

SUBJECT: INCLUSIVE WORKPLACE – TRANSGENDER, GENDER NON-CONFORMING, AND NONBINARY EMPLOYEES

BACKGROUND:

The purpose of this policy is to address the needs of transgender, gender non-conforming, and nonbinary employees, and to protect the legal rights and safety of all employees.

National and local data demonstrates that transgender, gender non-conforming, and nonbinary employees are less comfortable expressing their identity at work and are more likely to feel the need to hide parts of their identity at work. Nationally, individuals who are transgender have a high incidence of discrimination and assault in the workplace, with the highest burden of these incidents falling on transgender people of color.

Transitioning in the workplace can be a difficult and draining process, made worse by systems that were not designed to support transgender employees. “Transitioning” is a broad term that may refer to changing a person’s name, pronouns, physical appearance, or any or none of these, and different employees have different needs. This policy works to meet the needs of all transitioning employees and remove the systemic barriers that interfere with the process of transitioning at work.

In all cases, the City’s goal is to:

- Ensure the safety and comfort of transgender, gender non-conforming, and nonbinary employees.
- Maintain a safe and affirming process for employees who want to transition in the workplace.
- Prevent the stigmatization of employees.
- Create a safe and productive work environment for all employees.

For more information, please see the City’s Resource Guide for a Gender-Inclusive Workplace; the Gender-Inclusive Language Style Guide; and APMs 2-25, 2-33, and 3-5.

POLICY:

It is the City’s policy to protect employees’ rights and provide appropriate support and resources to transgender, gender non-conforming, and nonbinary employees, including transition-related support.

The City of Madison does not tolerate discrimination based on gender identity, gender expression, transition status, or sexual orientation.

All employees have the right to:

- Be addressed by their chosen name and pronouns.
- Use the restroom and locker room of their choosing.
- Dress in a manner consistent with their gender identity and expression.
- Decide if, when, how, and with whom to share personal information regarding gender identity, gender expression, medical history, and any other confidential information.

The City will:

- Ensure access to gender confirmation health benefits. Adopt necessary programs if access to these benefits is ever rescinded through the City's Health Insurance Uniform Benefits.
- Provide gender-inclusive restrooms and locker rooms, including single-occupancy facilities, in all City buildings where possible.
 - Make modifications to existing facilities where allowed by building code.
 - Meet all gender-inclusive best practices for future City facility design and remodeling.
- Follow the Gender-Inclusive Language Style Guide on forms, policies, and any other documents, to the extent possible in accordance with State and Federal Laws.
- Be mindful that demographic data is sensitive information. Do not collect data when collecting or storing the data may cause harm to a marginalized population. See the Gender-Inclusive Language Style Guide for guidance on when and how to collect demographic data.

Employees will:

- Create a welcoming and inclusive environment for transgender, gender non-conforming, and nonbinary employees and members of the public.
- Address employees and members of the public by their chosen name and pronouns. Intentional or persistent use of incorrect names or pronouns violates the City's Harassment and Discrimination Policy (APM 3-5).
- Follow all APMs prohibiting harassment and discrimination. Harassment and discrimination based on an employee's gender identity, gender expression, transition status, sexual orientation, or any other protected class are serious misconduct.
- Maintain confidentiality about an employee's gender or transition.
- Follow guidelines within the Resource Guide for a Gender-Inclusive Workplace, and Nonbinary Employees and the Gender-Inclusive Language Style Guide.

Department and Division Heads will also:

- Maintain a workplace free of harassment and discrimination based on gender identity, gender expression, transition status, and sexual orientation, by other employees as well as community members, contractors, and vendors, in accordance with APM 3-5.
- Follow the departmental guidelines within the Resource Guide for a Gender-Inclusive Workplace.
- Ensure supervisors are trained on the rights, protections, and policies concerning transgender, gender non-conforming, and nonbinary employees, including transition policies.
- Provide support for employees who want to transition or come out in the workplace.
- Maintain a workplace free of expectations of dress based on gender.
- Eliminate formal and informal gender-segregated job assignments where possible. If gender-segregated job assignments are necessary, transgender employees will be assigned according to their gender identity, not their sex assigned at birth.

AUTHORITY:

Human Resources and Civil Rights are the lead administrative departments for promoting the protections guaranteed under this policy.

Human Resources and Civil Rights are responsible for developing and providing training and education for all employees, including specialized training for supervisors to promote this policy and its goals.

Civil Rights will investigate harassment and discrimination highlighted in this APM through APM 3-5. If Civil Rights finds that any Department or Division Head failed to meet the expectations outlined in this APM, they will report the violations to the Mayor.

The Mayor's Office will review department compliance with this APM during Department and Division Head performance reviews.

Human Resources will coordinate at least an annual review of this policy and its appendices with a diverse group of employees with lived experience and make updates as needed.



Satya Rhodes-Conway
Mayor

APM 2-52
December 21, 2023

Attachments:

Attachment 1 – Resource Guide

Attachment 2 – Language Style Guide

Original APM dated November 11, 2020
(Revised 7/28/2022)