

# The Transitioning Employee Part I – A Review of Diversity, Inclusion and Respect

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citycounty insurance services  
clatsop.org



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## Session Outline

1. Personal values and workplace community values
2. Perceptions/unconscious bias
3. Definitions
4. How to react after accidentally misgendering someone
5. Illegal discrimination
6. Workplace facilities



2

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3

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### Personal Values vs. Workplace Community Values

Some coworkers may have political, cultural, and/or religious objections to someone based upon that person's gender identity, gender expression, and/or because that person is transgender. However ...




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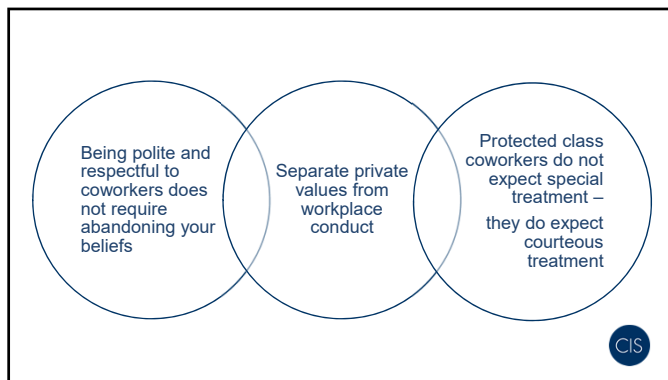
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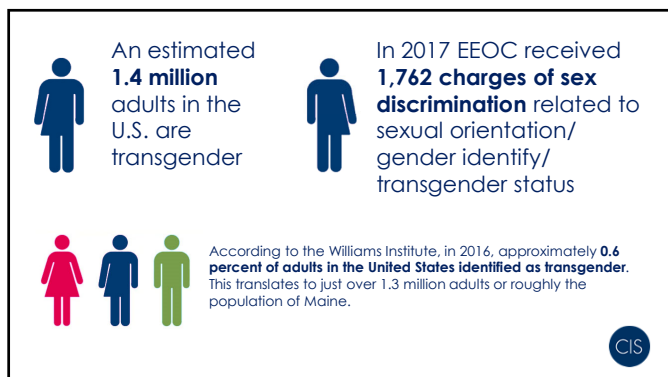
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### "Diversity" - An Alternative Definition

Perspectives, ideas, and experiences

Cultural Social  
Socio-economic Generational

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### Two Types of Diversity Visible: What You Might See

- Age
- Gender
- Appearances
- Physical Ability
- Race
- Language/Accent

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## Two types of Diversity Invisible – What You Might Not See

Religious beliefs  
Communication style  
Educational background  
Relationship status  
Physical abilities  
Social class  
Sexual orientation  
Parental Status  
Values



10

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11

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## How our Minds Process Data

$2+2 = ?$

**Fast:** An automatic, fast and often unconscious way of thinking. It requires little energy or attention but is prone to biases.

$564 \times 283 = ?$

**Slow:** An effortful, slow and controlled way of thinking

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12

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## Perceptions

Perception is a process of observation and interpretation. The way you think about or understand someone or something.

### Individual perceptions may be based on:

- Historical events and situations
- What we have been taught
- What we have seen
- What we have heard
- What we have experienced



13

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## Unconscious Bias

Bias is the unequal assessment between two alternatives which typically puts one option in favor position and the other in an unfavorable one. Biases are conscious and unconscious.

### Unconscious bias:

- develops at an early age but can be changed with effort
- happens in a split-second without you even realizing it
- can impact your actions
- is often incompatible with one's conscious values.



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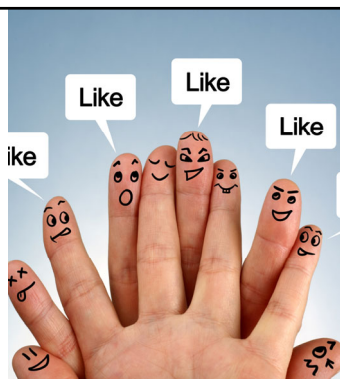
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## Default Assumptions

Similarity – "People like me are better than others"

Distance – "What is closer to me is better"



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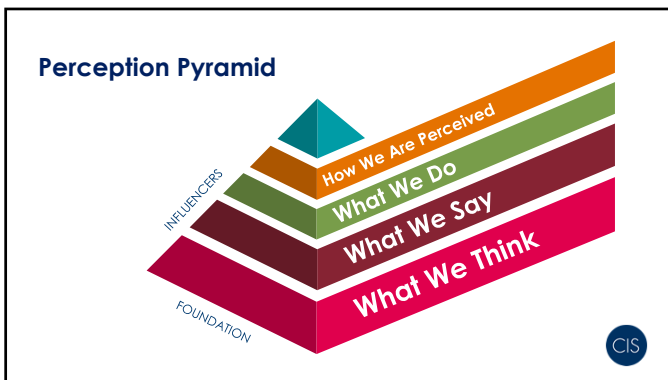
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18

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## Sexual Orientation

Who you're attracted to and who you feel drawn to romantically, emotionally, and sexually.

### Some examples of sexual orientation:

- Bisexual
- Gay
- Straight
- Lesbian
- Pansexual



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## Assigned Sex vs. Gender

- **Assigned Sex:** The sex recorded at birth by a doctor on the basis of socially defined external genitalia and then legally assigned
- **Gender:** Collection of traits thought by a culture to be associated with maleness/masculinity or femaleness/femininity
- **Binary Gender System** assumes men and women who are masculine and feminine and there is nothing outside this system

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## Assigned Sex and Gender

- Cisgender: A person whose gender identity is same as their assigned sex at birth.
- Transgender: A person whose gender identity is different than their assigned sex at birth. Need not necessarily change their bodies:
  - Female-to-Male (FTM / F2M) - "transgender man".
  - Male-to-Female (MTF / M2F) - "transgender woman"



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## Gender Identity

- This is how one feels about their gender on the INSIDE
- Some examples: Male, female, transgender, non-binary
- Can be influenced by one's experiences and culture, but is also how one conceptualizes the concept of gender



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22

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## Preferred Gender Pronoun ( PGP)

- **Gendered pronouns** are those that indicate gender: "he," "she," "him", "her", "hers", "his", "himself" and "herself"
- **Gender-neutral pronouns** are those that do not indicate gender: "they", "theirs", "them", "ze", "Xu", "Sie" and "hir"

**Suggestion:** Include pronouns for staff on email signature line

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23

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## Gender Expression

The way that a person manipulates their appearance and or mannerisms to express their gender, whether it's feminine, androgynous or masculine.

**Examples:** appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine



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## Things are Always Changing!

Some people have hesitation in discussing issues surrounding sexual orientation, gender identity, and gender expression because they are unfamiliar with the terminology. That's ok!

Some examples:



Outdated, inaccurate, and considered derogatory.



Historically derogatory but has been re-appropriated by members of that group and considered appropriate in certain contexts.



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## Transition

- The process of changing genders from one's birth-assigned gender to one's identity
- May be a complex process, taking place over a long period of time
- May be a one or two-step process that happens quickly
- No two transitions are the same



26

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## Transition



27

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28

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## Reacting Responsibly

### Tip 1

Center the needs and feelings of the person who has been misgendered, not your own



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## Reacting Responsibly

### Tip 2

Don't make excuses for yourself, get defensive, or ask to be cut some slack



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## Reacting Responsibly

### Tip 3

Acknowledge the mistake and move on quickly



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31

## Comments to Avoid

- "What's your real name?"
- "Aren't you afraid of getting beaten up?"
- "Meet my friend Tony; he's a transgender!"
- "When did you realize you were gay?"
- "When did you have surgery?"
- "You look so real I never would've known!"

T. Cooper "What not to say to a Transgender Person"



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32

## Diversity – Inclusion – Respect

### Diversity (two types – what we see and don't see)

Characteristics and traits that make each individual unique

### Inclusion

Actions to ensure people feel welcomed, supported, valued, meaningfully engaged, and equitable recognized and rewarded

### Respect

Expressing deep regard for people



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33

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34

Why does all this matter?

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35

Buzz On This Topic

PORTLAND

**Oregon becomes first state to allow nonbinary on drivers license**

Updated Jan 05, 2019 Posted Jan 15, 2017

Comment 3 shares

By Casey Parks | The Oregonian/OregonLive

Oregon became the first U.S. state to allow residents to identify as "nonbinary," neither male nor female, on their driver licenses and identification cards Thursday in a decision by The Oregon Transportation Commission.

Beginning July 1, Oregonians will be able to choose "X" for sex instead of "F" or "M" on their licenses and identification cards. Applicants will have to pay replacement or renewal fees.



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## Governor Brown's Executive Order

Executive order bars state agencies from discriminating against LGBTQ employees and ensures anti-discrimination in any provision of public services, grant awards or other state services.

Executive Order 19-08, October 25, 2019

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## Discrimination Under Title VII

In October 2019, the United States Supreme Court considered whether Civil Rights act protects L.G.B.T. workers.

- Title VII prohibits discrimination based on "sex." But does sex include "sexual orientation" and "gender identity?"
- Decision expected in 2020.

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## Oregon Equality Act of 2007

- Added sexual orientation to the classes protected against discrimination in employment (ORS 659A)
- It is prohibited discrimination based on sexual orientation, gender identity, and gender expression in employment, housing, public accommodations, and other categories

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### But wait...

"Katie, I've read the statute is ORS 659A.030. It only prohibits discrimination based on sexual orientation."

- Look at the corresponding regulations!

"Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality, or **gender identity**, regardless of whether the individual's gender identity, appearance, **expression** or behavior differs from that traditionally associated with the individual's assigned sex at birth.  
(OAR 839-005-0003(16))



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### Prohibited Harassment

- Comments about their clothes being "too feminine" or that they are "for guys only"
- Homophobic jokes or slurs, comments about mannerisms or sexual activity
- Creating hostile environment concerning employee's transition
- Intentionally not using the pronoun preferred by an individual ( "she" versus "they")
- Asking invasive questions about transition process (e.g. anatomy, medical treatments, surgeries)



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### Prohibited Discrimination

- Gender identity or expression
  - Refusing to hire or promote an employee because of their gender identity or expression
  - Failing to give work assignments
  - Enforcing gender-specific dress codes
  - Neglecting to update records
  - Restricting employee's use of certain bathrooms or gender-specific facilities



42

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43

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44

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