

# Meeting

# Transgender Persons

# At the Work Place





# Foreword

Many companies/ organisations do not understand the identity and issues of transgender persons. Some mis-understood them as homosexuals, some only concerns if they would “go into the wrong toilet” or “dress in fancy clothes”, but do not have an accurate and comprehensive understanding of their identity and needs. This would easily lead to some kind of unintentional and unnecessary prejudice or discrimination. This pamphlet aims to help companies in understanding the needs of their transgender employees and customers, and hence create harmony in the work place and society.



# Definition of Transgender People

“Transgender people are persons who identify themselves in a different gender rather than that assigned to them at birth. They may express their identity differently to that expected of the gender role assigned to them at birth.”

(World Health Organization)

To put it simply, transgender individuals identify themselves as a gender different or other than their biological/ anatomical sex, and would like to live as their identified gender and according to that gender role, including in the working environment.

For example, a transgender man (whose gender identity is male, and anatomical sex is female) would like to live and work as a man; a transgender woman (whose gender identity is female, and anatomical sex is male) would like to live and work as a woman.





# Transition / Gender Transition

In order to live as their identified gender, transgender persons would go through a gender transition.

Gender Transition encompasses three areas:

- i) Social Transition
- ii) Physical Transition
- iii) Legal Transition

## 1) Social Transition

Social transition means to start living as their identified gender. This includes personal and social changes as follows:

### **Personal Change (not necessarily have to change all):**

- Outer appearance, attire, voice and name

### **Social (relationship) change**

- This means she/ he would interact with her/ his family and friends as her/ his identified gender; and with the same gender identity to work and interact with others in the working environment.
- Using the related gender specific facilities, such as the rest room and changing room.

Since there are variations among the appearances of different transgender persons, the appearances of some transgender persons may not give others the impression of their identified gender, and they would often use gender-neutral facilities to avoid embarrassment. At the later stages of their transition, when their appearance would give other people the impression of matching their gender identity, or when there is no gender-neutral facility around, transgender persons would then use the gender-specific facilities that matches their gender identity.

## 2) Physical Transition

Physical transition includes:

- Use of hormones and/or undergo sex reassignment surgery (SRS) after assessment by doctor/ specialist(s).
- During the use of hormones, the transgender persons would go through puberty of the corresponding gender. Some obvious characteristics of this include: the voice of a trans-man deepens; the breasts of a trans-woman start to develop. The shape of the body and face would start to change slowly over time.

During assessment, the doctor/ specialists would request the transgender persons to have “Real Life Experience”, RLE. This means the transgender persons have to live as their identified gender, in order to confirm that she/ he is able to adapt to the gender role and to live as her/ his identified gender, before referring them to have further surgery.

The content of “Real Life Experience” mainly includes what is mentioned above for social transition.



Not every transgender persons would seek to change their bodies. However, there are genuine medical needs for those transgender persons who feel strongly uncomfortable or disgust about their own bodies. Social transition and physical transition do not necessarily need to take place at the same time. Some transgender persons may only need social transition, or would try to go through social transition first, and then decide whether they really want to or need to go through physical transition to change their bodies. There are some who are simply not physically fit for surgery, or could not bear the related risk of medical intervention.

### 3) Legal Transition

According to the current guidelines in Hong Kong, a transgender person must have the sex reassignment surgery of the genital in order to change the legal gender on the HKID card. Otherwise, even if the appearance perfectly matches with the identified gender, the HKID card would still show an inconsistency on the impression that people would have towards that transgender person. Different countries have different policies and requirements on gender recognition. The gender recognition policy of some countries is not tied to the physical condition or requirement of medical intervention (including use of hormones and surgery, and/or medical assessment).

Gender transition usually takes about 2-3 years, and varies from person to person. Some transgender persons might take longer due to different factors such as family, economic situation or other reasons. The transition could be stretch as much as 5-10 years, or even longer.





## If your employee is a transgender person,

and reveals that she/ he is or would like to go through gender transition, as an employer/ human resource department staff, you have to know the following:

### 1) Flexibility should be given to the dress code of a transgender employee.

During transition, transgender employees would dress up in a more gender-neutral manner, at times more obviously tend towards the appearance of their identified gender. For example, a transgender man would be more masculine in appearance, and a transgender woman would dress up in a more feminine way. The employer should respect their attire as long as the appearance is neat and tidy. Some companies have gender-neutral uniform; this has often helped to reduce the anxiety of a transgender employee. It is worth to note that shoes should be in the style and size aligned to the employee's identified gender if it is to be provided. Some companies would give flexibility to the dress code, and let the transgender employee(s) to dress in casual wear instead of the gender segregated uniform. However, the company should allow the transgender employee to be in the uniform matching her/ his identified gender at the later stages of her/ his gender transition.

### 2) Among the communication of the colleagues, the transgender employee should be treated according to her/ his gender identity. This can be reflected in the changes on the administrative and human resources record:

- Gender pronoun - in both internal and external, verbal and written communications, the correct pronoun should be used. For example, 'she' for transgender woman, and 'he' for transgender man.
- Title of address/ salutations – adjust the title in the records accordingly or remove it altogether.
- Name – change this record according to the desire of the transgender employee. This should not necessarily need to match with the legal change on the legal document, e.g. the HKID card. In some countries, the legal name can never be changed, so this should be dealt with flexibility. There are some transgender persons who do not want to change their original names due to various reasons, or would like to formally change their names later.

These changes can be done simultaneously or at different times, but all these below have to be updated and reviewed at:

- ♦ Email
- ♦ Name card
- ♦ Name badges / signs / desk name plates
- ♦ Web-page of staff information and chart
- ♦ Staff record & directory
- ♦ MPF, insurance and other company benefits record
- ♦ Record at the Inland Revenue Department for taxation purpose
- ♦ Related employment record, including the previous employment contract in the same working environment.

The Inland Revenue Department, some MPF companies and some government departments can remove the title after submitting a proving document. What is more, the company can also consider assigning a specific staff to handle or assist with the related matters during the gender transition of a transgender employee.

### 3) Updating the staff photo of the transgender employee as needed, including that on the staff card, and the internal and online staff record.



4) To avoid embarrassment, employers can **allow the transgender employees to use gender-neutral toilet and changing room**, such as the disabled toilet. And let the transgender employee use the gender specific toilet and/or other facilities that matches the employee's gender identity at the later stage of her/ his transition, or when her/ his appearance matches more with her/ his gender identity.

#### 5) Business trip:

- Accommodation – the transgender employee should be arranged to stay alone, or to be accommodated with another person whose gender is the same as the gender identity of the transgender employee, or someone who is very familiar with the transgender employee in the case that both agreed with this arrangement.
  - Proof of identity – Since the gender on the legal document may still reflect an inconsistency with the appearance of the transgender employee, the company should consider issuing an official document proving the identity of the transgender employee and/or the purpose of the business trip for the convenience of the transgender employee when crossing border checkpoints, especially when passing through or going to some relatively conservative countries.
- 6) It is very important to **protect the privacy of the transgender employees**. Even the transgender employee is willing to disclose her/ his transgender identity and her/ his desire to transition to the employer, colleagues and other working partners at the early stage of transition, as time goes by, when the appearance of the transgender employee changes and matches more with her/ his gender identity, and there may be changes in personnel or working partnership, new colleagues or working partners may have recognized the transgender employee as her/ his identified gender. It is crucial to ensure that the privacy of the transgender employee is being kept to avoid any possible harassment being done to her/ him.
- 7) **Accommodating the medical needs** – transgender persons who seek medical intervention would have to see several specialists in order to have assessment and assistance in her/ his gender transition, and so would have to take leave from work regularly. The company can see if it can offer to cover all or part of the cost for the medication according to its internal medical policy for staff, or discuss it with their insurance company.

During gender transition, it is very important to have close communication with the transgender employee as each and every one of them is different. Their situations are different, their desired level/ bearing level of change are different, their schedules and paces for the transition are different; when, how and whether they want to let other colleagues, working partners and/or clients know about their transition are different as well. If the transgender employee has reviewed her/ his wish of transferal to another department, it should also be considered where appropriate.

When the employer and other colleagues can treat a transgender employee equally in gender related issues, it would greatly help to reduce the anxiety a transgender employee would have in dealing with gender related matters in the working environment. So that she/ he can concentrate at work, and even increase the productivity due to appreciating the acceptance received in the working environment.





## If your client or working partner is a transgender person, you can teach your employees to:

- 1) **Beware of the title and pronoun used:** Use 'Miss'/'Ms' for transgender women (who identify as woman), and 'Mr' for transgender man (who identify as man). Ask politely when in doubt: "How should I address you?"/ "How would you like me to address you?" or directly use 'you' or 'hello, may I help you?' as an opening.
- 2) **If the transgender person expresses her/ his desire to use the restroom,** you can show her/ him the direction to both male and female toilet, and let her/ him to decide. In general, a transgender person would make a decision according to her/ his transition stage at that moment, and/or her/ his appearance at that particular time. They understand clearly of the possible consequence(s) if they make the other users uncomfortable, which include(s) arrest and possible prosecution.
- 3) **Keep their privacy.** Unless it is absolutely necessary, don't tell the others about their transgender identities, even among colleagues. If they have to disclose it, make sure the others who know about it also strictly keep the privacy protection.
- 4) **Anything related to gender and title on documentation** should be treated with flexibility or special consideration. A remark can be added or leave it blank, so that other colleagues would not use the inappropriate title or question the identity of the transgender person when they have to contact her/ him over phone or in person, and cause embarrassment to the transgender person or make her/ him hard to prove herself/ himself.
- 5) **Respect their body status,** and the related needs as necessary. For example, no matter how feminine/ masculine they may appear, they may still have health concerns related to some of their body parts, and need to have specific professional care and insurance coverage for that.
- 6) **Don't make any judgmental responses.** If you think it is necessary to ask the transgender person more in order to clarify on her/ his needs, you should be polite and respect, and let the transgender person explain without making any assumptions.

Different schools, tertiary and educational institutions, labour unions and associations should add some policies to protect transgender persons on top of the existing anti-discrimination policy, and have some feasible procedures (including updating the name and gender on record) in order to protect transgender persons from discrimination, and that their educational background and working experience can be recognized.





Apart from the points mentioned above, the following points also need special attention:

1) **Avoid touching any parts of the body of a transgender person**, or make any comments on it. These can be sexual harassment.

2) When a transgender person reveals herself/ himself as transgender, **don't make any assumption** that:

- The gender identity of that transgender person is female/ male
- She/ he is at a certain stage of gender transition, thinking that she/ he is at:
  - ◆ The pre-stage
  - ◆ Transitioning (early/ middle/ later stage), or
  - ◆ The post-stage

Because you may encounter a transgender person who is more masculine in appearance, and:

- i) She is a **transgender woman** at her **early stage** of transition who has started to live as a woman, but her look still appears to be masculine.
- ii) He is a **transgender man** at the **later stage** of his transition who looks pretty masculine in appearance, but the gender on his HKID card may still show 'F'.

3) **Don't mix up transgender with homosexual.**

There are transgender persons who are homosexual, heterosexual or bisexual. Gender identity and sexual orientation are two totally different issues.

**What is more, transgender persons are being protected under the following discrimination ordinance:**

- i) **Disability Discrimination Ordinance** – If any employer fired or give unequal treatment to a transgender employee due to her/ his medical needs and/or conditions, the employer may have breached the disability discrimination ordinance. The employer could instead communicate with the transgender employee to know more about her/ his gender transition schedule and needs.
- ii) **Gender Discrimination Ordinance** – If anyone commits verbal or physical sexual harassment against the body and/or the gender identity of a transgender person, that person may have breached the gender discrimination ordinance.



**No matter what, the transgender identity and gender transition process would NOT affect:**

- Her/ his working ability.
- The way and attitude she/ he has towards work and other people

However, transgender persons often cannot fully develop or exert their potentials due to the factors mentioned above and as follows:

- 1) Proof of her/ his educational background or some working experiences – her/ his student photos or the single gender schools that she/ he has attended, the specific working environment, or her/ his past name, may all show an inconsistency in her/ his past and the different stages of transition, and hence expose her/ his transgender identity.
- 2) The gender marker on the HKID card doesn't match with her/ his gender identity and/or appearance.

These may make her/him having some worries or anxieties at the work place, or when looking for a job, attending a job interview, and may lead to some missing parts in their resumes. People who don't understand would keep a distance from, or even discriminate against her/ him, thus reducing her/ his opportunities.

In conclusion, transgender persons are only ordinary people who want to live and work in their identified gender and the respected gender role, same as the other ordinary men and women. They don't want to be stood out, nor being treated differently. In a gender equal society like Hong Kong, it should not be difficult to treat transgender people equally from a gender equality perspective. Allowing them to develop and exert their full potentials to achieve real harmony, the company can also express its values of equality and diversity to other employees by enhancing the protection and acceptance towards transgender employees and customers.









# 性別空間 Gender Empowerment

## OUR SERVICE

Counseling | Speech Therapy | Employment Counseling | Other Supports | Gender Education | Media Contact



852 - 6120 9810

info@genderpower.space

<http://genderpower.space>