a Workplace Transition Plan tailored to your needs and the company’s operational requirements.

Collaborating on your transition plan

Communicate openly with your Support Team about your intentions, needs, and any potential concerns. Understand that coworkers may require education on transgender-related issues. While some involvement on your part may be helpful, you are not solely responsible for educating others. [EMPLOYER'S NAME] will provide resources and assistance to foster an inclusive and supportive workplace environment.

**MANAGERS AND SUPPORT**

[EMPLOYER'S NAME] values and supports diversity in the workplace. If an employee informs you of their intent to transition or if someone in your team is currently transitioning, your role in providing respect and understanding is vital. Transitioning employees may feel vulnerable discussing their plans, and your sensitivity can help ease this process.

Ways to offer support

* Maintain confidentiality: Reassure the employee that any discussions about their transition will be kept confidential. Confirm what information they are comfortable sharing and with whom.
* Join the support team: Offer to participate in the employee’s Support Team to provide guidance and help during their transition.
* Educate yourself: Learn about transgender-related issues and the transitioning process. Allow the employee to share their perspective if they feel comfortable doing so.
* Open communication: Have thoughtful discussions with the employee to understand their needs and concerns. Approach these conversations with an open mind and a willingness to support.
* Policy reinforcement: Remind the employee that they are protected under all applicable company policies, including [NAME OF ANTI-DISCRIMINATION/ANTI-HARASSMENT POLICY].
* Collaborate on planning: Assist the employee in developing their Workplace Transition Plan or review an existing plan to ensure it meets both their needs and workplace expectations.
* Respect names and pronouns: If the employee is considering a name change, discuss when they would like the new name and pronouns to be used and commit to respecting their preferences.

Flexibility and scheduling

* Accommodate transition-related time off: Be flexible within company policies to allow the employee to take time off for medical, legal, or personal appointments related to their transition. Treat these requests like any other request for time off, ensuring fairness and support.

Your positive actions and understanding will help create a welcoming and inclusive environment that benefits both the transitioning employee and the entire team.

**TRANSITION COORDINATOR**

The [Transition Coordinator/Director of Employee Relations] will oversee the transitioning employee's Workplace Transition Plan. This role includes providing the same level of support described in the Managers and Support section while also managing administrative and procedural aspects of the transition.

Key responsibilities

* Plan coordination: The [Transition Coordinator] will manage updates to employee records and other details outlined in the Workplace Transition Plan.
* Communication support: Assist with any workplace announcements regarding the employee’s transition, as agreed upon in the Workplace Transition Plan.
* On-site presence: Be available on implementation days for specific steps in the plan to offer support, ensure respectful treatment, and maintain workplace productivity.
* Point of contact: Act as the primary contact for employees with concerns or questions about the transitioning employee’s appearance, behavior, or transgender-related issues.

Confidentiality

The [Transition Coordinator] will not disclose any confidential information outlined in the Workplace Transition Plan without the express consent of the transitioning employee. This ensures that the employee’s privacy and preferences are respected throughout the process.

**TEAM MEMBER EXPECTATIONS**

All employees must adhere to [EMPLOYER'S NAME]’s standards for inclusivity and respect. Employees are required to comply with the company’s [NAME OF ANTI-DISCRIMINATION/ANTI-HARASSMENT POLICY], which explicitly protects against discrimination based on gender identity and gender expression.

Collaborative responsibilities

* Policy adherence: Employees must treat all colleagues respectfully, regardless of gender identity or gender expression. Violations of company policies may result in corrective action, including termination.
* Pronoun and name usage: Use the name and pronouns consistent with a coworker’s gender identity. If uncertain, ask respectfully which name or pronouns they prefer. Intentionally using incorrect names or pronouns after preferences have been clarified may violate company policy.
* Addressing concerns: Employees with questions or concerns about a transgender coworker’s appearance, restroom use, or other related matters should contact the [Transition Coordinator/Director of Human Resources]. The confidentiality of the transgender employee will be maintained unless consent is provided to share information.

Commitment to inclusivity

While employees are entitled to personal beliefs, the behavior and tone in the workplace should align with [EMPLOYER'S NAME]’s commitment to fostering a supportive and inclusive environment. Success in creating an affirming workplace depends on the mutual respect and collaboration of all team members. [EMPLOYER'S NAME] values every employee’s contribution and is dedicated to supporting them in achieving their professional goals as part of the team.

**PRIVACY AND CONFIDENTIALITY**

[EMPLOYER'S NAME] recognizes and respects the right of transgender employees to decide how much, when, and with whom they share information about their gender identity or expression. Employees are entitled to openly discuss or keep private any details regarding their gender identity based on their personal preferences.

In the context of [EMPLOYER'S NAME]’s health benefits, information about a transgender employee’s status—such as their assigned sex at birth—may be considered protected health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and applicable North Dakota state privacy laws.

Confidentiality expectations

* Restricted sharing: Managers, human resources personnel, and coworkers must not disclose details that could reveal an employee’s transgender status without explicit consent.
* Need-to-know basis: Personal or confidential information may only be shared with managers or coworkers who require it for legitimate job-related purposes, and only with the transgender employee’s permission.

Encouragement to educate

While respecting their privacy, transitioning employees are encouraged to assist in educating coworkers about transgender issues at a level they feel comfortable. This support can help foster understanding and inclusivity in the workplace, but participation is entirely voluntary.

**UPDATING EMPLOYEE RECORDS**

At [EMPLOYER'S NAME], transgender employees have the right to be addressed by their chosen name and the pronouns that align with their gender identity. In all written and oral communications, [EMPLOYER'S NAME] will use the employee’s new name and pronouns as outlined in the Workplace Transition Plan.

Official record changes

[EMPLOYER'S NAME] will update an employee's official records to reflect a change in name or sex designation upon request. For some records, such as payroll, insurance, and retirement accounts, proof of a legal name or sex designation change may be required. However, where a legal name change is not necessary, [EMPLOYER'S NAME] will update the following records to reflect the employee's chosen name:

* [Email account name.]
* [Address, phone, and email directories.]
* [Identification card.]
* [Security access badge.]
* [[Office/Cubicle] nameplate.]
* [Business cards and company letterhead.]
* [Company website pages mentioning the employee.]
* [OTHER APPLICABLE EMPLOYEE RECORDS.]

How to request changes

Employees who wish to update their records should contact the appropriate department:

* Personnel records: Contact [EMPLOYER'S HUMAN RESOURCES OR EMPLOYMENT RECORDS DEPARTMENT].
* Email account name: Contact [EMPLOYER'S IT DEPARTMENT].
* Company identification card/security access badge: Contact [APPROPRIATE DEPARTMENT].
* Other company records: Contact [APPROPRIATE COMPANY DEPARTMENT].
* These updates ensure that all interactions and representations align with the employee’s gender identity and support an inclusive workplace.

**ATTIRE AND GROOMING STANDARDS**

Transgender employees at [EMPLOYER'S NAME] are entitled to dress and groom themselves in alignment with their gender identity while adhering to [EMPLOYER'S NAME]’s [NAME OF DRESS CODE/GROOMING POLICY/standard dress code and grooming requirements for their department or role].

Professional attire standards

* Transgender employees must comply with the same dress code and grooming standards as other employees in comparable roles.
* Supervisors and managers may evaluate a transitioning employee's attire for professionalism, but assessments must align with the employee’s gender identity, not the sex assigned at birth.

Addressing dress code concerns

* Supervisors or managers who have concerns about a transgender employee’s adherence to the dress code should address these concerns respectfully and directly with the employee.
* Criticism or comments regarding a transgender employee’s dress or grooming should only occur if the employee is not in compliance with the established guidelines.

Supporting coworkers’ understanding

* If coworkers raise questions or express concerns about a transgender employee’s appearance, the [DIRECTOR OF HUMAN RESOURCES/TRANSITION COORDINATOR] may arrange private meetings to provide appropriate information and address any misconceptions.
* Disclosure of any details about a transgender employee’s transition or appearance must be made with the employee’s explicit consent and in accordance with their Workplace Transition Plan.

By upholding these guidelines, [EMPLOYER'S NAME] ensures a respectful, inclusive, and professional workplace environment for all employees.

**RESTROOM AND CHANGING FACILITIES ACCESS**

At [EMPLOYER'S NAME], every employee is entitled to access safe and suitable restroom [and locker room] facilities. This includes the right to use the facilities that align with their gender identity, regardless of the sex assigned at birth.

Access to facilities based on gender identity

* Transgender women may use the women’s restroom [and locker room].
* Transgender men may use the men’s restroom [and locker room].

Privacy options for all employees

* [EMPLOYER'S NAME] offers a unisex single-stall restroom available to any employee, whether transgender or not, who prefers additional privacy.
* Use of the single-stall restroom is voluntary for transgender employees and is not required. Similarly, employees uncomfortable with shared communal restrooms may opt to use the unisex facility.

Alternative changing arrangements

* For locker room access, [EMPLOYER'S NAME] will provide reasonable accommodations for employees seeking more privacy than the existing facilities offer.
* Any alternative arrangements for transgender employees will be handled discreetly to ensure the employee's privacy and maintain confidentiality regarding their transgender status, if requested.

Addressing concerns

* Employees with questions or concerns about sharing restrooms [or locker rooms] with a transgender coworker may contact [DIRECTOR OF HUMAN RESOURCES/TRANSITION COORDINATOR/USUAL METHOD FOR ADDRESSING EMPLOYEE CONCERNS].

By providing inclusive restroom and changing options, [EMPLOYER'S NAME] upholds its commitment to a respectful and supportive workplace for all employees.

**LEAVE AND HEALTH BENEFITS**

[EMPLOYER'S NAME] is committed to supporting transitioning employees by providing equitable leave and health benefits aligned with its overall policies and values.

Leave for transition-related care

* Transition-related leave will be treated as any other medical leave under [EMPLOYER'S NAME]’s policies.
* Employees may also use [vacation/personal time/paid time off] for appointments or other transition-related absences.
* [EMPLOYER'S NAME] provides flexibility to accommodate transition-related care needs, consistent with its policies for other types of medical or personal leave.

Communication and confidentiality

* Transitioning employees should coordinate leave requests with the [TRANSITION COORDINATOR/APPROPRIATE HR REPRESENTATIVE] to minimize workplace disruption.
* Any medical information, including plans for surgery or other procedures, will be handled as confidential and treated with the same privacy safeguards as other employee medical records.

Health plan coverage

* [EMPLOYER'S NAME]’s health plan [includes/does not currently include] coverage for medically necessary gender-affirming care.
* [Transition-related short-term leave for medical procedures is covered under [EMPLOYER'S NAME]’s short-term disability policy, if applicable.]
* [EMPLOYER'S NAME] is actively exploring options to enhance health care benefits to better serve all employees, including transgender team members.]

[EMPLOYER'S NAME] recognizes the importance of inclusive benefits and remains committed to ensuring all employees have access to the resources and support they need.

**ACKNOWLEDGEMENT OF RECEIPT AND REVIEW**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employee name), acknowledge that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date), I received and reviewed a copy of [EMPLOYER'S NAME]’s [NAME OF POLICY]. I understand that it is my responsibility to familiarize myself with the policy and adhere to its terms.

I also acknowledge that this policy is not intended to create an employment contract or alter my at-will employment status, unless otherwise specified in a written agreement signed by an authorized representative of [EMPLOYER'S NAME]. Any delay or failure by [EMPLOYER'S NAME] to enforce the provisions of this policy does not constitute a waiver of its rights to enforce them in the future.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date