

DISCRIMINATION BASED ON GENDER EXPRESSION:



Why It's Important to Protect Employees Who Don't Conform to Gender Stereotypes in the Workplace

What Is Gender Expression?

"Gender expression" refers to the ways in which we each manifest masculinity or femininity. It is usually an extension of our "gender identity," our innate sense of being male or female. Each of us expresses a particular gender every day – by the way we style our hair, select our clothing, or even the way we stand. Our appearance, speech, behavior, movement, and other factors all signal others that we are feeling – and wish to be understood – as masculine or feminine, or as a man or a woman.

For some of us, our gender expression may not match our biological sex. That is, while other people see us as being male or female, we may or may not fit their expectations of masculinity or femininity because of the way we look, act, or dress.

People whose gender expression is not what we might expect represent many different backgrounds – their age, sex, racial or ethnic group, or sexual orientation has no bearing on their gender expression.

Valuing Differences to Support Growth

Diversity leaders – ranging from the likes of CitiGroup, IBM, and JP Morgan Chase to Chevron, Microsoft, and Raytheon – have at least one thing in common: they have all found that diversity pays!

In today's economy, the most strategic, conscious, goal-driven organizations will enjoy the most success. And to maintain their success, organizations must be able to constantly compete for the best talent. This means attracting the most diverse workforce offering the broadest range of expertise and backgrounds – and then protecting those talents in order to retain that workforce.

There is an increasing body of research that shows that in today's "knowledge economy," the best and brightest workers are attracted to workplaces that are rich in difference, diversity, and respect for personal expression.

Employees who are free to be honest and open about who they are can put their full energy into their jobs. And when harassment and discrimination are absent from the workplace, employees are less likely to expend valuable company resources by taking sick days, engaging in internal disagreements, requesting transfers, or in the most severe circumstances, filing discrimination suits.

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Valuing Differences to Support Growth continued

Organizations that value human differences will go beyond complying with Colorado state law when it comes to including sexual orientation in their employment discrimination policies. They will extend the same courtesy and respect to vendors, customers, volunteers, and contractors, guaranteeing that everyone who has dealings with the organization has fair and equal treatment.

Trading Exclusion for Nondiscrimination

Many organizations recognize that exclusion of people based on their differences creates division among employees and thereby diminishes productivity and work satisfaction. For these reasons, and perhaps because they feel a natural obligation to treat all employees equally, many organizations include nondiscrimination language in their organizational policies and practices. Such organizational policies include language prohibiting discrimination based on race, religion, gender, age, or sexual orientation.

Unfortunately, these policies are inadequate for employees who are not covered by those categories. In particular, individuals who do not conform to gender stereotypes are not protected or recognized by many organizations and, as a result, become marginalized employees.

Why Do Employees Need Our Help?

Employees who express gender outside of societal stereotypes struggle with a number of conflicting decisions at work on a daily basis: which restroom to use, which uniform to wear, when, how, or even whether to inform employers that they are transgender. Additionally, they face verbal abuse, such as name-calling and taunting; denials of promotions; punishment for expressing a gender identity outside an employer's expectation; requirements to wear the uniform of their non-preferred gender; and in rare cases, physical abuse by co-workers. Also, despite legislation in many states designed to protect employees from such harassment, only six of the thirty-one Employment Nondiscrimination Acts (ENDAs) currently in place include gender expression and a few ENDAs allow certain types of employer exemptions from the law.

Discrimination Is a Real Problem

The relevance of these issues is clear. As recently as February 2007, the city of Largo, Florida, dismissed its city manager after fourteen years of dedicated service when he disclosed he was planning on undergoing gender-reassignment surgery. Despite the support of Largo's citizens and a history of superior service, the city manager was let go because of his nonconforming gender identity.

The city manager was not alone. Studies have shown that employees who do not adhere to gender stereotypes frequently switch employers in order to avoid issues

