

Partners HealthCare Gender Identity/Expression Policy



June 2017

Policy Statement

Partners HealthCare System and its Members and Affiliates (PHS) has been and continues to be an advocate for diversity and equal employment opportunities. By providing a respectful work environment, PHS gives its employees the opportunity to achieve the highest professional success.

It is the policy of PHS to prohibit discrimination and harassment on the basis of actual or perceived sexual orientation, gender identity, or gender expression. PHS includes "gender identity" in its Equal Employment Opportunity (EEO) policies to clarify that discrimination against transgender individuals is prohibited in the hiring process, the work environment, and the provision of PHS benefits.

Definitions

Gender identity: An individual's internal sense of being male, female, both, or neither. Since gender identity is internal, one's gender identity is not necessarily visible to others.

Gender expression: How a person represents or expresses one's gender identity to others, often through behavior, clothing, hairstyles, voice or body characteristics. A person's gender identity cannot be identified from their gender expression.

Gender binary: The grouping of gender identity into two distinct opposite and disconnected forms of male and female.

Transgender: An individual whose gender identity is different from the assigned gender at birth. Transgender is an adjective, not a noun.

Transgender woman: An individual who was assigned male at birth but who identifies as a woman in terms of her gender identity.

Transgender man: An individual who was assigned female at birth but who identifies as a man in terms of his gender identity.

Genderqueer, gender non-conforming, non-binary: An individual who identifies as neither male nor female, or identifies as both male and female.

Gender transition: The process by which an individual strives to more closely align their gender identity with their gender expression.

Transphobia: A range of antagonistic attitudes and feelings against transgender people. Transphobia can be emotional disgust, fear, anger, or discomfort felt or expressed either covertly or overtly towards people who do not conform to society's gender expectation.

Confidentiality and Privacy

The transgender, genderqueer, gender non-conforming, or non-binary identity of a member of the PHS workforce (a "Colleague") must be treated with sensitivity and confidentiality. A Colleague's status as a transgender person should not be shared with anyone unless permission is explicitly given directly by the Colleague. These Colleagues may be concerned about safety and employment issues if co-workers, patients, visitors, supervisors, or other members of the workforce become aware that they are transgender.

Employing departments, managers, and supervisors must be sensitive to the special concerns of the Colleague. The level of information other members of the workforce may be given regarding the Colleague's status as transgender or transitioning should be pre-approved by the Colleague. Any personal information about the Colleague's gender identity or transition should be treated as confidential and should not be released without the Colleague's prior agreement.

The Colleague should not be expected to educate others in transgender competence or awareness. Depending on the Colleague's preference, appropriate and relevant questions regarding the Colleague's status as transgender should be referred to the Colleague themselves or to Human Resources (HR). If the Colleague deems it appropriate and/or necessary, departments or units may hold an education session to address questions regarding transgender issues. Educational resources may be coordinated by Human Resources with support from the Diversity and Inclusion Office.

Restroom and Locker Room Use

Transgender people often face the burden of being confronted or questioned about which gender's restroom they should use. The City of Boston has an ordinance prohibiting discrimination based on gender identity or expression.

It is the policy of all PHS workplaces to allow transgender Colleagues access to restrooms and (if provided to other similarly situated workforce members) locker room facilities consistent with their gender identity. Transgender Colleagues are not required to have undergone any particular medical procedure (including gender affirming surgeries) in order to have access to facilities designated for use by a particular gender.

Procedure:

- All PHS facilities must grant unrestricted restroom access according to a Colleague's gender identity. If an all-gender bathroom does not exist, the transitioning Colleague may decide which bathroom to use.
- A Colleague should never be required to use the restroom of their gender assigned at birth.
- A transgender Colleague may opt to use single-occupancy or all-gender facilities. Under no condition should a Colleague be obligated to use a single-occupancy or all-gender bathroom if they are more comfortable in a multi-use bathroom.
- Co-workers uncomfortable with a transgender Colleague's use of the same restroom or locker room may use separate restroom or locker room facilities. The uncomfortable co-worker can work with their manager to make alternate arrangements, and can also use the EAP which provides problem-solving counseling, support and resources. In no case should the transgender Colleague be burdened with managing the discomfort of others regarding bathroom usage.

Insurance and Gender Transition

Transitioning Colleagues, as well as new transgender Colleagues, are entitled to all insurance benefits reflecting their gender identity. Due to the gender-specific nature of medical care administration, PHS will defer to the gender marker that the transgender Colleague, in consultation with their medical provider, uses for insurance purposes. For example, a transgender male Colleague listed as male might be denied coverage for ovarian cancer so he may choose to have his insurance list him as female.

If the Colleague is married at the time of transition, the transition does not affect the validity of the marriage, and spousal benefits coverage, if any, should be extended or continued even though the Colleague may have a different name and gender. Further information about insurance coverage issues can be found by contacting the Benefits office or the insurance company directly.

Approved:

Date: