

# TRANS PEOPLE IN THE WORK ENVIRONMENT



TRANSGENDER  
NETWORK  
SWITZERLAND

**TGNS**



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# WHAT IS TRANS?

Trans means that a person's gender identity does not match the gender they were assigned at birth. The person may identify completely with the opposite gender or they may feel neither completely male nor completely female (this is called non-binary gender). Another term for trans is trans identity. An asterisk \* is sometimes used after trans to show that various forms and self-designations of gender identity are included.

The list below shows the definitions of commonly used terms. This is intended to help you use the right language when talking to trans people as a sign of respect.

## TERMINOLOGY

### **Assigned sex (or legal sex)**

When a child is born, they are assigned the sex of male or female (usually by the medical staff) and this is officially registered on their birth certificate. Trans people can officially change this sex.

### **Cis person**

A person whose gender identity matches the gender they were assigned at birth. This term is used to differentiate between trans people and non-trans people.

### **Coming out**

This is the term for the process in which a person communicates their gender identity to others. This is a great emotional challenge for the person who is coming out because it is often difficult to predict how the people around them will react. It is therefore important to support a person who is coming out as much as possible.

### **Cross-dresser**

A person who sometimes dresses in the manner of a different gender because they only partially identify with the gender assigned to them at birth based on their physical characteristics. This temporary behaviour is not sexually motivated. The outdated term for this is transvestite.

### **Gender expression**

Gender expression is the external gender-related appearance of a person (e. g. clothing, haircut, voice, walk). Our society splits gender expression into male and female, but gender expression can change over time and from culture to culture.

### **Gender identity**

The way a person feels very strongly about what their gender is. In the case of trans people, their gender identity does not match the sex they were assigned at birth. A non-binary person does not identify as (fully) female or (fully) male.

### **Sexual characteristics**

All biological and physiological characteristics that, from a medical point of view, make a person male, female or intersex.

### **Sexual orientation**

The ability of a person to feel emotionally and physically attracted to a person of the same gender, another gender or more than one gender. Sexual orientation should not be confused with gender identity.

### **Trans woman**

A person who was assigned male gender at birth due to their physical characteristics, but who has a female gender identity.

### **Transgender**

The umbrella term for people whose gender identity does not match the gender they were assigned at birth based on their physical characteristics, either as a whole or in part. Therefore, it includes trans women, trans men, cross-dressers and people who do not fit within the binary gender model of male and female.

### **Transition**

This term refers to the process of adjusting to the gender identity that one identifies with in terms of social aspects, physical aspects and/or legal aspects.

### **Trans man**

A person who was assigned female gender at birth due to their physical characteristics, but who has a male gender identity.

### **Transphobia**

Rejection and/or aversion to trans people. Transphobia may manifest as verbal or physical violence.

### **Transsexual/transsexuality**

These are misleading and outdated terms that suggest a sexual orientation rather than a gender identity. These terms are increasingly being replaced by terms such as “trans person”, “trans woman” and “trans man”, and in the medical context by terms such as “gender incongruence” or “gender dysphoria”.

<b>APPROPRIATE TERMS</b>	<b>TERMS TO AVOID</b>
Trans person, transgender person, trans man, trans woman, trans, or the terms that the person in question identifies with	Tranny, he-she, man-woman, former man/former woman, she-male, ladyboy
Cis woman/cis man	Normal woman/normal man, real woman/real man, biological woman/biological man
Sex reassignment, gender reassignment, gender affirming surgery	Sex change, transformation, mutation, sex change operation
Gender assigned at birth	Original gender, biological gender
Gender identity	Desired gender, opposite gender, new gender
Was assigned female at birth, was assigned male at birth	Was a girl/boy, was a woman/man, born a woman/born a man, biologically female/biologically male, ex-woman/ex-man

# BEING TRANS AT WORK: SUPPORTING AN EMPLOYEE IN COMING OUT



This checklist gives you some pointers and tips for how you as an HR manager or member of the management team can integrate trans employees into the workplace.

## **TRANS**

Trans means that a person's gender identity does not match the gender they were assigned at birth. The person may identify completely with the opposite gender or they may feel neither completely male nor completely female (this is called non-binary gender).

## **HOW DOES THIS BENEFIT MY ORGANISATION?**

- For a trans person, coming out frees up energy! A person who can go to work motivated and without unnecessary burdens is more effective and efficient.
- A well-organised coming out helps prevent loss of efficiency and promotes teamwork.
- If a coming out is planned and executed well, this helps avoid severance and recruitment costs.

## THE COMING OUT

Coming out is one of the most delicate phases in a trans person's transition into their gender identity. A coming out in the workplace can often be unexpected. It can cause feelings of uncertainty and may trigger bullying.

In terms of your function, what needs to be done to ensure that the coming out is a success for everyone in your organisation? The list of tips below might help you.

**Please view them as recommendations rather than universally applicable solutions. You will need to adapt your approach to the specific situation in question – i. e. you will need to adapt it to the position of the affected person and the organisation.**

### The face-to-face discussion:

- Trans identity is a very sensitive issue. Show the trans person that you are someone they can trust and that you value them.
- Ask the trans person how they would like to be addressed during these discussions.
- How would the trans person like to express their gender identity?
- Does anyone at work already know?
- Think about your responsibility as a superior to be a role model for others!

### Analyse the coming out together ...

- Plan the coming out with the trans person. Let them shape the process as much as possible.
- When will direct superiors and other superiors be informed and who will inform them?
- What information do the employees need about trans identity? Does the trans person feel able to take part in an information session? This is recommended. Would it be helpful to bring in an external specialist?
- Are other forms of communication required in addition to an information session?
- When will the trans person's transition be complete?
- How will the use of toilets and changing rooms be handled? A rule of thumb: the trans person should use the facilities that they feel are appropriate for them and where they feel most comfortable. If other staff members feel uncomfortable with this, they will need a designated

person who they can approach with their concerns.

- When will nameplates, contact details, employment references and the employment contract be updated? It is possible to do this without the person's civil status being changed first.
- Are names and civil status to be changed on payroll accounts and social insurance schemes?

### ... then carry out your plan

- Organise an information session within the usual working environment.
- Explain what trans means. If you don't feel confident doing this, invite an external specialist to do so or use the documents provided by organisations such as Transgender Network Switzerland.
- Communicate what name the trans person is to be called and what pronouns are to be used and when this should start.
- Give employees the opportunity to ask questions and express things they are unsure of.
- In particular, during the first four to six weeks, offer designated times when employees can chat to you about any concerns they may have and assure them that their concerns will be taken seriously.
- Let employees know that your organisation is obligated by law to provide support. Discrimination must not be tolerated.

### Follow-up

For a period of at least three months after the coming out, ask the trans person and any employees who are involved how they are getting on. What went well? What didn't go so well? Is there a need for clarification?

## LEGAL FRAMEWORK

Employers have a duty of care towards their employees. These obligations are established in Article 328 et seq. of the Swiss Code of Obligations (*Obligationenrecht – OR*) and are further clarified in the Swiss Gender Equality Act (*Gleichstellungsgesetz – GIG*). The protection of the employees' personality rights is at the centre of this legislation. What does that mean for you?

### Modes of communication

All modes of communication must be changed to show the desired name and the appropriate gender. An official change of name and gender is not required in order to do this. As an employer, you are obligated to keep the trans identity of any trans employee confidential. The only exception to this is unavoidable internal operational needs or unavoidable external requirements.

### Gender-specific infrastructure in the workplace

With regard to the use of showers, toilets and changing rooms, the personality rights of both the trans person and the other employees must be observed. Find a solution that works in the context of your organisation and its spaces. The trans person must also be free to wear work clothes that match their gender identity.

### Protection against bullying

In accordance with Article 3 of the Swiss Gender Equality Act and Article 328 of the Swiss Code of Obligations, employers are required to protect their employees from harassment that infringes upon their personality rights. It is your legal obligation to take the necessary steps to protect the trans person in this regard.

### Employment references

As an employer, you are required to change employment references to show the trans person's chosen name and the appropriate gender. Gender identity is an aspect of private life with special protection under the law (Articles 10 and 13 of the Swiss Federal Constitution [*Bundesverfassung – BV*], Article 8 ECHR). Documents must therefore be issued in such a way that they do not forcibly out a trans person to third parties.

The employer reference must provide truthful information about the employee's performance. Issuing the references using a non-official first name and the corresponding gender of a trans person does not violate this duty of truthfulness. Interim references that have been issued must be reissued with the desired personal data of your employee, without making reference to this being a new version. This does not constitute committing falsification of documents in the criminal sense (Article 251 of the Swiss Penal Code [*Strafgesetzbuch – StGB*]).

### Employment contract

At your employee's request, you should change the employment contract to show the desired first name and the corresponding gender, even if the official change of name and civil status has not (yet) been carried out.

# BEING TRANS AND PART OF THE TEAM

One of your colleagues has come out as trans and would now like to be addressed using a different name and pronoun. They may also be changing their external appearance. This may be challenging for you. However, it is important to remember that taking this step also requires immense courage from the trans person. Also remember: we all make mistakes. Apologies can always be made and accepted. This situation is new for you too and the trans person knows that.

Transitioning will not change a trans person completely. The core of their personality will remain the same. Their skills, capabilities and strengths will remain the same.

**Treating a trans person with respect even if you feel uncertain or disapproving towards them is simply the decent thing to do.**

Here are some ways you can support your colleague and show you value them:

## **Ask!**

Have the courage to ask questions. Think about who you should approach with your questions. Should you go to the trans person themselves? That's usually best. To someone in HR? To your organisation's management team? Answered questions promote mutual understanding, which in turn encourages a positive working atmosphere.

## **Use the correct form of address!**

Trans people should be addressed with the gender they identify with. If you are unsure about anything, ask. This applies irrespective of legal or medical changes.

## **Show solidarity!**

Express your discomfort when you hear jokes and derogatory remarks about trans people or about your colleague.

## **Don't out anyone!**

Your colleague's transition is being treated with discretion. Not everyone needs to know about it.

## **Be tactful!**

Trans people have the right to privacy, just like anyone. Steer clear of topics such as their genitals and surgeries they may have had or their sex life.

## **A trans person is more than just trans!**

Don't reduce your colleague to simply a trans person. Like anyone else, they have hobbies, various interests and opinions on a wide range of topics.

## **Get back to normality!**

A colleague being trans will soon be old news. Work routines should continue as normal and working relationships should stay the same.

# HOW SHOULD I PLAN MY COMING OUT?

A successful coming out at work greatly benefits everyone involved. You will be able to live out your gender identity unhindered and perform your work efficiently thanks to feeling increasingly content. The atmosphere at work will remain the same and above all, you won't have to look for a new job or go through a period of unemployment. Today, three-quarters of all coming outs yield a positive result.

As a way of supporting you, this brochure lists some aspects that you can consider as a starting point for planning your coming out. But remember: every coming out is different!

You determine the course you want to take and you set the pace.

## THE BASICS

- It's usually easier to come out in your existing job rather than find a new job during transition.
- Your employer is legally required to support you in this (Article 328 et seq. of the Swiss Code of Obligations [*Obligationenrecht - OR*]).
- You have the right to be treated in accordance with your gender identity (e.g. regarding the way you are addressed or the use of toilet facilities).
- Non-official documents can be changed to show the new name before the official name change takes place. This includes the employment contract and employment references.
- People within your working environment will often have no idea that you are trans. However, it is common for many to be very open to trans people.
- Don't feel the need to justify yourself. **Get the people around you involved rather than just informing them!**

## CHOOSING THE RIGHT PERSON TO TALK TO

If your workplace has someone responsible for diversity, try to go to them first, or someone responsible for HR. In the case of smaller organisations, this may be an HR manager, a branch manager, or someone on the management team. Arrange a meeting with the appropriate person by e-mail, using "Personal matter" as the subject line. Don't mention the topic of "transition" at this point.

### Before the meeting, think about the following:

- What do you want to tell the person you are meeting during this first discussion?
- What might they ask you? Prepare yourself accordingly.
- Think about some possible solutions to any concerns that they might bring up.

It may be helpful to discuss your preparatory considerations with **someone who is specialised in handling trans issues.**

## THE FIRST DISCUSSION

- Go to the meeting in the clothing you usually wear to work.
- Tell the person you are meeting about your trans identity and any concerns you have.
- Talk about the current situation: Does anyone already know? Are there any rumours?
- Give the other person time to take everything in regarding your coming out. Wait for reactions. If the other person is uncertain about anything, respond with openness and highlight possible solutions. Becoming prematurely defensive is usually counterproductive.
- Bear in mind that the person you are talking to may not have given the topic of trans issues much thought. You could also bring an information pamphlet with you.
- Talk about the next steps together.

## GET YOUR BOSS INVOLVED!

Get your superiors involved:

- Your superiors are there to advocate for you.
- Superiors are responsible for setting an example for others. If they address you using the correct name and pronouns, then the other employees will do the same.
- Bullying is less likely to happen if misinformation and lack of knowledge among employees are avoided. If possible, come out to your superiors before coming out to other colleagues.

## CREATE A COMING OUT ROAD MAP

Plan your coming out in the workplace and outside it by discussing it with the person who is supporting you through this process. An **external trans issues specialist** can help support everyone throughout this process. It is advisable to clarify the following:

- How do you imagine your coming out?
- Is there anything you are worried about? How could these worries be tackled constructively?
- Will you be able to carry out your usual work tasks during and after your transition? If not, what would be some realistic, equivalent alternatives?
- Which steps in the coming-out process should be taken at which time? Together, create a timetable for the coming-out process that shows where difficulties may occur.
- Who will be informed internally and externally? Who will inform them and how?
- Who will inform people about your trans identity? Will you take an active role in this?
- Who will answer staff members' questions during and after your coming out?
- How will the use of toilets and changing rooms be handled?
- When will name changes (e.g. for contact details or your employment contract) take effect?

## **COMING OUT AT WORK**

Coming out to colleagues can take place in the form of a meeting. It is important that your superiors are present (see "Get your boss involved!"). Ideally, you should be present, but you can decide for yourself whether you want to be there and how you want to present yourself. Our recommendation is to present yourself with your "usual" appearance.

### **The coming-out meeting should cover the following:**

- What is trans?
- Comments and questions from those present.
- Notification that there will be time to chat after the meeting to clarify anything that is still unclear, but that negative comments will not be tolerated.
- By what name and pronouns you want people to address you and when you want them to start using those in speaking and writing.
- Other internal/external steps in the coming-out process.

## **DON'T FORGET: CONCLUDING THE COMING-OUT PROCESS**

Get together with the person who is supporting you on a regular basis, at least once a month, for a suitable period of time. Discuss with them how you are getting on and what the atmosphere in the team is like.

- Did any unexpected problems occur?
- Is there a need for action or clarification, whether internal or external?
- Should an external trans issues specialist be brought in?



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