



## What Obligations Are Owed To Transgender Employees?

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Janet Hendrick's article "What Obligations Are Owed To Transgender Employees?" was featured in *Law 360* on August 3, 2015.

Caitlyn Jenner made her very public debut in June, bringing transgender issues into the limelight and sparking a national conversation, including in the workplace. Though Caitlyn's coming out may have triggered the conversation for many, she was by no means the first person to transition. As of 2011, there were an estimated 700,000 transgender Americans, according to a University of California, Los Angeles study published that year — and the current number is likely much higher.

In light of recent media attention and an increasing acceptance of the transgender community, we will no doubt see more and more individuals communicate an intention to openly identify as transgender. This, coupled with the increasing number of discrimination charges filed with the U.S. Equal Employment Opportunity Commission based on gender identity and transgender status, is a compelling reason for employers of all sizes to be prepared to face issues associated with transitioning employees. Proactive employment attorneys and in-house counsel must stay apprised of legal guidance in this area and work with their clients to create a plan that addresses and educates the workforce on policies concerning transitioning employees, including bathroom use, dress and grooming requirements and the use of names and pronouns.

In the article, Janet examines the legal protections of Transgender and transitioning employees and provides steps on how to prepare a transition plan.

Janet advises employment attorneys and in-house counsel to begin working with employers to develop an appropriate response to transitioning employees now, before landing in court left to battle the EEOC or another government agency. These situations require transitioning on all fronts of the workplace — not only by the individual going through the process — including among co-workers and those in management positions. Employers should always emphasize open communication, tolerance and mutual respect in their response to employees who announce their intent to transition.

To read the full article, please visit [\*Law 360\*](#).