Let's Talk About Bathrooms
By: Jennifer London, Content Director, Diversity Best Practices

Anyone reading this article is likely well aware of the current discourse regarding bathrooms for transgender and gender nonconforming people, the anti-trans bills being passed in some states and some companies' actions in response to them. Diversity Best Practices has written about transgender workplace inclusion in the past, but we felt it was important to provide some insight and resources to the current conversation.

With the recent bills restricting bathrooms for transgender people passed in Tennessee and North Carolina (and South Dakota barely dodging the same) and seven other states -- Illinois, Kansas, Massachusetts, Missouri, Mississippi, Tennessee and Wisconsin -- considering similar bills, this issue cannot be ignored. Organizations need to be thinking about what they can do internally to ensure an inclusive workplace environment for trans and gender nonconforming people while simultaneously considering how they can support and advocate for transgender people in the communities they serve.

At Work

“Many people take the availability and use of safe restrooms for granted. But for some people deciding whether, when, and where to use a restroom is a major safety concern. It may affect their ability to work, interact in their community, travel for work or leisure and generally participate in society.”

- Excerpt from Flush Discrimination: A free lesson for teaching about bathroom bills

Organizations have already begun to address the restroom issue in their workspaces by providing gender-neutral bathrooms. Mainstream on-line vendors have made it easy by offering several gender-neutral bathroom sign options from which to choose. OSHA has created the ‘Restroom Guide For Transgender Workers” to assure that employers provide a safe and healthy working environment for all employees.”

Although an excellent step in the right direction, creating gender-neutral bathrooms is not enough to ensure an inclusive environment for transgender employees.

According to HRC’s 2014 workplace climate survey and report, The Cost of the Closet and the Rewards of Inclusion:

- 40% hear jokes about transgender people in the workplace.
- 42% of transgender workers fear getting fired for disclosing who they are.
40% of transgender workers report "fear for personal safety" as a reason for not being open.

There remains much work to be done to educate employees about the transgender community. Stephanie Battaglino, founder of Follow Your Heart and transgender advocate, in her recent article When it Comes to Transgender Workplace Inclusion, Are you Resting on Your CEI Laurels?, says "Make no mistake about it, regardless of ever-increasing levels of visibility for the transgender community in popular culture, the need for education is great. It is precisely this element that can serve to eliminate fear and ultimately sow the seeds of acceptance – and inclusion – for transgender and gender nonconforming individuals both inside and outside of the workplace."

**In the Community**

It is still possible to be fired for being gay in 28 states in this country and 32 where this is true for transgender people. In addition, as mentioned above, there are seven states with anti-transgender bills on the table in addition to the two bills passed recently in North Carolina and Tennessee. Many companies, including Diversity Best Practices members, have mobilized to show their opposition to these bills and to urge legislators to repeal them. DBP member company Wells Fargo showed their support for the transgender community in North Carolina by lighting up their 54 story Duke Energy Center tower in Charlotte in the transgender pride flag colors on Transgender Day of Visibility, just a week after the anti-trans bill was passed. Going further still, some companies are threatening to take, or have already taken, their business elsewhere. For example, PayPal has withdrawn its plans for expansion into Charlotte, North Carolina costing this city 400 jobs and $3.6 million.

Other companies are taking a stand against anti-transgender bathroom bills by ensuring that their places of business are safe for all of their customers. Kroger's unisex bathroom sign went viral recently, the reaction to which was overwhelmingly positive.
On that sign, Kroger stated the unisex bathrooms not only benefit people in the LGBTQ community but provide a safe place for many of its customers including “dads with daughters, moms with sons, or adults with aging parents who may be physically or mentally disabled.”

What next?

Actions like the ones noted above send a strong message of support for the LGBT community, transgender people specifically, to both employees and the public. This goes a long way toward building a culture of inclusion for transgender and gender nonconforming employees. However, it is important that organizations “walk the walk” inside their organizations as well. By facilitating a dialogue and educating its employees about the issues facing the transgender and gender nonconforming community, an organization can provide the language and knowledge needed to be supportive and accepting of their transgender colleagues. Organizations employ a range of strategies to tackle this, from leveraging their LGBT Employee Resource Group to host a lunch and learn about this topic to creating learning and development modules for all people managers.

As Stephanie Battaglino states, “your strategy and tactics are always developed and executed against the backdrop of your company’s culture – and only you know what
that is, for it can vary widely from enterprise to enterprise. But to be successful in bringing trans/gender nonconforming workplace inclusion policy into common practice it will require you to become a student – if you aren’t already – of your particular company’s culture.”

The same is true for building a strategy for how you build and support an inclusive environment for your customers and in the wider communities that you serve. What is the pulse in those communities? How is it different from region to region? Once you have that information you can consider the questions: Do you have gender neutral or unisex bathrooms in your stores, restaurants or hotels? What about the sports arena or music venue with your company’s name on it? Are the bathrooms there safe for transgender and gender nonconforming people?

To help you move forward in your conversations and action regarding transgender workplace inclusion, bathroom bills and other issues facing the transgender community, we provide below a number of resources and additional reading that provide helpful tips and tools for wherever your starting point is.

**Resources for Starting the Conversation:**

Flush Discrimination: A Free Lesson for Teaching About Bathroom Bills

Getting the Language Right: The Transgender Conversation

Transgender: The Newest Frontier in Workplace Diversity and Inclusion

When it Comes to Transgender Workplace Inclusion Are You Resting on Your CEI Laurels?

Straight for Equality’s Guide to Being a Trans Ally Resources and Tools

Transgender Law Center’s Equality Maps

HRC’s Transgender Inclusion: Start the Conversation

**Taking Action:**

National Center for Transgender Equality Take Action Page

HRC’s newly launched Business Coalition for the Equality Act

Athlete Ally’s Take Action Page

HRC’s LGBT Marketing and Advertising Best Practices