

Supporting Transgender Individuals in the Workplace Guidance for Transgender Employees

Introduction

The State of Delaware is dedicated to maintaining an inclusive, respectful, safe and productive workplace for all transgender, gender-nonconforming, gender nonbinary, and gender-transitioning employees, applicants, and contractors. Discrimination, harassment, and retaliation based on gender, gender identity, and gender expression are unacceptable. This guidance will help provide transgender individuals with the tools they need to safeguard against negative and discriminatory behavior.

Your Rights

You have the right to be who you are. This means you may express your gender identity at work through your appearance and by using the name and gender pronoun you choose. Harassment or exclusion from regular work activities is unacceptable. Of course, you still need to follow State policies and departmental dress codes.

Your transition is confidential, and you can say as much or as little about it as you like. You do not have to disclose private information. This includes medical information, medical history, or other medical records.

You are not expected to teach others about transitioning, but you can help educate your co-workers if you like. If you decide to answer questions or have discussions, they must be respectful and appropriate. You are the one who decides what to say and when to say it.

Notification of Transition

If you plan to transition while you continue working for the State, you will need to inform your department's human resources (HR) representative about your transition when you are ready. Your immediate supervisor or another supervisor in your department will also be told. These key personnel will work together with you to create and carry out a workplace transition plan.

Considerations for a Workplace Transition Plan

A workplace transition plan can help you create stability during what may be a time of major change. Creating the plan gives you a chance to think about how you want to handle aspects of your transition that may come up at work. Reviewing your plan will help you gauge where you are in the workplace transition process, what is going well, and what needs more attention.

Your supervisor and HR representative will collaborate with you to create a workplace transition plan.

Consider the following when creating your plan:

- Your current work environment, including awareness and reactions from co-workers.
- When you want things to happen, such as dates for:
 - beginning your work transition
 - using your preferred name and gender pronouns
 - changes in attire and appearance, as applicable
 - changing access to locker rooms
 - changing State materials to reflect your transition. This can include, but is not limited to:
 - email address
 - website and directory listings
 - emergency contact list, etc.

The dates you put into your timeline can be flexible, based on your expectations and comfort level.

Other Considerations

You decide when and how to tell your coworkers about your transition: You could send them an email; have a face-to-face meeting; or one-on-one discussions. You could also ask your supervisor or HR representative to tell your colleagues.

You may need to talk with your HR representative about leave benefits. Leave benefits could include use of sick leave and/or leave under the Family and Medical Leave Act (FMLA), and the Americans with Disabilities Act (ADA), if applicable.

[Statewide Benefits](#) manages health plans and the health benefits available to employees.

You may want to arrange for support during your transition. The State of Delaware is committed to placing the highest priority on the health, safety and wellbeing of employees. Employee Assistance Program (EAP) resources are available through [ComPsych® GuidanceResources®](#) to State employees.

The Delaware Court of Common Pleas can give you information about changing your name and gender marker legally if you want to do that. You will need to update the retirement system if you change your legal name and gender marker as part of your transition. Personnel at the [State of Delaware Office of Pensions](#) can walk you through that process. Also, be sure to provide HR with your new legal documents, such as a court order or new driver license, needed for your legal name change at work. [Statewide Benefits](#) should also be notified of a legal name change.

You can use your preferred name and gender pronouns at work, even if you have not legally changed your name. For example, you can use your preferred name on your office name plate, security badge, and email address.

You may need to speak with your manager about providing reasonable accommodations for gendered locker rooms if you identify as nonbinary.

Protection from Discrimination & Reporting Violations

Co-workers must be respectful and may not treat you differently because of your gender identity and/or gender transition. If your co-workers are not sure about which pronoun to use, it is OK for them to ask. It is a violation of the Gender Identity Policy and Procedure to intentionally call you the wrong name or pronoun. Intentional or repeated misgendering or misnaming can lead to discipline, up to and including termination.

Your HR representative should talk with you about your rights and protections under State policies, including [the EEO Policy](#) and the [Gender Identity Policy and Procedure](#). Your HR representative should also advise you about EEO complaint procedures. All employees are encouraged to report harassing, retaliatory, or discriminatory behavior, whether directed at themselves or co-workers. Retaliation against any individual who reports or files a complaint, or helps in the investigation of a complaint, is prohibited.