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Workplace Gender Transition Guidelines

I. Purpose

This policy sets forth workplace guidelines for addressing the needs and issues that arise in the workplace when a Transgender/Transsexual employee Transitions at Ochsner Health System (OHS). These guidelines are intended to be used by those who may be or are Transgender, their co-workers, and managers. They should be used in conjunction with all other OHS policies and procedures.

II. Scope

This policy applies to all eligible OHS employees, Physicians, Advanced Practice Providers, Ochsner Fitness Center employees, and Brent House Hotel employees. The term Ochsner Health System or OHS refers to Ochsner Health System, its subsidiaries and affiliates.

III. Definitions

- A. Gender- the social meaning given to Sex. A person's Gender role reflects the duties, qualities and expectations of society based on Gender, which includes how we have learned to walk, look, act, dress, what job we choose, what first name we have and so on.
- B. Gender Expression- how an individual expresses himself/herself through mannerisms, speech patterns, dress, hairstyles and so forth. Persons may be more or less masculine or feminine.
- C. Gender Identity- a person's innate, deeply felt psychological identification as male or female, which may or may not correspond to the person's body or designated Sex at birth. These individuals may or may not change their physical or Gender characteristics in order to alter or publicly redefine their Gender from male to female or from female to male. Gender Identity is distinct from Sexual Orientation.
- D. Sex- the biologically based presumption of reproductive capability to determine a person's label of female or male. This label, at birth, is usually based on a doctor's visual assessment of a baby's genitalia.
- E. Sexual Orientation- an individual's physical and emotional attraction to the same and/or opposite Gender. "Heterosexual," "bisexual," and "homosexual" (aka gay or lesbian) are all Sexual Orientations. A person's Sexual Orientation is distinct from a person's Gender Expression.
- F. Transgender- a broad range of people who experience and/or express their Gender differently from what most people expect – either in terms of expressing a Gender that does not match the Sex listed on their original birth certificate (i.e. designated Sex at birth), or physically changing their Sex. It is an umbrella term that includes people who are Transsexual, cross-dressers, or otherwise Gender non-conforming.

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- G. Transition/Transitioning- the process of a Transgender individual publicly changing his or her Gender presentation in society. Not all people who consider themselves (or who may be considered by others as) Transgender will undergo a Gender Transition. Transitioning may include actions taken to actively change their Gender Expression (e.g. dress, jewelry, mannerisms, voice, vocabulary). The Transitioning individual usually changes their name, clothing and appearance and may also pursue treatment resulting in anatomical changes. This transition may include hormone therapy, Sex reassignment surgery, and/or other components.
- H. Transsexual- those Transgender individuals who, frequently with the support of medical or psychological professionals, are changing or have changed their physical characteristics/anatomy to facilitate personal and public recognition of their Sex as different from that which they were assigned at birth. This may or may not include Sex reassignment surgery.

IV. Policy Statements

- A. OHS shall maintain a workplace that is free from discrimination on the basis of race, religion, color, creed, national origin, age, Sex, marital status, Sexual Orientation, Gender Identity/expression, disability, citizenship, veteran status, genetic information, or any other characteristic protected by applicable law. This commitment extends to the recruitment and hiring of individuals regardless of their status in a protected class. OHS shall not discriminate in any terms, conditions or privileges of employment, including transfer, compensation, training, promotion, demotion, or separation.
- B. OHS understands that the process for transitioning individuals is extensive, and that each individual transitioning will have a unique plan tailored to fit her/his needs. As such, Ochsner encourages open communication between the transitioning employee and his/her leadership team and/or Human Resources representative to ensure a smooth process in the workplace. The rights and expectations of each party associated with a transition in the workplace are set forth in this policy.

V. Procedures/Standards and Roles & Responsibilities

- A. OHS Employees
1. Ochsner Health System and its employees have the following rights and responsibilities:
 - a. If an employee advises you of their intent or desire to Transition, or if an employee is currently in the Transition process, advise the employee to contact their Human Resources Business Partner.



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- b. Listen carefully to what the individual is telling you and how they'd like to be treated, including whether the employee wishes to share his/her intent with coworkers.
- c. During the Transition process, OHS will need to address issues dealing with changes in the employee's physical appearance and name, as well as usage of restroom facilities and locker rooms. Therefore, you should maintain open and honest communication with the Transitioning employee.
- d. The Transitioning employee's status as a Transgendered individual is considered confidential and will only be disclosed on a need-to-know basis. When the Gender Transition process begins, the Transitioning employee's personal details are entitled to confidentiality. The Transitioning employee should not be required to explain or justify his or her personal life or medical treatment in the workplace.
- e. Abide by, and hold others accountable to, OHS's "Antidiscrimination, Non-retaliation, and Harassment Free Environment" policy and OHS's "Equal Employment Opportunity" policy at all times.

B. Transitioning Employee

- 1. The Transitioning employee has the following rights and responsibilities:
 - a. You have the right to express your Gender Identity while maintaining professional expectations.
 - b. You have the responsibility to inform key personnel of your intent to Transition as soon as possible so that they may initiate the process of addressing your workplace needs. This includes your immediate supervisor, manager, and/or Human Resources Business Partner.
 - c. You should maintain open and honest communication without fear of reprisal or discrimination.
 - d. You have the responsibility to report any concerns to your immediate supervisor, manager, and/or Human Resources Business Partner.
 - e. You are permitted to dress consistently with your Gender Identity. You must abide by OHS policies related to professional attire/uniform dress and appearance that apply to all people with your Gender Identity and employed position.
 - f. Once you begin to dress consistently with your Gender Identity, you should use the bathroom facility based on your current Gender presentation from that point forward.

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- g. Your status as a Transgendered individual is considered confidential and will only be disclosed on a need-to-know basis. You are encouraged to participate in the necessary education of your coworkers at whatever level you are comfortable.
- h. When you decide to begin the Gender Transition process, the Transition itself becomes public knowledge because it requires the cooperation of others in referring to you with the appropriate pronoun. Personal or intimate details about your Transition are entitled to confidentiality. You will not be required to explain or justify your personal life or medical treatment in the workplace.

C. MANAGING THE GENDER TRANSITION PROCESS

- 1. The Transitioning employee and the employee's leadership team, which should include the employee's manager or supervisor, a Human Resources representative, and/or other supportive coworkers, will work together to develop an engagement plan that is appropriate for the Transitioning employee and the workplace.
- 2. The Gender Transition process will change depending upon the needs of the transitioning employee. Considerations, shall include, but is not limited to:
 - a. Identifying the individuals who need to be made aware of the employee's Transition.
 - b. Discussing whether the Transitioning employee will require workspace changes to be made during the Transition.
 - c. Discuss how and when coworkers should be made aware of the employee's Transition. This should include a discussion regarding whether the employee wishes to change his or her name. If so, discuss the name and pronoun the employee will use and when the employee will want you to begin referring to him or her using the new name and/or pronoun.
 - d. Discuss the process for processing changes to the Transitioning employee's security badge, photo, W2 forms, payroll forms, insurance paperwork, etc.
 - e. If the employee will require leave, provide the information to the employee for the leave process.
 - f. Discuss any other ways in which OHS can assist him or her during their Transition.
 - g. Create a timeline to identify Transition milestones and important dates, such as:



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- i. Date upon which the Transitioning employee will begin to dress consistently with his/her Gender Identity at work.
- ii. Date upon which employee will need to begin leave for Gender reassignment surgery, if applicable.
- iii. Deadline for legal name change.
- iv. Deadline for legal name change with licensing bodies.

D. PHYSICAL TRANSITION OF EMPLOYEE

1. The Transitioning employee is permitted to dress consistently with his/her Gender Identity. The Transitioning employee must abide by OHS policies related to professional attire/uniform. Management has the right to review a Transitioning employee's professional attire/uniform as they do any other individual.

E. NAME AND PHOTO IDENTIFICATION CHANGES ON OHS FORMS AND RECORDS

1. The Transitioning employee's work records and work-related documents (including paystub, and benefits related documents) should be retained under the employee's legal name (as reflected on identification documents verified at the start of employment) unless and until the individual makes a legal change, as required by IRS regulations. The Transitioning employee must notify their leader or Human Resources Business Partner of any legal name change. It is the responsibility of the Transitioning employee to update their information with payroll and any insurance carriers. Any problems concerning identification documentation should be discussed with the Transitioning employee's Human Resources Business Partner.
2. Where the employee's legal name does not match his or her new name, the new name should be used on email, phone directory, and the employee's ID badge. In everyday written and oral speech, the new name and pronouns should be used when the individual is ready.
3. It is the responsibility of the Transitioning employee to update their name and identification information with all professional licensing bodies. The Transitioning employee must update their professional licenses within thirty days of their legal name change. Failure by the Transitioning employee to ensure that their legal name matches the name found on their professional license may result in progressive discipline.

F. USE OF RESTROOM AND LOCKER ROOM FACILITIES



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1. Once the Transitioning employee begins to dress consistently with his/her Gender Identity, the Transitioning employee should use the facility based on their current Gender Presentation from that point forward. This is true regardless of whether the transitioning employee has elected to undergo Gender reassignment surgery.
2. Management should address coworkers who have personal concerns about sharing a restroom or locker room with a Transgendered employee. This should occur in a private setting involving the appropriate Human Resources Business Partner and/or leadership personnel.

G. MANAGING CONCERNS OF COWORKERS AND OTHER EMPLOYEES

1. All employees must abide by OHS policies and procedures, including Ochsner's "Antidiscrimination, Non-retaliation, and Harassment Free Environment" policy, the "Equal Employment Opportunity" policy, and the "Commitment to Professionalism" policy. All employees must work cooperatively with their coworkers regardless of their gender identity. Failure to do so will result in progressive discipline.

H. MEDICAL LEAVE FOR TRANSITIONING EMPLOYEES

1. Transitioning employees are entitled to leave under OHS's policies. Transitioning employees should contact their Human Resources Business Partners and/or Leave Management for information on medical leave and medical coverage.

VI. Enforcement and Exceptions

- A. Failure to comply with this policy may result in progressive discipline up to and including termination of employment for employees or termination of contract or service for third-party personnel, students or volunteers.

VII. Internal References

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VIII. External References

Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq (1964), *as amended*