



A gender expert describes how to address sex-identity discrimination at work

Interview by Bretton Fosbrook

**What are the most common misunderstandings you see in how organizations approach gender inclusion?**

The thing that comes to mind is the idea that you can accomplish transgender inclusion as a one-time deal. It has to be an ongoing process of introspection, and the organization has to be committed to evolving and changing over time. The other thing is that many people think it's about assimilating into what they already have in place, in terms of structure. Though some trans people will be able to — and want to — assimilate into that structure, there are a lots who won't want to or can't, for a variety of reasons. That's why the assimilation and accommodation strategy is a very limited one.

**One of your popular workshops — The Gender Audit — has helped organizations, evaluate when, why, and how sex classifications are invoked in their administrative policies. Why is this so important?**

It's about self-awareness and taking stock of when and where the terms *gender* and *sex* pop up in administrative policies. When I've worked with companies doing this, people are surprised to discover where these terms come up. For example, in a dress code policy where the legitimate business goal is to have a 'professional appearance', do you need to invoke gender when you're talking about specific articles of clothing that fit that standard? Most dress codes have different policies for men and women, which is not necessary. They could just offer articles of clothing that fit their professional standard.

**You have argued that we should use 'sex identity discrimination' instead of the more common term, 'transgender discrimination', to describe the kinds of sex-based exclusions that certain individuals face. Can you explain?**

There are two things I want to point out. One is that what we think of as 'transgender discrimination' is actually something that is more generalizable. Certain trans people

experience trans discrimination, and certain trans people don't, based on their appearance and how they sound when they speak. There are also a lot of people who are *not* transgender who encounter transgender discrimination, like masculine-appearing women or feminine-appearing men. The term 'sex identity' is more accurate, because what we're really talking about is whether or not an individual belongs within the existing sex binary, and if they are believed when they state where they belong. Sex-identity discrimination happens when somebody challenges that statement.

**In your book [*Beyond Trans: Does Gender Matter?*] you discuss four cases of sex-classification policies: identity documents, bathrooms, educational institutions and sports. What are some other cases?**

I've been working with a student group at Yale University called Engender, which is tackling the issue of fraternities and other sex-segregated organizations on campus. This gets to the issue of the power imbalances between fraternities and sororities. There is a big question about the sex segregation between fraternities and sororities: Is it related to a legitimate organizational goal, especially when it's connected to a university or college? Engender's answer is No. They've been pushing for a rush process that is open to everybody, and they've been successful in getting at least one fraternity chapter to embrace this.

I think we should question any aspect of our society that is sex segregated or invokes gender, because the segregation may or may not be warranted. Does it make sense to have women's affinity groups, for example, within a company? If so, how do you define the category of 'woman'? One of the more difficult cases would be certain kinds of support groups around survivors of sexual abuse. We have to ask some really tough questions about what we want to say about boys and men who have experienced sexual abuse and assault.

**Many organizations have worked tirelessly to change their administrative policies to make it easier for transgender people to change their names and gender and/or sex classifications. Why do you caution against this as a primary strategy?**

You could interpret the title of my book as saying that we should move beyond gender altogether, but that's not actually true. My position is the opposite: Because gender is so important to a lot of us personally, I believe we should be very careful about the instances in which we cede authority over our gender identities to somebody else (like government administrators, etc.) We're better off having the default be not to invoke gender, because then we force ourselves to make the case for when gender matters, and how.

Gender policing in our society is a problem. When you give that kind of power to an administrative agent, there can be serious repercussions. In my book, I discuss the case in Philadelphia, where we used to have sex classification stickers on our monthly transit passes. This prohibited certain people from being able to board the bus or use a bus pass, because some bus drivers looked at their pass, and said, 'You don't look like a woman, so I'm going to use my power to kick you off the bus'. It was actually in the employee handbook that each bus driver had to examine each pass and confirm the commuter's sex, as a fraud prevention measure. Obviously not every administrative agent is going to wield their power in a transphobic way, but some will, and that discretionary leeway can put trans people in a precarious position.

**What's your take on why organizations drag their feet on addressing their administration of sex classifications?**

I think it's because of fear. When I transitioned, one of my mentors — an older trans man — gave me some advice. He said my biggest obstacle was going to be that people don't want to be wrong. Transgender inclusion is a new concept for many people. They hear the terminology, but they don't

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know what it means for them and their behaviour. They don't know what they're being asked to do differently. Fear, not wanting to be wrong, and not wanting to offend people means that many organizations drag their feet and wait for best practices to come out, or for peer institutions to make a move before they do.

### What's your greatest hope for what gender-inclusive organizations might look like in the future?

There are some organizations that are really doing the right things. **The Leeway Foundation** in Philadelphia is one of those places that is really walking the talk about this, and they just came out with a trans inclusion organizational guide. They're a foundation that funds artists, women, and trans artists, and what they're doing right, I think, is they don't assume that they've ever reached the end-point with trans inclusion. They know it's an ongoing process. Also, they recognize that gender inclusion means that everybody in the organization has to do things differently. So, they're not just asking, 'How do we fit this trans person into the existing structure?' (accommodation strategy) but, they're asking, 'How do we change our structure in order to think about these things differently?'

### What would you say to an organization that is beginning the process of thinking about gender inclusion?

I wrote a workbook that is intended for this very purpose. First, either as individuals or as a group, conduct a gender audit. Begin by identifying where gender pops up, and then ask the question: 'Does it matter here? Can we get to this goal by some alternative means that doesn't invoke gender, knowing that every time that gender gets invoked administratively it's going to trigger sex identity discrimination?'

In a lot of cases, it's more efficient to use other means. Think about physicians for example. Using sex markers as a proxy for body parts will work with most people, statistically,

but it won't work for everybody. So, if the goal is to provide good individual healthcare, why not ask about specific body parts? If you want to evaluate the risk of prostate cancer, why not ask if the patient has a prostate? That's where I'd like to see the healthcare industry move, because it's in their best interest, and it's often in a business's best interest as well to use alternative means to get to the information that they actually want. **RM**

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