

A Guide for Employers

Transsexualism: A Guide for Employers

Transsexualism is the most pronounced form of Gender Dysphoria, in which a person experiences such a deep conflict between their physical sex and their mental gender that they have no choice but to embark upon the process of Gender Reassignment. Persons with this condition are likely to have been under a great deal of stress for many years prior to embarking upon treatment. The treatment has a very high success rate (over 97%) in alleviating the person's suffering and helping them to function better both in society and at work.

The process of Transition (switching into living full-time in the desired gender role) and Gender Reassignment (medical and surgical treatment to alter the body) can be stressful for the person involved, and sympathetic treatment by their employers and colleagues will contribute greatly to successful outcome.

It is common for transsexuals to be diligent and highly motivated employees. Prior to transition, many take refuge from their emotional pain in being 'workaholics'; after transition a good employee is likely to be better: the process of changing gender role alleviates the stress and pain, but the motivation remains. Gender reassignment does not change the inner person, and there is no need for it to adversely affect workplace relationships.

{mospagebreak title=The Law}The Law

The South African Constitution's chapter 9 mention Equality, and no discrimination can be tolerated on the base of sex, sexual orientation and gender.

From the constitution:

”Equality: 9. 3 - The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.”

{mospagebreak title=The Transition Process} The Transition Process

Before being officially diagnosed, a transsexual will usually have gone through a period of profound introspection, possibly denial, and certainly much emotional torment. The medical diagnosis confirms what the patient has felt, and treatment then commences. The diagnosis is made by a Consultant Psychiatrist with special knowledge of the subject --- this Psychiatrist will also oversee the entire reassignment process. This does not mean that transsexualism is a mental illness or a delusion: in fact, quite the opposite. The psychiatrist's role is to ensure that the patient is sane and really is transsexual, and that they really will be helped by a change of gender role. Recent research has proved that the 'female brain in a male body' (or vice-versa for female-to-male transsexuals) is a biological reality, not a fanciful metaphor. Some transsexuals will require a period of counseling before, or in parallel with, the medical treatment - in many cases they will have experienced much emotional pain from their years trapped in the wrong gender role and the wrong physical sex.

Given a reasonably certain diagnosis by the psychiatrist, the patient will commence Hormone Replacement Therapy (HRT). This involves the administration of high doses of hormones appropriate to the target gender: female hormones for male-to-female (MtF) and male hormones for female-to-male (FtM) transsexuals. These cause the body to start changing: MtF's develop breasts, lose muscle mass and body hair and start to look feminine facially, while FtM's become muscular, hairy and masculine and the voice breaks. As well as starting the process of physical change, HRT has a diagnostic function: a person who is not truly transsexual will feel strange and unhappy under the effects of HRT, while a true transsexual will show a marked increase in emotional well-being. This confirms the diagnosis of transsexualism. Once this confirmation takes place, most MtF's commence ant androgen drugs, which wipe out male hormonal and genital function; as an alternative, some undergo orchidectomy (castration) at this stage or later.

MtF transsexuals also require electrolysis treatment to remove facial hair as HRT does not do this. Neither HRT nor genital surgery will 'un-break' a male voice, so speech therapy is often required. During this period the person is likely to start living more and more in their desired gender role, as their appearance changes towards that of their true gender. Once the transsexual and their psychiatrist feel that they are ready, they will 'transition' - that is to say, legally change their name and official documents to match the target gender, and start to live and work full-time in that gender role. At this point the person is on 'Real Life Test' (RLT); this is a period of at least a year in which the person must demonstrate that they can successfully live in the target gender role before Gender Reassignment Surgery takes place.

{mospagebreak title=Good Practice}Good Practice for Management

There is every reason to believe that a transsexual who has been a good employee before transition will continue to be a good (and usually better) employee afterwards; in many cases the Company will have made a substantial investment in an employee in the form of training and job experience, and hence it is desirable to manage the person's transition in such a way as to preserve good working relationships all round and to continue to reap the benefits of the person's work.

The attitudes of the person's colleagues and management are vitally important. It has been found in many companies that it is worthwhile to convene a meeting to explain to all employees having contact with the transsexual person what is happening and why. Good, accurate information on the condition, presented carefully, can go a long way towards dispelling prejudice and possible hostility in the workplace. Many companies have benefited from calling in a professional or voluntary counselor with special training in this area, to give a presentation and answer questions. It should be emphasised that it is a medical condition that has been properly diagnosed by a specialist doctor and that the person's change of gender role at work is a recognised and medically necessary part of their treatment. Having informed the person's colleagues and chain of management about the situation, it should be made clear that the Company recognises that the transsexual employee has a genuine medical condition and that the Company is fully supporting the employee in their transition. It should be made clear that harassment or discrimination against the person will not be tolerated, and colleagues are expected to treat them with the same respect and courtesy as any other employee of the Company. Once the person has officially transitioned at work, they should always be referred to by their new name and by pronouns appropriate to their new gender role; to willfully use the old name or pronouns (occasional slips are inevitable at first of course) is very hurtful to the transsexual and should be treated as harassment.

Sympathetic treatment by management is also vital. The person will have to spend much time undergoing various treatments (especially electrolysis for MtF's, which may take hundreds of hours in total), and while an employer cannot realistically be expected to grant paid leave for all of this, a sympathetic approach (such as allowing some degree of flexible-hours working, or perhaps unpaid leave) will be beneficial. Of course for strictly medical treatments such as checkup visits and surgery, the patient should be granted sick leave and sick pay under the same rules as for any other medical condition.

The timing of the transition will be as nominated by the employee in consultation with the medical specialist(s) supervising their treatment. Provided that reasonable notice is given, the employer should not attempt to block or delay the transition, as that can be positively harmful to the transsexual. A reasonable period of notice will allow the company to change records and inform other staff of the impending change before it actually happens. The Company should provide appropriate recognition of the legal name change, when the transition at work occurs, in the form of changing payroll records, computer logins; staff lists and so on to reflect the new name. The person should always be referred to by pronouns appropriate to the new gender (i.e. 'she' for an MtF).

No guide to transsexualism in the workplace would be complete without a discussion on the issue of toilets. There is absolutely no reason why a transsexual employee should not use the toilets appropriate to their new gender, once official transition has occurred - in other words, prior to surgery. To force a pre-operative MtF to use the male toilets despite living as, and looking like, a woman is cruel and discriminatory. Of course it would be wise to reassure the female employees that the person is, psychologically speaking, a woman, and that as a result of the hormone treatment could not possibly pose a hazard of sexual impropriety. The fact that she still has male genitals is not relevant as they would only be exposed inside a toilet cubicle.

It goes without saying, of course, that in return for sympathetic treatment of the transsexual employee, the employer has a right to expect the employee to continue to work to the best of their ability and to conduct themselves with appropriate professionalism and dignity, and to dress and present themselves in an appropriate manner for their job - and not to willfully do anything that might cause unnecessary embarrassment to the Company.

It should perhaps be pointed out at this point that MtF transsexuals undergoing electrolysis for the removal of facial hair will have to grow some 'stubble' for one to three days prior to each treatment. If the employee is not in a public-facing role, then this should simply be recognised as a necessary part of the treatment (and not as untidiness or willful gender-mixing). If the employee is in a public-facing role then it might be necessary for her to restrict her electrolysis to Monday mornings so that the stubble only appears at the weekend, or maybe to delay transition until the facial hair is less obvious. In such cases the situation should be discussed with the employee's counselor or psychiatrist: it is not acceptable for a company to attempt to delay or prevent a medically necessary gender transition, and usually an acceptable compromise can be found. In some cases, transsexual staff have been temporarily transferred to less public-facing roles (with their consent of course) until their physical presentation is more 'passable'. Counselors and Psychiatrists treating transsexual patients are generally very willing to provide guidance and advice to employers, as well as specific advice regarding individual situations (subject, of course, to the patient's consent to being discussed).

The following is a suggested draft Company Policy which embodies the recommended 'best practice' set out in this document and may be adopted 'as it stands' or used as a basis for the Company's own policy towards transsexualism in the workplace.

{mospagebreak title=Company Policy} Company Policy on Transsexual Employees

The Company recognises that Transsexualism (a form of Gender Dysphoria) is a genuine medical condition. Staff with this condition will be afforded the same treatment and support by the Company as if they suffered from any other treatable medical condition.

Transsexual staff are entitled to be treated with respect and permitted to perform their jobs free from harassment and discrimination. The Company views harassment or discrimination against any employee, on any grounds, as a serious disciplinary offence.

The Company recognises the right of the transsexual employee to work, and to present themselves at work, as a member of their new gender as soon as the official transition and legal name-change occur.

Once official transition to the new gender role has taken place, the Company expects its entire staff to treat the transsexual employee in a manner appropriate to their new gender and to address them, and refer to them, by their new name and appropriate pronouns.

Once official transition has taken place, the transsexual employee will be permitted to use the lavatory facilities appropriate to their new gender.

The Company will provide appropriate recognition of the legal name change, when the transition at work occurs, in the form of changing payroll records, computer logins; staff lists and so on to reflect the new name and gender.