

Seth Moeller: Welcome. You're listening to The Difference At Work, a KGA Podcast for managers and HR professionals, eager to hear from experts and bring new perspectives to our work. In offering employee assistance and work-life programs, KGA hears from clients every day about their increasingly complex work environments. On our podcast, you'll have a front row seat for conversations touching on everything from crisis management and addiction to employee engagement and stress.

My name is Seth Moeller, President of KGA, today's episode of The Difference At Work, is focused on transgender inclusivity in the workplace. My guest is Mason Dunn.

Mason is a transgender rights advocate and Executive Director of Massachusetts Transgender Political Coalition. MTPC works to end discrimination based on gender identity and expression. Mason is a member of the New Hampshire Bar Association and a faculty member at the University of New Hampshire at Manchester.

Mason speaks to many audiences including professional associations in the greater Boston area about issues facing transgender people in the workplace, in education, and every day life.

Mason, thank you for joining me today.

Mason Dunn: Excited to be here.

Seth Moeller: Good. Well let's dive in. Many organizations that we work with, I know, are very concerned about being a welcoming and inclusive place to work. Their intentions are clearly in the right place. It's something that they talk about. We hear them thinking about it. That's all good. Their intentions are in the right place, but when it comes to including transgender people or someone in transition, I think they get overwhelmed, don't know where to start. Does this sound familiar to you?

Mason Dunn: Absolutely. I do so many trainings with workplaces, with colleges and schools, and I can understand that it's hard to understand and grasp the reality that transgender people are facing, whether they are in transition or just trans people who are coming to your workplace and maybe have some different needs, healthcare-wise or personnel-wise or things like that. It's easy to get lost in the details when really it is much more simple for many trans folks to ensure that we have an inclusive workplace and an inclusive environment, and to not get too caught up in the details is really critical.

Seth Moeller: Let's start by defining some terms. How about that?

Mason Dunn: Sure.

Seth Moeller: So, transgender?

Mason Dunn: So the umbrella definition we use for the word transgender, and you'll hear the word transgender as well as the word trans and both of these are umbrella terms to describe somebody whose gender identity or gender expression differs from the sex they were assigned at birth or society's expectations, based on the sex we were assigned at birth.

Mason Dunn: And we have to understand that gender identity and gender expression are different and distinct and those are both different and distinct from sex. And so all of these are different components that all of us have. All of us have a gender identity. All of us have a gender expression. All of us have a sex that we are assigned at birth. But for transgender people, it means our gender identity and gender expression doesn't necessarily line up with society's expectations based on the sex we were assigned at birth. And that umbrella term can include for instance, trans men, meaning men who were assigned female at birth but identify and know themselves to be or express themselves as men. It can include trans women, meaning women who were assigned male at birth but identify and know themselves to be or live as women, but it also includes non-binary people. People who are not a man or woman. And so they may use, for instance, they/them pronouns, they don't identify as he or she, boy or girl. They are simply a human outside of the binary of man or woman.

Mason Dunn: So those are some basic terms and there's a lot we could go into there, but it's important to understand that there are so many different experiences and identities under the trans umbrella.

Seth Moeller: Right. So, and again it's not as simple as thinking about one thing that I understand transitioning to something else that I understand. It is broader than that.

Mason Dunn: Exactly.

Seth Moeller: So talk a little bit about the word transitioning.

Mason Dunn: When we are talking about trans people, a transition can mean everything from changing your name, changing your pronouns, changing your gender expression meaning your clothing or other aspects of gender expression, and it can for some include medical care. And it can include surgery or hormones, but it's important to know that it's not true for all trans people. Not all trans people have surgery or go on hormones. Many do, but not necessarily all.

Seth Moeller: Got it. Okay. Very helpful. Thank you. With our listening audience in mind, who are largely employers, and I know many HR people, this is an issue that it falls to them to help their organization through. There are many managers that wind up getting involved with "how do we do this while we create an inclusive

environment.” It might be helpful to talk about what an employer’s legal obligations are for creating an inclusive workplace with transgender in mind.

Mason Dunn: Sure, and I can put on my lawyer hat. As a lawyer, it's important to understand first of all we have employment non-discrimination protections here in Massachusetts, meaning that nobody should be experiencing discrimination in their workplace. That is prohibited. Nobody should be denied a job or fired from a job on the basis of coming out as transgender. But we also have federal protections. The EEOC has recognized that gender identity is covered under sex discrimination and therefore is also federally protected from discrimination in the workplace.

And so, what does discrimination look like? Well, there's the obvious elements of nobody should be fired from their job if they come out as transgender to their employer or to their supervisor. But there's much more subtle and nuanced aspects of discrimination that I hear every day from trans people, whether that be somebody who refuses to utilize somebody's pronouns, and so if somebody changes what pronouns they use in the workplace, if a supervisor or employer says, "No, I won't call you he," when that's the pronouns you want to have utilized, "I will only use she pronouns," that is discrimination. Saying something like, "You can't use the restroom at the workplace because it may make other people feel uncomfortable." Well now you're taking away an essential part of the workplace that all people need to use and that is discrimination as well.

So there's a lot more nuance to it, but at the end of the day, ensuring that you treat trans employees and trans folks with the same rights and dignity as you would anybody else is critical.

Seth Moeller: Yes, and not denying somebody their own chosen identity, in effect.

Mason Dunn: Sure.

Seth Moeller: Right. Okay. So that is a discussion about the legal framework and in many ways what they can't do. You work with lots of employers. What are the concerns that even well intentioned employers run into again and again as they begin to think about doing this effectively.

Mason Dunn: Sure, well, first of all, and I say this every time I do a training, you don't have to be an expert. You do not have to be an expert in trans identities and trans protections and any of this. There are organizations, including my own, the Mass Trans Political Coalition, who can be your in-house expert. We can work with you to do trainings, provide technical assistance, all sorts of things to ensure that in those moments when you don't know what to do, there are people out there who do and can help and help guide you through this process.

I think at the end of the day, that the number one thing that I recommend is working with the person who is transitioning or who came out as trans or who's been employed as trans, talking with them one-on-one and saying, "How do you want to handle X, Y, or Z?" And as an HR professional and I'm sure a lot of people can understand, this is the number one thing to do is to work with the individual. Give them some autonomy, and some choice in how to handle the situation and working with them as a partner, not as an issue or a problem. Your employees are not issues or problems, they are people who deserve the basic rights and dignity and deserve to have those conversations, and guide the process.

Seth Moeller: Very helpful. What would you say are the concerns that you hear coming up again and again? What gets identified by the employer in terms of where their heads are at, or the things that they flag as perhaps being a "problem" as they head into this?

Mason Dunn: Sure. I would say that there are three big buckets of questions that revolve around similar topics.

The first is how do I handle an employee who is transitioning in the workplace? How do I handle letting people know and informing the company, informing their co-workers or clients, anything like that — that whole "what do I do when an employee transitions?" That's one big bucket.

Seth Moeller: And does that really get to "I don't know how to talk about it?" What does this mean?

Mason Dunn: Sure, there are so many questions that come up in that bucket of work, of "I don't know how to talk about that." I don't know how to figure out pronouns. When can I change somebody's name in my database? When do I change their gender marker? What do I do about their healthcare? How do I inform clients? How do I inform other coworkers?

There are so many things that come up with that bucket, but a lot of it does center around language and how we talk about these things.

Seth Moeller: Got it.

Mason Dunn: So that's one big bucket.

Seth Moeller: The second you said were bathrooms.

Mason Dunn: Bathrooms. So a lot of questions I get, and this is a very transactional question: I have an employee who's trans identified or who has come out as trans, and somebody, maybe me, maybe somebody else, doesn't feel comfortable using the same bathroom as that person. How do I handle the bathroom situation?

Sometimes it's not even something that has come up in discussion. It is creating a question or issue before that has even presented itself.

And the third that is a little bit more nuanced and doesn't always get brought up in my first interaction with employers, but it certainly comes up later on: How do I handle paperwork? How do I handle my database? How do I change all of this information?

One common thing that comes up for trans people is: I have a common-use name. The name that I go by every day, but I can't afford a name change, so I haven't been able to change my name on my license, my social security card, any other information. How do I apply for a job, coming in wanting to have this name utilized, my common-use name, even though it is not my "legal name" according to my documentation. And so that is a question that employers should be considering and thinking about either from the hiring side of things, but also once somebody is hired or employed, how do I handle all of the paperwork associated with name and gender marker changes.

Seth Moeller: Got it. Okay. I would love to hear a success story. I think it's that context often that's the best way to learn and think about what choices I might make as an employer. So are there any that come to mind for you of an organization that has just been proactive, thoughtful, and perhaps, in your mind, set a gold standard for how to go about this?

Mason Dunn: Yeah, I think there are so many success stories I could talk about. I just want to raise up the hallmarks of what to me is a successful situation. The first is coming in and doing some proactive training before somebody comes out in the workplace. I'm usually called in to do trainings and workshops and technical assistance after there's already been a problem, whether somebody is transitioning and it didn't go well. A notice went out and nobody was happy and so I get called in when things have already started to unravel.

Seth Moeller: Damage control mode.

Mason Dunn: Exactly. And what I love is when an employer comes to me and says, "Hey I saw the law change, or I saw the ballot question three, or I saw some element of trans inclusive work or language and I want to do that. I want to be at the front lines of that work. Help us get there." Before anybody is out as trans or maybe somebody has been out as trans, but it's gone well, and they just want to do better. That to me is a hallmark of a great organization or business who's getting it right.

Because the fact is, I've worked with employers, and I've kind of pitched a training to employers and people may say we don't have anybody who's trans here. And my answer is, "I'm sure you do, and you just don't know it." Or it could be, (in the trans community, we are very small community. We chat a lot. We are very well connected) and it could be that nobody that's trans is coming

to you either for employment or services because we know that you're not a friendly place and so you're not a place where we want to go to.

Seth Moeller: So, in short, there are employers already losing out on good talent because they, in effect, have been flagged within the community as a place to avoid.

Mason Dunn: Exactly.

Seth Moeller: With no discussion.

Mason Dunn: The hallmark is doing something proactive, having these conversations first, versus damage control or not even responding to the ability to control the damage that you've already done. Beyond that, some other hallmarks, I will say that the last election season we had ballot question three, which was a trans rights ballot question and there were hundreds of businesses who signed on in support. So not only do they want to do the work to be trans inclusive or they already have policies in place and they're already doing that work, but now they are being proactive of supporting their trans employees in a very public way.

Seth Moeller: On the record.

Mason Dunn: On the record. They were listed on our website. Some of the businesses who were the first on the table include Eastern Bank, Harvard Pilgrim Healthcare, and Google, actually, were the first three who really led the business coalition for trans rights and now I think when people come to me and say, "What do you recommend for trans inclusive health insurance?" Well, I can tell you who was one of the first people at the table for trans rights. You know, Eastern Bank has been a stalwart support for transgender rights way back in the beginning. And so I think it's really important to lift those folks up to say, it's not just about your internal policies, it's also about external image and external advocacy.

Seth Moeller: Mason, for listeners who may not know, can you explain what ballot question three is?

Mason Dunn: So, ballot question three, was on the ballot this November in Massachusetts. It was the first time transgender rights were ever on a ballot in the country and the question had to do with nondiscrimination in public accommodations. That was a law that we passed back in 2016, was signed into law in 2016, which ensured that trans gender people can use public accommodations free from discrimination or harassment. And I just actually wanted to dispel one of the myths around that because people hear public accommodations and transgender and they think one very narrow thing. Bathrooms or locker rooms. But under law, public accommodations means any public place so that means discrimination is prohibited against transgender people in hospitals, in the MBTA or public transportation, sidewalks, parks, libraries, restaurants. All of those are public accommodations. And so when we passed the law in 2016, unfortunately, the opponents of transgender equality gathered enough

signatures to put it up for a referendum vote and that's what happened in November of 2018, to try to remove those protections and our opponents were not successful. We still maintain those protections and it was a major win for transgender rights.

Seth Moeller: Let's hope that chapter's behind us in terms of the challenge.

Mason Dunn: It is. We won by a sixty-eight percent margin. I feel like we've really shown Massachusetts and the country that transgender rights are not up for debate.

Seth Moeller: Again, with our listeners in mind, and employers who absolutely want to be always evolving and becoming every more inclusive, what are the elements of being inclusive that they need to think about early? What perhaps are the hardest elements? And I know you call that bathroom discussion, right away, but perhaps, what should be considered early?

Mason Dunn: Things that should be considered are: first of all it's one thing to have a policy of nondiscrimination and I highly encourage businesses and employers to have some kind of nondiscrimination policy that's inclusive of gender identity and gender expression, not just because it's the law that we don't discriminate against gender identity or gender expression, but we as trans people look for that.

Seth Moeller: So audit policy right up front.

Mason Dunn: Audit policy but also do the follow up. A policy is great. Do the follow up to make sure that everybody understands it's the policy and what does that policy actually mean? It means that we call people by their name and the pronouns that affirm their identities. It means that we provide trans inclusive healthcare and insurance as part of a healthcare benefit package. It means doing the basic things to be an inclusive place, whether that be just remembering that trans people are people.

Seth Moeller: Does this translate into quite literally a training for managers? This is what our policies are. This is what's behind them. This is what the implications are of policies like this and here's what it means for you as a manager, for example.

Mason Dunn: Yeah. I think trainings are a great way to go and a great way to start and it shouldn't just be managers. I think it should be any staff.

Seth Moeller: Sure.

Mason Dunn: Staff that are either working with clients, if they're a public facing position or anybody that's going to be working with a trans person, which quite frankly is anybody.

I talk a lot about, in my trainings, the discrimination that transgender people face. And the fact is that trans people face double the rate of unemployment. We face very high rates of underemployment and despite all of that, trans people are consistently higher educated and have higher experience levels than many of the general population and so we are often overlooked for positions in ways that causes additional discrimination and bias that trans people face.

And the fact is, if you're working to be an inclusive place, don't forget to look for trans talent because there are so many talented trans people out there that would benefit your operation, your business, your company in really important ways, not just the very basics of having diverse perspectives, which we all know makes a better business, but just the mere fact that we have so much talent in this community.

Seth Moeller: Right. An important element of the job market that any serious employer, trying to be competitive, really ought to for it's own good, from a business perspective, keep in mind.

Mason Dunn: Exactly. And you're not going to get that talent unless you have the policies and unless you have a reputation and have done some work to be trans inclusive.

Seth Moeller: One of the takeaways that I am gathering from this discussion is the degree to which it's an active community that talks amongst itself, so as an employer, be well aware that you're being discussed in ways that you can't read, isn't documented, but is absolutely affecting who walks to your front door and volunteers to be a part of what you're doing.

Mason Dunn: I get emails every day from trans people who have moved to Massachusetts because it's known to be an inclusive place for LGBTQ people and they write to me and ask, "Who are the trans inclusive employers?" And it's a hard question to answer sometimes because what are your skills, what are your interests, but the fact is, people come to me with that question and I do have a list of folks who are trans inclusive and maybe folks who aren't. And so that's information that is well documented in the community and if you're not doing things to be inclusive, chances are you're not on that list and you're not getting or seeing that talent.

Seth Moeller: That's pretty concrete. For that organization that really hasn't stepped into this ring yet and would like to be proactive — perhaps they haven't even had an employee approach them and for many of the reasons you've just been talking about — what advice do you have for that employer, perhaps that HR professional that's listening today?

Mason Dunn: The first is to remember that there are trans people all around you, whether or not they're out in your business or your client base or anything like that, we are here, we have been here for many years and we want the same rights and protections and jobs as anybody else. And so don't just overlook who we are as

a community. We are a very strong, very talented community and in that spirit of doing things and learning more about this community, hosting a training or just having a conversation or educating yourselves, there are so many great articles out there, books, media, but begin to enrich your perspective on gender and gender identity and gender expression.

Seth Moeller: List some places that an employer might go to begin to do that; educate themselves, enrich themselves, and begin to understand the breath of knowledge that's already available.

Mason Dunn: One of the ways that I often tell folks to begin to learn more about the trans community is actually go on your social media page. And I'm sure many listeners have a Facebook or an Instagram and find trans inclusive organizations doing this work that post a lot. Some organizations include my own, The Mass Trans Political Coalition, The National Center For Trans Equality, The Boston Alliance For LGBTQ Youth, GLAD, The LGBTQ Legal Advocates And Defenders, those are just a few local organizations. Freedom For All Americans is a national organization as well that you can follow but follow those organizations and start reading some of the articles that they are posting. That way you begin to absorb it, just like you absorb your social media feeds, generally, and you'll start to really familiarize yourself with the community, the challenges that we face at the local and national level, and really begin to become more aware of this community.

Seth Moeller: Beautiful. Thank you. Mason, what about internal resources that an employer might look to?

Mason Dunn: Well I go back to what I said earlier. You don't have to be the expert as the employer. I highly recommend reaching out to your Employer Assistance Program partner or provider to figure out what they know and what resources they may have available and they may be able to put you in touch with organizations like my own or others who are doing this work to be inclusive and provide resources to a broad array of business, organizations, etcetera.

Seth Moeller: Great. Thank you. Mason, I really do want to thank you for your time today. This was very enlightening and I just really appreciate you giving us the time.

Mason Dunn: Thank you so much for having me. This was a great conversation.

Seth Moeller: Thank you, Mason.

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