


Department of Consumer and Business Services <b>Gender Policy – Policy EMP-12</b>	
Division: Director’s Office, Employee Services Owner: Employee Services Administrator	Effective Date: 06/28/2019
Approved by: 	Date: 2/17/2022 Review Date: 2/17/2024

## Applies to:

This policy applies to all divisions of the Department of Consumer and Business Services (DCBS) including the Workers’ Compensation Board.

## Purpose:

This policy is designed to create a safe and productive workplace for all DCBS employees. It is the department’s policy to not discriminate in any way against any individual based on an individual’s gender, gender identity, gender expression, or sexual orientation.

This policy provides guidelines to address the needs of transgender, non-binary, transitioning, and gender non-conforming employees. It clarifies how to implement the policy in situations when questions may arise.

This policy does not anticipate every situation that might occur with respect to transgender, non-binary, transitioning, and gender non-conforming employees. The needs of an individual employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure a safe, healthy, respectful, and inclusive work environment for all DCBS employees.

## Definitions:

**Gender identity** – A person’s deeply-felt sense of being male, female, or non-binary, regardless of the sex they were assigned at birth.

**Gender expression** – An individual’s characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine, feminine, or being associated with being male or female.

**Transgender** – A person whose gender identity and/or expression is different from their sex assigned at birth, for example:

- A person whose sex assigned at birth was female, but who identifies as male is a transgender man (also known as female-to-male transgender person).
- A person whose sex assigned at birth was male, but who identifies as female is a transgender woman (also known as male-to-female transgender person).

**Cisgender** – person whose sense of personal identity and gender corresponds with their birth sex.

**Gender non-conforming** – A person who has, or is perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations. These expectations vary across cultures and change over time.

**Non-binary** – A person whose gender identity and/or gender expression falls outside the categories of male and female. They may define their gender as somewhere in between man and woman, or define it as wholly different from these terms.

The term is not a synonym for *transgender* or *transsexual*. It should only be used if someone self-identifies as non-binary.

**Transition** – The process of changing one’s gender from the sex assigned at birth to one’s gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long time. 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 one’s name and/or sex on legal documents
- Accessing medical treatment, such as hormones and/or surgery

**Sexual orientation** – A person’s physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note, sexual orientation is separate from gender identity and expression. For example, a transgender person may be lesbian, gay, bisexual, or straight, just like nontransgender (cisgender) people.

**LGBTQIA+** – A common abbreviation that refers to the lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, ally and everything else community.

## Policy:

DCBS employees have the right to discuss their gender identity or expression openly, or to keep it private. An employee is entitled to determine when, with whom, and how much of their private information to share. Information about an employee’s transgender status (such as the sex they were assigned at birth) may constitute confidential medical information under state and federal privacy laws.

Management, Employee Services, and coworkers shall not disclose an employee’s transgender status or gender non-conforming presentation without an employee’s express consent.

## Official records

DCBS Employee Services will change an employee’s official record to reflect a change in name or gender upon request from the employee. Certain types of records, such as payroll and retirement accounts, may require a legal name change before a person’s name can be changed in those systems. Many records, however, can be changed to reflect a person’s preferred name without proof of a legal name change.

Upon an employee’s request, DCBS will make every effort to update workplace photographs and electronic directories to accurately represent an employee’s gender identity and expression.

Any employee with questions about agency records or ID documents should contact Employee Services.

## **Names/Pronouns**

All DCBS employees have the right to be addressed by the name and pronoun (e.g. she/her/hers, he/him/his, they/them/theirs) of their choice. 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) can constitute harassment.

If you are unsure what pronoun an employee prefers, respectfully ask how they would like to be addressed.

## **Transitioning on the Job**

Employees who transition in the workplace can expect the support of the department. Any DCBS employee who plans a gender transition is encouraged, but not required, to contact a manager, supervisor, or Employee Services for support and assistance transitioning in the workplace. Employee Services will work with each employee individually to ensure a successful workplace transition.

## **Restroom accessibility**

All DCBS 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.

Any employee with a need or desire for increased privacy, regardless of the reason, will be provided access to a single-stall restroom when available. However, no employee may be required to use such a restroom.

For example, transgender women may use the women's restroom, and transgender men may use the men's restroom. Transitioning, non-binary, and gender non-conforming employees may use whichever restroom the employee determines is the most appropriate and safest option for them.

## **Locker room accessibility**

When locker rooms are available, all DCBS 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 reason, will be provided with a reasonable alternative changing area when available, such as the use of a private area, or using the locker room that corresponds to their gender identity before or after other employees. Alternative arrangements will be provided in a way that allows an employee to keep their gender identity confidential.

## **Dress codes**

DCBS does not have a dress code that restricts employees' clothing or appearance based on gender. This means that all DCBS employees have the right to dress in a manner consistent with their gender identity or expression.

## **Discrimination/Harassment**

DCBS is committed to creating a safe work environment for all employees including transgender, non-binary, transitioning, and gender non-conforming employees.

It is against the law, and a violation of DCBS policy, to discriminate in any way (including, but not limited to, failure to hire, failure to promote, unlawful termination, and harassment) against any employee because of an employee's actual or perceived gender identity or expression.

It is also against the law, and a violation of this policy, to retaliate against any person objecting to gender identity discrimination in employment or supporting enforcement of legal protections.

Any incident of discrimination, harassment, or violence based on gender identity or expression will receive immediate and effective attention. This includes, but is not limited to, investigating the incident, taking immediate corrective action, and providing employees with appropriate resources.