



## RWJBH HUMAN RESOURCES POLICY & PROCEDURE

### GENDER TRANSITION POLICY

**EFFECTIVE DATE:**

**April 1, 2019**

**PURPOSE:** It is the policy of RWJBarnabas Health (RWJBH) to treat all of its employees with dignity and respect and to provide a workplace that is free from discrimination and harassment regardless of race, color, religion, creed, ancestry, affectional or sexual orientation, sex, genetic information, atypical hereditary cellular or blood trait, age, national origin, marital status (including civil union and domestic partnership status), pregnancy, disability or handicapped status, gender identity or expression, or for services in the United States Armed Forces.

This policy serves as guidance for employees who are or have transitioned in the workplace and their management and co-workers.

**POLICY DEFINITIONS:** The definitions provided are not intended to label employees but rather to assist in understanding this policy. Employees may or may not use these terms to describe themselves.

- ❖ **Gender Identity:** An individual's internal sense of being male, female or something other or in-between, regardless of the sex they were assigned at birth.
- ❖ **Gender Expression:** The way an individual expresses his or her gender identify.
- ❖ **Transgender:** Transgender individuals are people with a gender identity and/or gender expression is different from the sex assigned to them at birth. Someone who was assigned the male sex at birth but who identifies as female is a transgender woman. Likewise, a person assigned the female sex at birth but who identifies as male is a transgender man. Some individuals who would fit this definition of transgender do not identify themselves as such, and identify simply as men and women, consistent with their gender identity.
- ❖ **Transition:** The process of changing one's gender from the sex assigned at birth to one's gender identity. This process is referred to as transitioning or going through the gender affirmation process. Some individuals who transition may seek medical treatment such as counseling, hormone therapy, electrolysis, and/or gender confirmation surgery. Other individuals, however, will not pursue some (or any) forms of medical treatment. Managers, supervisors, and co-workers should be aware that not all transgender individuals will follow the same patterns, but they all are entitled to the same consideration as they undertake the transition steps deemed appropriate for them, and should all be treated with dignity and respect throughout and after the transition process.



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**POLICY:** There are several issues that commonly generate questions from transitioning or transitioned employees and their managers and co-workers. In order to ensure transitioning and transitioned employees are treated with dignity and respect, the following should be adhered to:

- ❖ **Confidentiality:** An employee's transition should be treated with as much sensitivity and confidentiality as any other significant life experiences and the employee's privacy respected.
- ❖ **Privacy:** Managers and supervisors must be sensitive to privacy concerns and ensure that no personal information is released without the employee's prior knowledge and permission. While it is understood there may be approved disclosure of some general information to staff regarding the employee's transition, as a matter of practice, should questions arise, they should be immediately referred to and discussed directly with the employee. Questions regarding a coworker's medical process, body, and sexuality are inappropriate and gossip, rumors, or other inappropriate discussion about an individual's gender identity or expression will not be tolerated in the workplace.
- ❖ **Training:** Upon request, the facility can provide a trainer or presenter to meet with employees to answer general questions regarding gender identity and expression.
- ❖ **Dress and Appearance:** The organization's dress code policy should be applied to transitioning employees in the same way that it is applied to other employees. Dress codes will not be used to prevent a transgender employee from living full-time in the role consistent with their gender identity.
- ❖ **Names and Pronouns:** Managers, supervisors and coworkers should use the preferred name and pronouns appropriate to the gender the employee is presenting at work. Further, the preferred name and pronouns should be used in communications with others regarding the employee. Continued intentional misuse of the employee's new name and pronouns, and reference to the employee's former gender by managers, supervisors, or coworkers is contrary to the goal of maintaining a respectful and dignified work environment. Such misuse may also breach the employee's privacy and will be addressed by the Human Resource Department as a disciplinary matter.
- ❖ **Sanitary and Related Facilities:** Employees are entitled to utilize restrooms, locker rooms, and other gender specific facilities consistent with the gender identity. Transitioning employees are not required to have undergone or to provide proof of any medical procedure in order to have access to facilities designated for use by a particular gender.
- ❖ **Workplace assignments and duties:** In some workplaces, specific assignments or duties

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are differentiated by gender. For a transitioning employee, once they have begun working full-time in the gender that reflects their gender identity, the employee will be treated as that gender for purposes of all job assignments and duties.

- ❖ **Recordkeeping:** The records in the employee's Human Resources file and other employee records (payroll, training records, benefits documents, etc.) should prospectively reflect employee's new name and gender, once the employee has legally effectuated their name change.
- ❖ **Time Off Accruals (Vacation/Holiday/Paid Time Off) and Medical Leave:** Employees requiring time off and/or a leave of absence as part of their transition may use Time Off Accruals and/or Family Medical Leave Act (FMLA) time as applicable. Employees who qualify under the FMLA may also be entitled to take medical leave for transition-related needs of eligible family members.
- ❖ **Insurance Benefits:** Employees in transition who already have health insurance benefits will continue their participation and new employees may elect participation, based on their updated names and genders. If the employee in transition is validly married at the time of the transition, the transition does not affect the validity of that marriage and spousal coverage will be extended or continued even though the employee in transition has a new name and gender.
- ❖ **Prohibited Discrimination, Harassment and Retaliation:** Transitioning or transitioned employees who believe they have been subject to prohibited discrimination or harassment should consult the following RWJBarnabas Health System Human Resources policies: Equal Employment Opportunity and Affirmative Action, Dress Code and Anti-Harassment policies.
- ❖ **Questions:** Questions concerning this policy and procedure should be directed to your facility Chief Human Resources Officer (CHRO).

### PROCEDURE:

**Guideline for Transitioning Individuals** - Transitioning individuals are encouraged to create a support team and to engage their manager and/or co-workers, along with Human Resources, to establish a plan appropriate for the transitioning employee and the hospital.

**Name Change** - Once the employee has legally changed their name and is ready to update their personal information, the employee will need to bring in two forms of valid identification such as

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driver's license, social security card or a passport to the Human Resources Department to initiate this process. Human Resources will process the name change in other sources where the employee is referenced.

#### **REFERENCES:**

External Resources:

- Human Rights campaign [www.hrc.org/workplace/transgenderGender](http://www.hrc.org/workplace/transgenderGender) PAC
- [www.genderpac.org](http://www.genderpac.org)
- Gender Education & Advocacy [www.gender.org](http://www.gender.org)
- Out & Advocates [www.outlandequal.org](http://www.outlandequal.org)
- Parents, Family Friends of Lesbians and Gays [www.pflag.org](http://www.pflag.org)
- Transgender at Work [www.tgender.net/](http://www.tgender.net/)
- National Center for Transgender Equality [www.nctequality.org](http://www.nctequality.org)
- Harry Benjamin International
- Gender Dysphoria Association [www.hbigda.org](http://www.hbigda.org)

**RWJBH STANDARDIZED ORIGINAL DATE:** November 1, 2017

**REVISED:** April 1, 2019