



Human Rights & Fair Employment Practices Division

TRANSGENDER SENSITIVITY AND INCLUSION

WELCOME/INTRODUCTION

Transgender Identity & Expression

Objectives

Understand the law with regard to gender identity and expression issues in the workplace.

Understand policies that will ensure that transgender individuals are treated in a nondiscriminatory manner.

Definitions: LGBTQ

- **LGBT**: Abbreviation for Lesbian, Gay, Bisexual and Transgender. Also seen as GLBT or LGBTQ and is inclusive of all backgrounds
 - **Lesbian**: A term given to females who are attracted sexually and emotionally to other females.
 - **Gay**: A term typically given to males who are attracted sexually and emotionally to other males.
 - The term Gay might apply to both males and females depending on context or even the conversation
 - **Bisexual**: A term given to people who are attracted sexually and emotionally to males and females.

Sexual Orientation Vs. Gender Identity/Expression

Sexual orientation refers to the relative genders of the partners

Transgender people can have any sexual orientation

Transgender is not a sexual orientation, it is a gender identity

heterosexual

gay or lesbian

bisexual

Chapter 11A Definition: Gender Identity or Expression

Gender identity

- “...a person’s innate, deeply felt psychological identification as a man, woman or some other gender, which may or may not correspond to the sex assigned to them at birth (e.g., the sex listed on their birth certificate).”

Gender expression

- “...all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions.”

Definitions: Transgender

Transgender is an “umbrella” term used to describe a wide range of identities and experiences, and is used to refer to many types of people, including transsexual people; cross-dressers; androgynous people; gender-queers; and other gender non-conforming people whose appearance or characteristics are perceived to be gender atypical.



In its broadest sense, “transgender” encompasses anyone whose identity or behavior falls outside stereotypical gender expectations.

Transgender in Binary Terms

Trans Man (FTM) -A person who transitions from “female-to-male,” meaning a person who was assigned female at birth, but identifies and lives as a man. Trans-masculine

Trans Woman (MTF) -A person who transitions from “male-to-female,” meaning a person who was assigned male at birth, but identifies and lives as a woman. Trans-feminine

Gender Transition

Gender transition is the process by which transgender people move towards living in the gender they identify with.

- Some have medical treatment, most do not
- Identification documents are not always changed

Gender transition at work happens in different ways.

- Common to tell one's supervisor first and develop a timeline
- Others start presenting in a more masculine or feminine way, without formal announcement, and then coworkers notice

Transgender experiences are different, but often very difficult.

- Depending on a person's economic and other resources, discrimination against them can cause a spiral of other problems.

What Does it Mean to Transition

Social Transitioning:

- Verbally discussing and validating with family, friends & workplace.

Physical Transitioning:

- Hormone Replacement Therapy
- Electrolysis
- Facial Feminization
- Breast Reduction or Augmentation
- Hysterectomy
- Gender Reassignment Surgery

What Does it Mean to Transition

Legal Transitioning:

- Gender Dysphoria Letter (Referral Letter)
- Legal Name Change Social Security ID Change
- Drivers License
- {Gender Reassignment Surgery Certification}
- Birth Certificate Name, Gender Change
- Financial Records Change Workplace ID Changes

Workplace Transition Protocol

- Clearly defined, published and verbalized company culture of diversity and inclusion. ***Non-Discrimination Policy***
- Employee transgender education. (Bathroom protocols.)
- Mutually agreed upon plan for employee's transition on the job.
- Communication plan. Making the transition announcement to the team, if applicable.
- “Day 1 Support” and ongoing regular check ups with employee and those interacting with the transitioning employee.

Dress Codes

Our dress codes requires all employees to be neat, clean, well-groomed, have a professional appearance, or dressed in gender-neutral uniforms.

Transgender employees should be permitted to dress in accordance with the gendered dress standard that is appropriate to their gender identity.

What is Phobia?

...an extreme or **irrational fear** of or **aversion** to something



...a persistent, **irrational fear** of a specific object, activity, or situation that leads to a compelling desire to **avoid** it

Harassment and Hostile Environment

Factors contributing to a hostile work environment:

- Refusal to use correct pronouns, or carelessness in never learning to use the correct pronoun
- Refusal to use a person's preferred name
- Asking excessively personal questions that would be considered inappropriate if asked of non-transgender co-workers
- Discussing coworkers' personal business behind their backs, including intentionally outing a person

EEOC Research: Negative Impact on the Victim/Target

- **Psychological Harm:** depression, anxiety, PTSD, negative mood, eating disorders, self-blame, substance abuse
- **Physical Harm:** headaches, exhaustion, sleep problems, nausea, weight changes, cardiovascular issues, gastric issues, respiratory issues
- **Workplace Productivity:** decreased productivity, job dissatisfaction, work withdrawal, tardiness, excessive absenteeism, work time spent discussing the harassment

Negative Impact on Employers

- Employers have a **moral and legal duty** to stop harassment
- Harassment is **Bad for Business!**
 - **Direct financial costs** associated with defending EEOC charges and lawsuits
 - Adverse impact on health & workplace productivity of the **target** of harassment and **coworkers** who witness harassment
 - **Job Turnover**
 - **Harm to Employer's Reputation**

What More Can You Do?

It's
simple...

- Take the pledge to treat everyone with equal respect no matter their differences
- Be sensitive – you never know what someone is going through
- Learn more about our differences to better infuse yourselves into today's society – Knowledge is Power

Ensure Nondiscriminatory Policies

- This is easier done than most think it would be
- Regardless of whether there is a formal law requiring a program/workplace to be transgender friendly, there are other reasons to adopt these policies:
 - Recruitment/retention of trained workers
 - An environment of fairness equals good morale
 - Improves productivity of employees in two ways:
 - 1) transgender workers who can focus on work instead of worrying and
 - 2) non-transgender employees can focus on work, not controversy

Equal Employment Opportunity Administrative Order (AO) # 7-6

Administrative Orders (AO) establish operating methods, administrative procedures, and/or delineate organizational responsibilities for identified procedures.

Statement of Policy:

The policy of Miami-Dade County is to foster, maintain and promote equal employment opportunity. The County will select candidates for employment on the basis of candidates' qualifications for the job and treat them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to sex, race, color, religion, or national origin. Equality in such opportunities continues to be the basic policy of the County.

IO 7-45: EEO Policy Prohibiting Unlawful Discrimination, Harassment & Retaliation

- IO 7-45 replaces AO 7-28 (Sexual Harassment) and AO 7-37 (Unlawful Harassment)
- Updated to ensure County policy is in line with national best practices
- Adopted by BCC in December 2019

Mandatory Reporting by Supervisors

- A supervisor is required to **immediately** report any complaint they receive or any potential harassing conduct they observe
- Report to FEPL and/or HRFEP
- Failure to report will be considered a violation of this policy and may result in disciplinary action



Off-site Locations Covered

- The policy extends to conduct that occurs at any location that could be reasonably regarded as an extension of the workplace:
 - Field locations
 - Home
 - Travel
 - Training conference
 - Vehicle
 - Or any other location or facility where county government business is being conducted



Personal Use of Social Media

- Inappropriate, discriminatory or harassing posts or communication on **personal social media** constitute a violation of IO 7-45
 - Facebook, Twitter, Instagram, ZOOM, etc.



Bystander Reporting Encouraged

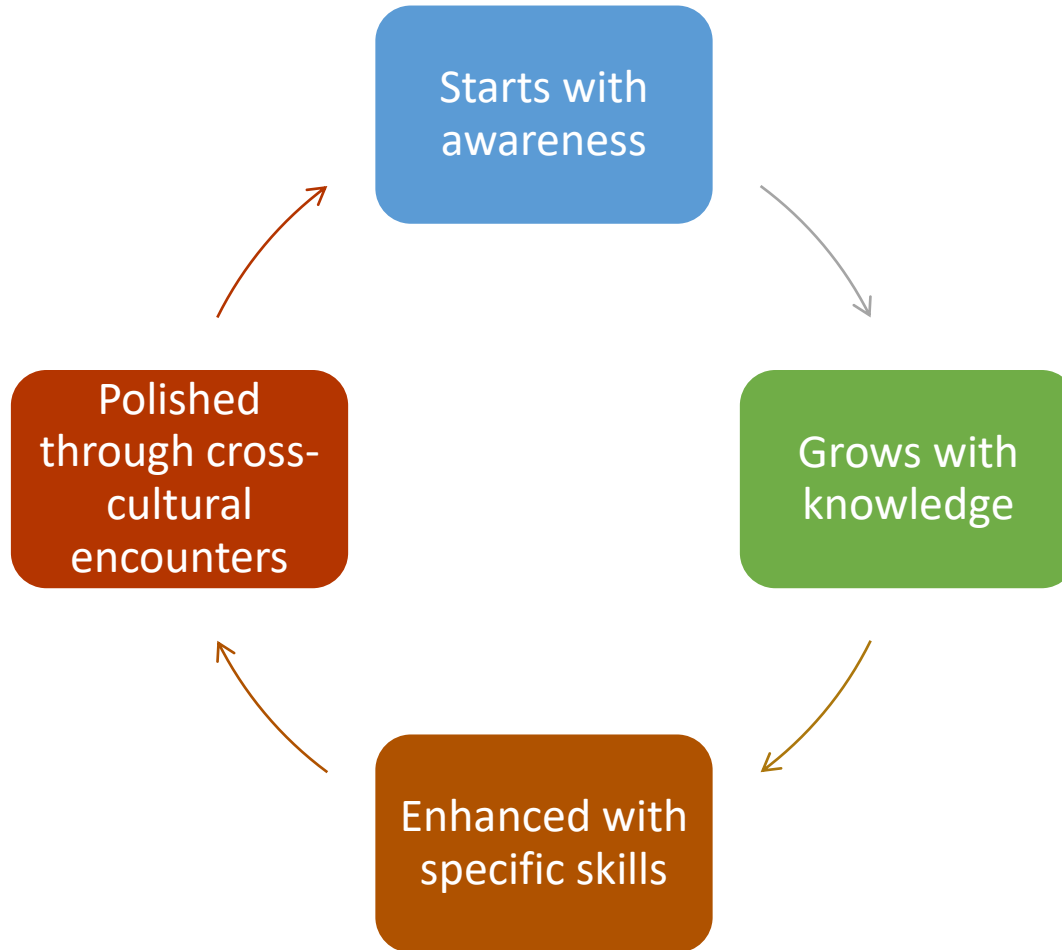
- Any employee who witness discriminatory, harassing or retaliatory conduct is ***strongly encouraged*** to report
- REMEMBER – if you are a supervisor, reporting is **MANDATORY**



Why is Diversity Important

- Produces diverse skills, talents and perspectives
- Fosters an atmosphere of inclusion
- Enhances sensitivities to individuals in the workplace
- Work more successfully with each other

Transgender Diversity Importance

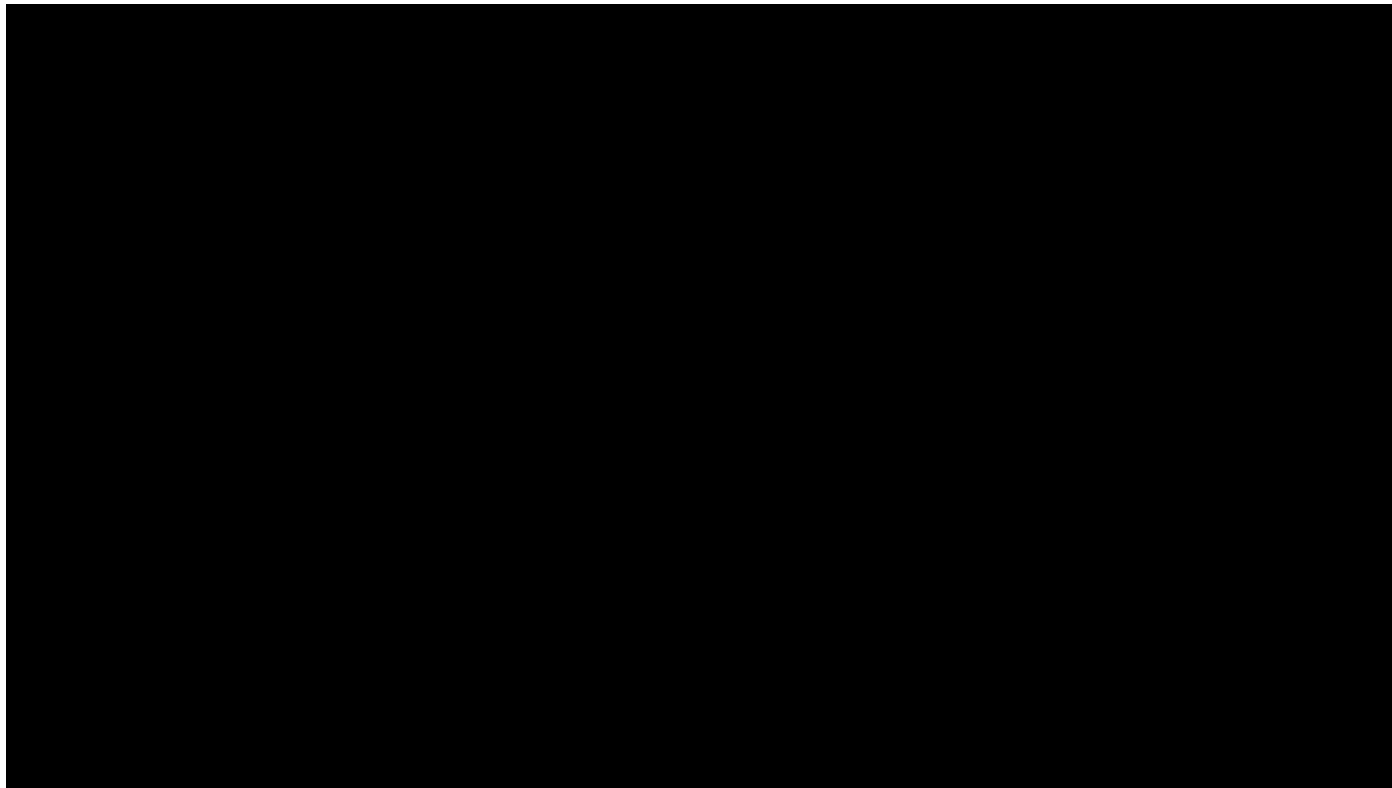


Transgender Acceptance and Attitudes

We all have
unique
preferences,
strengths
and
perspectives

- Determine to have mutual respect
- Understanding each other's differences – “Knowledge is Power”
- Being open-minded - does not have to always equal acceptance or agreement but does help foster mutual respect
- Flexibility and adaptability – Be willing to say, “ok, I’ll try”

Acceptance and Attitudes



Situations Needing Policy Solutions

1. Restrooms
2. Harassment and Hostile Environment
3. Male/Female Boxes, Identification Cards, Background/Credit Checks, and Security Checks
4. Showers and Locker Rooms
5. Dress Standards

Three Principles to Follow:

- Recognize self identity, regardless of surgery and/or documentation.
 - Ask yourself – **is the person's gender identity and expression being recognized in this situation?**
- Understand and apply the concept of reasonable accommodation.
 - Ask yourself – **is this a situation where the typical policies or procedures are resulting in a transgender person having to unfairly endure difficult or different conditions at work?**
- Biases of customers or coworkers are not a valid reason for discrimination.
 - Ask yourself – **is this a situation where the department (employer) is trying to accommodate the biases, or lack of comfort with transgender people, of customers or others?**

Restrooms

- Sometimes coworkers object to going to the same bathroom with a transgender person.
- People should use the bathroom that matches their gender identity.
- This is significantly less of an issue than people think it is. Employees will take the lead of management: if management declares this policy, people will follow.
- Also helpful is an attitude that indicates that this is “no big deal.”

Showers and Locker Rooms

- Reasonable accommodation is the most helpful principle to apply.
- When concerns arise, the best solution is to provide accommodations for private showers and changing areas within the common area.
- There are other options and the inquiry is case-by-case.

Harassment and Hostile Work Environment

- Recognize the factors contributing to a hostile environment for a transgender person:
 - Refusal to use correct pronouns, or carelessness in never learning to use the correct pronoun
 - Refusal to use a person's preferred name
 - Asking excessively personal questions that would be considered inappropriate if asked of non-transgender co-workers
 - Discussing coworkers' personal business behind their backs, including intentionally outing a person

Distinction Between Harassment & Legitimate Management Action

- IO 7-45 highlights that management must be able to make certain decisions and take action that may negatively impact individual employees
- If there is a legitimate reason for the action – this is not harassment

Anonymous Complaints

- Anonymous complaints can be filed through web-based reporting system at www.miamidade.gov/humanrights
- Will be investigated to greatest extent possible
- All complaints are kept confidential to the extent possible

Employee and Department Responsibilities

- ***Think before you act...model respectful, professional conduct***
- If you become aware that you have offended someone
 - Start with an apology
 - Stop the offensive behavior immediately
- If you are a victim of or witness harassment, take steps to stop it
 - Understand the County's policy
 - Report the conduct to Supervisor/ Manager/ DPR/ Fair Employment Practices Liaison or HRFEP

Reporting Harassment

If you experience (or witness) sexual harassment:

- Tell the harasser their actions are offensive and ask him or her to stop
- If they don't, report it
- File a complaint
- Investigations are discrete and confidential
- Prompt and effective steps will be taken to stop the harassment
- Depending on the circumstances, corrective actions may be taken



Think Before You Act

- Would you tell your spouse, significant other, or family member that you engaged in this conduct?
- Would you be angry or upset if your spouse or family members were subjected to this conduct?
- Would you be comfortable if there was an article in the Miami Herald stating that you engaged in this conduct?
- Would you testify under oath in a courtroom that you engaged in this conduct and see nothing wrong with it?

Retaliation

- Retaliation is illegal under all anti-discrimination laws
- If you are a victim of or witness harassment and you file a complaint adverse action cannot be taken against you because of your complaint
- Remember that the law and County policy protect you from any form of retaliation

Key Take Aways

- Uncivil and disrespectful conduct are often the gateway to illegal, harassing behavior in the workplace
- Sexual harassment is illegal, disrespectful, and bad for business
- Harassers can be managers, coworkers, and non-employees.
- Harassers and victims can be male or female, of the same or opposite sex
- Harassment can happen inside work, outside work, and via electronic communication (text, email, social media)
- It is everyone's responsibility to refrain from harassing behavior and promptly report inappropriate behavior
- **Think before you act**

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Q&A

*Thank
you!!!*