

Department Policy and Procedure Manual

Gender Transition in the Workplace Policy

Effective Date: 3/1/2020

Scope: Human Resources

Page 1 of 4

I. Purpose

Subject: Gender Transition in the Workplace Policy

Scope: Organization-Wide

Purpose

The Children's hospital of Chicago Medical Center and its affiliates (the "Medical Center") believes in respecting the dignity of every employee and forbids any unwelcome conduct based on an individual's race, color, religion, gender, national origin, age, disability, ancestry, genetic information, marital status, veteran status, citizenship status, unfavorable discharge from the military, sexual orientation, gender identity or expression, or any other protected status of an individual or that individual's associates or relatives.

This policy sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such employees. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

Definitions

- **Transition:** The process of a trans person beginning to live in their affirmed gender identity, usually transitioning away from living as their sex assigned at birth. There are many ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one- or two-step process that happens more quickly. Transition may include "coming out" (telling family, friends, and coworkers); changing the name and/or sex on legal documents; and, for some but not all trans people, accessing medical treatment.
- **Transgender:** Individuals with an affirmed gender identity different from their sex assigned at birth. Transgender can be used as an umbrella term that encompasses a diversity of gender identities and expressions and applies to identity, not body parts.
- **Gender non-conforming:** a gender expression that falls outside of societal expectations for one's sex assigned at birth

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Department Policy and Procedure Manual

Gender Transition in the Workplace Policy

Effective Date: 3/1/2020

Scope: Human Resources

Page 2 of 4

- Gender identity: A person's internal, deeply-felt sense of being male, female, something in between, or something else. Gender identity is not determined by body parts or sex assigned at birth.
- Gender expression: An individual's characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions) that are perceived as masculine, feminine, both, or neither.

PROCEDURES

Privacy

Transgender employees have the right to work openly and authentically. This means that they may express their gender identity and gender expression without fear of consequences by Lurie Children's.

Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee gets to decide when, with whom, and how much to share their private information. Information about an employee's transgender status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws like HIPAA.

Management, human resources staff, or coworkers should not disclose information that may reveal an employee's transgender status or gender non-conforming presentation (including an old and/or legal name, if no longer used socially) to others. This type of personal or confidential information may only be shared with the transgender employee's consent and with coworkers who truly need to know in order to do their jobs.

Official Records

As quickly as possible, the Medical Center will make every effort to update any photographs at the transitioning employee's workplace so the transitioning employee's gender identity and expression are represented accurately, including identification badges.

If a new or transitioning employee has questions about company records or identification documents, the employee should contact the Human Resources Consultant for the department.

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Department Policy and Procedure Manual

Gender Transition in the Workplace Policy

Effective Date: 3/1/2020

Scope: Human Resources

Page 3 of 4

Names/ Pronouns

An employee has the right to be addressed by the name and pronoun that correspond to the employee's gender identity. A court-ordered name or gender change is not required. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) may constitute harassment and is a violation of this policy.

Restroom Accessibility

Employees shall have access to the restroom corresponding to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, when available. No employee, however, shall be required to use such a restroom. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth.

Locker Room Accessibility

All employees have the right to use the locker room that corresponds to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area, or using the locker room that corresponds to their gender identity before or after other employees. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep their transgender status confidential.

Discrimination/ Harassment

It is unlawful and violates company policy to discriminate in any way (including, but not limited to, failure to hire, failure to promote, or unlawful termination) against an employee because of the employee's actual or perceived gender identity. Additionally it also is unlawful and contrary to this policy to retaliate against any person objecting to, or supporting enforcement of legal protections against, gender identity discrimination in employment.

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Department Policy and Procedure Manual

Gender Transition in the Workplace Policy

Effective Date: 3/1/2020

Scope: Human Resources

Page 4 of 4

Our company is committed to creating a safe work environment for transgender, non-binary, and gender non-conforming employees. Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action, and providing employees and staff with appropriate resources.

Note that, if the employee chooses to undertake any medical procedures as part of transition that may impact their availability for work, these will be handled in accordance with company policies for any form of medical leave and should be planned accordingly (and separately from this plan). HR can provide support around FMLA, short-term disability, insurance coverage questions, etc.

Cross References/Related Policies:

Non-Harassment Policy

Date Written: October 2019

Date Reviewed/Revised: January 2020

Date of Approvals **[as applicable]**:

Hospital Operations Committee:

Medical Board Executive Committee:

Medical Board:

QMPS Committee of the Board:

Infection Control Committee:

Administrative Policy & Procedure Committee: Pending

Other _____: