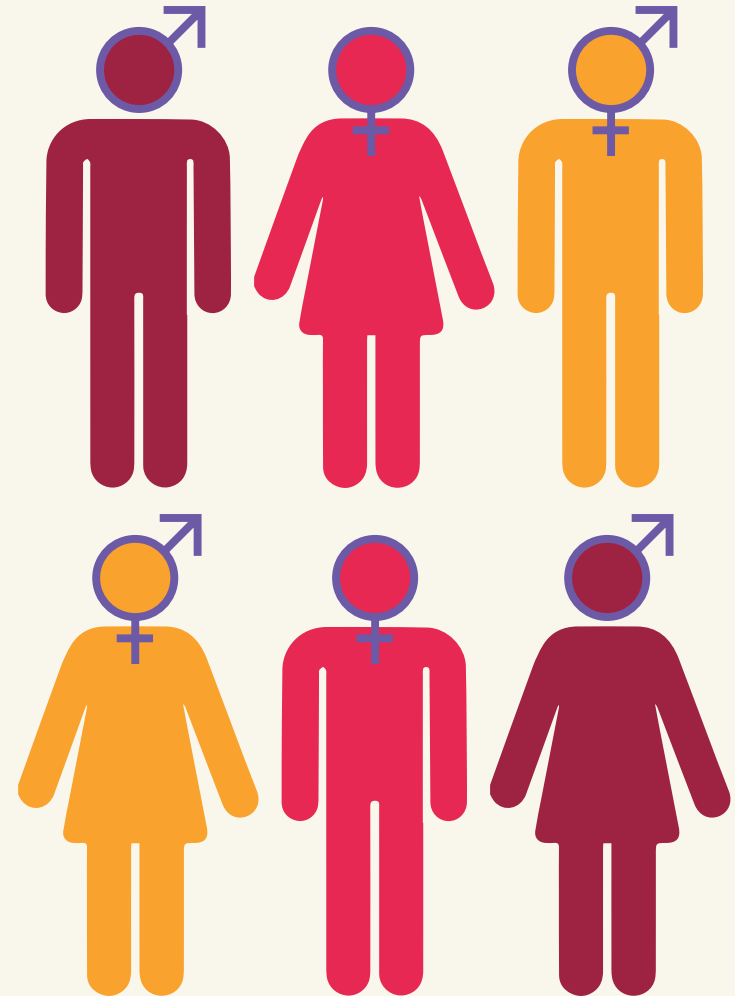


HR LEADERS GUIDE FOR

# NON-BINARY GENDER INCLUSION



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# Introduction: Why this guide?

It is currently estimated that up to [40% of transgender-identifying people](#) identify as non-binary, meaning they do not identify as either male or female. While acceptance of trans individuals is improving, both in legislative and cultural spheres, non-binary individuals face particular challenges in the workplace that are unique from other LGBTQ employees. C-level leadership and HR leaders who want to provide a framework for processes and policies that signal a culture of inclusion and sensitivity must overcome these challenges. The modern workplace is one where employees should be safe and encouraged to actively and equally participate in company culture, regardless of differences—including gender.

Research exploring employment barriers to trans and non-binary individuals have found that lack of understanding and a failure to implement policies specific to non-binary employees is a significant challenge to workplace inclusion. Organizational policy begins at the top and at the beginning, with managers and recruiters having

a decisive impact on proactive cascading of company culture to front-line employees. Good practices will foster an environment of inclusion and support for non-binary employees for the benefit of all invested stakeholders. Familiarity breeds confidence, and confidence breeds decisiveness in combating discrimination.

This guide offers comprehensive and concrete information to assist human resources departments across all sectors to promote non-binary inclusion and understanding. This benefits both the employees and the employers, as an inclusive workplace will attract and keep high-quality candidates who might otherwise not be hired or promoted. Furthermore, the proactive implementation of sensitivity practices in the workplace can combat ignorance and aggression, moving not just businesses but society as a whole towards fully accepting non-binary and gender non-conforming individuals.



# Equal employment: The modern workplace and non-binary inclusion

Diversity and inclusion are benchmarks of healthy workplace culture, but this was not always the case. In the US, the EEOC (Equal Employment Opportunity Commission) was created as part of the pivotal [Civil Rights Act of 1964](#). The Act was an effort to redress pervasive racial discrimination in voting, education, and other aspects of daily life, including discriminatory hiring and workplace practices. At the height of the Civil Rights movement, the EEOC was founded on the principles of equality, inclusion, and desegregation—but it would take some time for these principles to be extended to sexual orientation. Furthermore, the extension of these protections to trans and non-binary employees is still not complete. Although the Act’s Title VII includes sex and gender in the list of protected categories, legal debates

about its applicability to LGBTQIA persons persist. Does “sex” apply to gender identity and sexual orientation?

The Stonewall Riots and the gay rights movement picked up the mantle of civil rights, seeking justice for LGBTQ Americans through legal and informal channels. Throughout the 1970s and 1980s, gay and trans individuals pressed the EEOC with complaints of discrimination on the basis of sex, but these were largely ignored and dismissed by the courts. It took until 1989 for workplace discrimination on the basis of sexual orientation and gender identity to be acknowledged by the American Supreme Court, 25 years from the creation of the Civil Rights Act, and to date, many federal appeals courts continue to exclude workplace discrimination against LGBTQ and non-binary persons.

The situation is similar in other countries, including England, where despite legal protections implemented over the last twenty years, nearly **20% of LGBTQIA employees** report being discriminated against, suffering harassment, and even violence. This is particularly egregious for **non-binary and trans individuals** who face disproportionate levels of aggression and exclusion in the workplace. This appalling state of affairs needs to be changed, and the surest way for this to happen is for employers to take initiative. Serious lags in the application of anti-discrimination legislation and the inadequacy of its scope do not stand in the way of building a better workplace—it is up to employers to implement policies and processes to promote inclusion.

The modern workplace is more inclusive than ever before, accommodating people of different ethnicities, cultures, gender identities, religions, sexual orientations, and abilities. By implementing systems and processes that foster sensitivity and acceptance, all types of individuals are finding themselves a home at work. Considering that until the middle of the last century, diversity and inclusion

were foreign concepts and discrimination in the workplace was common practice, this is a welcome evolution. However, despite major strides taken towards fostering diversity and acceptance in the modern workplace, there is still more work to be done. An estimated **15% of non-binary adults in the US are unemployed**, three times the national average. This shows that many highly-qualified individuals are being disqualified from the workplace because of their gender—this is not only harmful to non-binary individuals who suffer unemployment, poverty, and homelessness at disproportionate levels compared to their binary counterparts, it also means that as a society we are missing out on the contributions of smart, hardworking people who have a lot to offer. In this sense, it is the best interests of employers to combat stigma and create opportunities for non-binary candidates.

It is important to note that the difficult challenges facing non-binary individuals are even more radical for people of color, people living with disabilities, and undocumented people. This economic instability and workplace mistreatment faced by individuals with

intersectional identities necessitates special consideration, in particular by employers and recruiters who can make a positive impact by implementing inclusive hiring and management policies.

Workplace discrimination is not acceptable under the law, yet it remains a serious problem for trans and non-binary employees. Unequal treatment may not be overt, for example in the form of blatantly discriminatory hiring practices, and yet stigma continues to pervade office culture in more subtle ways. Slurs and inappropriate jokes by coworkers, discrepancies in how an employee's performance is evaluated or which assignments they receive, disparities in promoting practices, and other insidious forms of discrimination are not uncommon and are particularly glaring for non-binary, intersex, or other gender non-conforming employees.

One [comprehensive survey](#) of trans and non-binary Americans found that nearly 30% of those employed over the previous year had been fired, passed over for a promotion, or were not hired because of their gender

identity or expression. Approximately a quarter of those surveyed experienced discrimination or coercion in the workplace, including being outed without permission, being required to present as the wrong gender, or being forced to use a bathroom that was not the same as their gender. More troubling, the survey found that 15% of respondents reported being harassed, assaulted, or attacked at work.

A lack of understanding and knowledge about the unique experiences of trans, non-binary, and gender non-conforming individuals is one of the main barriers to inclusion in the workplace. Although every individual gender identity journey is different, there are common practices and processes that employers can implement towards educating and facilitating acceptance. These systems are not about legal compliance, they are about creating an environment where employees can flourish regardless of their gender identity.



# What is non-binary?

Before addressing what it means to be non-binary, it is necessary to clarify the distinction between biological sex and gender. **Sex** is generally assigned at birth according to physical and physiological attributes—namely, chromosomes and reproductive anatomy. Biological attributes are categorized as either male or female, however, there may be variations even at the physical level. **Gender**, on the other hand, denotes socially and culturally constructed expressions and identities. For most of history, gender has been conceived of in binary terms. Boys become men and girls become women. This binary, however, is increasingly being challenged by individuals who do not identify with the gender that corresponds to their assigned sex.

Non-binary or trans is distinct from **intersex**, which describes the biological discrepancy between internal and external genitalia at birth. Historically, intersex individuals were called hermaphrodites, however these [physiological variations](#) are now included in the

umbrella terms intersex or disorders of sex development (DSDs). Intersex conditions may involve incomplete or nontypical genital or reproductive organ development, under or overproduction of sex hormones, chromosomal discrepancies, and other differences.

The WHO estimates that although there are no concrete parameters for determining intersexuality and that many cases go undetected, [approximately 1 in 2,000](#) babies is born with some form of DSD. While some intersex individuals also identify as intersex, others may identify with another non-binary gender, or may identify as male or female. Intersex individuals may choose to undergo medical treatment to transition to their gender.

It is difficult to estimate how many people identify as gender non-conforming or non-binary. The Williams Institute at UCLA School of Law conducted a widespread study in 2016, concluding that there are approximately [1.4 million trans](#) people in the US. According to a 2015

## What is non-binary?

report from the National Center for Transgender Equality surveying close to 30,000 trans Americans, close to **40% of trans individuals** identify as non-binary.

The number of people who identify as non-binary is on the rise. While in the previous generation 6% of Americans identified as trans or non-binary, **12% of millennials** aged 23-38 do not identify with the sex they were assigned at birth. **Gen Z** is likely to continue this trend, with more people empowered to express their gender beyond conventional expectations. As this demographic grows, it is vital to develop inclusion policies to ensure equal and fair treatment in the workplace.

Individuals who have non-binary genders may self-identify in various ways. The range of terms can be confusing and daunting, but a little understanding goes a long way towards workplace inclusion. By building in-house programs to impart knowledge and understanding, employers can lay the groundwork for positive change. The first step towards inclusion is understanding the language of non-binary gender identity.





# Glossary of terms

Confusion and ignorance can lead to unintentional, and sometimes intentional, insensitivity towards non-binary individuals in the workplace. In this sense, a first step towards creating an inclusive workplace is understanding the terminology and vocabulary associated with non-binary and gender non-conforming identities.

## Gender identity

Gender identity denotes the personal experience and deeply felt self-understanding of one's gender. This is not tied to biological sex—sex and gender are not synonymous. Rather, a person's lived experience of being a man, woman, both, or neither is their gender identity.

## Gender expression

Gender expression is how an individual expresses their gender identity. Gender expression may conform to societal expectations regardless of identity while other people utilize externality to express their gender nonconformity. Accommodating individual choices regarding gender expression is one important way for employers to foster greater inclusion in the workplace.

## Sexual orientation

Sexual orientation is a deeply personal issue. Sexual orientation often becomes intertwined in conversations about gender identity, however, this is not an appropriate topic for office place discussion. Who a person sleeps with is always private, regardless of gender or orientation.

## Cisgender

Cisgender is a term used to describe people who identify with the gender assigned to them at birth in correspondence to their biological sex. Cisgender, or cis, individuals may express their gender in non-conforming ways and may have varied sexual orientations, however, they are women who identify as female and men who identify as male. People who are both cisgender and heterosexual, meaning they are attracted to the opposite gender, are called **cishet**.

### Gender transition

Gender transition is a personal and, at times, fraught process. Some transgender people transition completely to their gender with gender confirmation surgery, while others may pursue hormonal therapy, and others choose not to undertake medical interventions at all. Transition is how the person can begin to live their life as the gender they are and not according to their assigned sex, so this may include changing their name, attire, or pronouns (more on pronouns later). Trans individuals may choose to transition at any point in life—many older people who may have been closeted for years are beginning to feel secure enough to come out and live their gender. Developing a supportive environment in the workplace during and after transition—including health benefits—is vital to ensuring that trans employees are empowered to be fully valued and contributing team members.

### Gender non-conforming

While often gender expression aligns with an individual's gender identity, gender non-conforming people—whether they are cisgender, transgender, or non-binary—express their gender identity in ways that do not adhere to expectations of what is “normal.” This expression may come in the form of clothing, makeup or hairstyles, making inclusive uniform policies critical to fostering inclusion in the workplace.

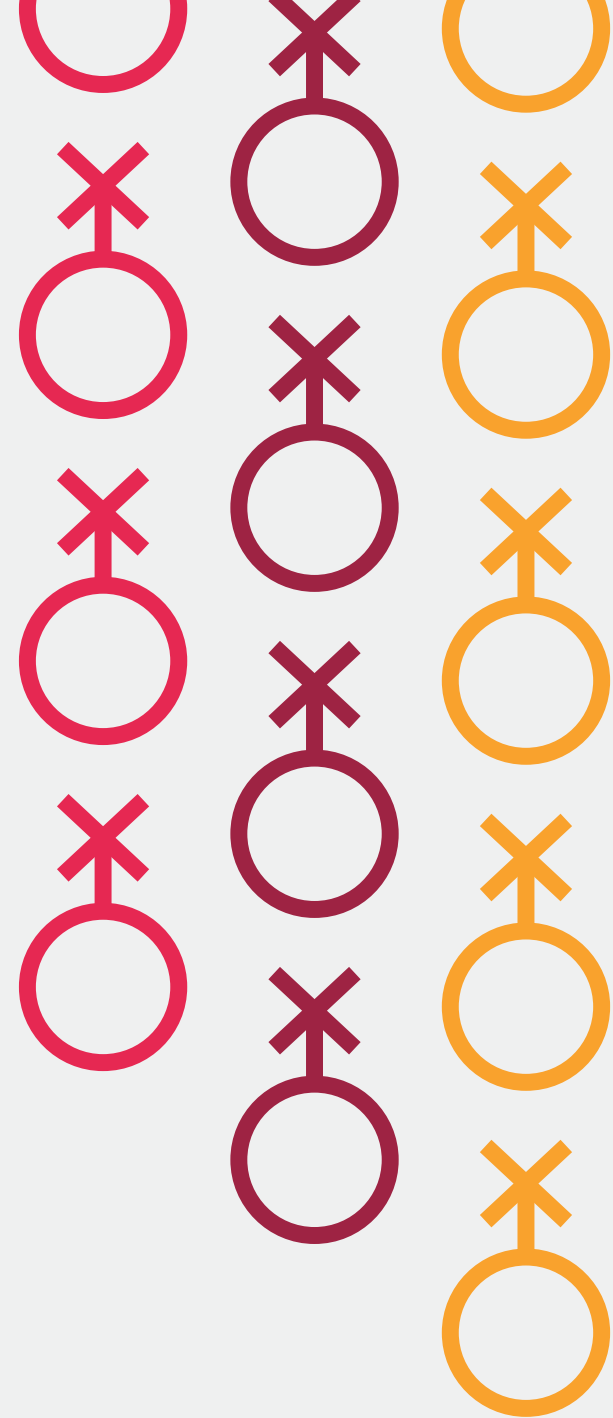
For generations, gender has been conceived of in strictly binary terms. While the gay rights movement took hold in the 1960s and has made strides in protecting the rights of people with different sexual orientations, the journey for transgender individuals has been slower and they often still prejudice and discrimination. For individuals who don't identify with either gender, this is even more pronounced.

### Non-binary

Non-binary refers to individuals who do not identify as completely male or completely female, or who don't identify with either of these two genders. The term includes people who identify as:

- Both of the binary genders
- Neither of the binary genders
- Between the binary genders
- Moving between genders
- Having multiple genders
- Identifying with a culturally or legally-recognized gender that is neither male or female
- Undefined, unnamed, unrecognized, or blurred gender
- Neutrally gendered or ungendered

Non-binary, then, is an umbrella term for a range of gender identities that are not strictly male or female, but there is a range of expressions denoting gender identities covered by the non-binary category. Some non-binary individuals use the term **genderqueer**.



There are a variety of gender identities that fall under the non-binary or genderqueer umbrella. Understanding the terminology of the non-binary community is a first step towards fostering inclusion in the workplace:



### Transgender

Transgender, or trans, describes individuals who identify with a gender that is not the same as the one they were assigned at birth. As mentioned, up to 40% of trans people do not identify as male or female, while others do identify as one of the two binaries. Understanding the spectrum of identities will help acculturate management and colleagues to non-binary genders and prevent insensitive and potentially hurtful incidences. It is also important to note that trans persons may be at various stages of transition in their gender expression.



### Genderfluid

Genderfluid is a gender identity that changes over shorter or longer periods of time. Genderfluid individuals may identify and present as male, female, or neither. While gender expression may be an indication of gender identity, this is not always the case. The same goes for pronouns—while some genderfluid people prefer a binary pronoun, others do not.



### Agender or gender-neutral

Also known as **Neutrois** or xenogender, these individuals do not identify with any gender. Agender individuals may present as male, female, or androgynous, and may have a range of pronoun preferences.



### Intergender

Intergender-identify individuals identify somewhere on the spectrum between male and female, possibly leaning towards one than the other. For those who only partially or weakly identify, the term **demigender** may be used, as in “demiboy” or “demigirl.”



### Pangender

Pangender-identifying individuals have multiple gender identities that may include binary, non-binary, genderless, or any combination of these.



### Third gender or other gender

Individuals identifying as third gender or “other” gender from a culture that recognizes three or more genders, for example, Samoan fa’afafine or Indian hijra. Some countries already legally recognize non-binary genders.



### Androgynous or androgyne

Androgynous or androgyne-identifying individuals have a combination of both male and female gender identities, to different degrees depending on the person.

# What policies can help move the dial?

The non-binary community faces two major challenges in the employment world: acquiring and maintaining employment, and security in the workplace. Non-binary individuals report being harassed, misgendered, fired, and otherwise mistreated at work, but there are concrete steps that can be taken to combat stigma and foster a safe, supportive environment for non-binary employees. One major benefit of pursuing greater inclusion is attracting and keeping more qualified candidates. There are a number of human resources practices that can remove barriers and enhance workplace inclusion for non-binary employees:

## 1. Protect gender identity and gender expression

By including non-binary protections in your company's anti-harassment and non-discrimination policy, you will signal a culture of inclusion and support. Make clear

during recruitment and onboarding processes that gender expression (ie. attire or hairstyle) and gender identity are protected, and any infringements will be strictly responded to. There should be zero tolerance for intolerance in the workplace.

## 2. Permit gender expression

While many offices have dress codes, these should not exclude non-binary employees from presenting as their gender. Modify uniform clauses and apply them consistently to avoid perpetuating gender stereotypes and alienate non-binary team members.

## What policies can help move the dial?

Another important way to protect gender expression is to give employees the ability to self-identify on HR platforms and systems. HR managers should include an inclusive list of pronouns and genders for administrative systems and forms. Field menus with drop-down arrows allowing the addition of pronouns and genders in coordination with employees' self-identification and gender expression, if set up correctly, will foster inclusion at the systems level.

### 3. Protect employee privacy

It is likely that if a candidate has transitioned during the hiring process this will become obvious to recruiting and hiring personnel. Background checks, references, social security, and other documents will contain pre-transition information, including name and sex. While it is self-evident that this should not impact the individual's chances of securing the position they are applying for, discretion is also important. Outing candidates or employees against their wishes is hurtful, insensitive, and inappropriate.

### 4. Support transitioning employees

It is important to delineate clear guidelines for transitioning employees and their supervisors and colleagues. These protocols may include allowances for working remotely, paid leave, a hygienic and private room for administering hormonal injections, and other accommodations to ensure that transitioning employees are not excluded.

### 5. Implement comprehensive sensitivity training

As mentioned throughout this guide, lack of understanding and knowledge is a major contributing factor to the exclusion and mistreatment of non-binary individuals in the workplace. It is vital to engage staff and implement comprehensive sensitivity and anti-harassment training—from senior management to junior employees. Empower all employees to become allies and educate them to advocate for non-binary inclusion, both within the office setting and without. These initiatives may be part of pre-existing diversity and EEO compliance training or may be implemented separately. One suggestion is to invite non-binary community advocates or representatives to address management and employees.

### 6. Facilitate documentation changes and options

Transitioning is hard enough as it is, but bureaucratic and documentation foot-dragging can make the journey even harder. It may take months for a legal name change or gender change to be made official. Furthermore, many government forms and documents only include two genders—even the EEOC doesn't include a third or other category for gender on employer reporting forms. While many departments accommodate moving from male to female on documentation, there is no category available for those who do not identify as male or female. For non-binary individuals this means being forced into checking a box that doesn't actually correspond to their real gender.

Fostering workplace inclusion means taking efforts to use the employee's chosen name and updated gender marker in any documentation that isn't legally required to match the individual's legal name and sex (for example, insurance documents or official payroll). This will include all written and verbal communication, such as, email, business cards, name plates, phone directories, identification cards, website, etc. Once a legal name change is official, any legal documents should also be swiftly updated.

Leaving gender fields blank or including additional gender categories in both paper and online forms is another policy to promote the inclusion of non-binary individuals in the workplace. HR managers should include an inclusive list of pronouns and genders for administrative systems and forms. Field menus with drop-down arrows allowing HR personnel to add pronouns and genders in accordance to employees self-identification and gender expression, if set up correctly, will foster inclusion at the systems level. By offering applicants and employees the opportunity to designate their gender beyond the binary, your company is signaling a culture of acceptance and support.



## 7. Encourage neutral and preferred pronoun use

One of the most important ways to include non-binary employees is to adopt their chosen pronouns. By and large, binary pronouns like he/him or she/her are just how most people speak. However, for non-binary individuals, these two categories are insufficient. While some trans men and women prefer gendered pronouns, some trans people and many non-binary people prefer neutral pronouns such as they/them, it/its, or ze/hir. Not making assumptions about a person's correct pronouns is vital to creating an inclusive workplace and should likewise be included in any sensitivity training.

While it may feel strange at first, normalizing the use of preferred pronouns will make non-binary applicants and incumbent employees feel supported and welcome. Start at the beginning by asking prospective employees what their pronouns are and make efforts to include these in spoken and written communication. There are many neopronouns, such as xe, zey, per, jie, and more, so it's always better to ask than to presume.

Employees should be encouraged to include personal gender pronouns in their official and unofficial communications and colleagues should make every effort to use correct pronouns. Of course mistakes happen, but effort, a simple apology, and understanding go a long way if you inadvertently misgender someone. Pronouns may also change, for example, for genderfluid individuals whose identity and expression may shift. Again, it is always better to ask than to assume. In time, this will become standard practice in introductions and interviews. Another way to normalize the use of preferred gender pronouns and encourage greater sensitivity is to incorporate neutral language and greetings instead of gendered expressions, like “guys” or “ladies.”

### 8. Establish bathroom and locker room access

One of the most prominent topics in the conversation around non-binary inclusion in the workplace centers on the sex-segregated bathrooms. Forcing employees to use facilities that do not correspond with their gender is harmful and discriminatory, and recently the expectation that trans employees should have access to bathrooms that correspond with their presentation regardless of stage of transition is increasingly expected. However, for non-binary individuals, gendered bathrooms are still problematic. Some options for overcoming this hurdle are:

- Single-occupant, gender-neutral bathrooms.
- Multiple-occupant, gender-neutral bathrooms with private, single-occupant stalls.

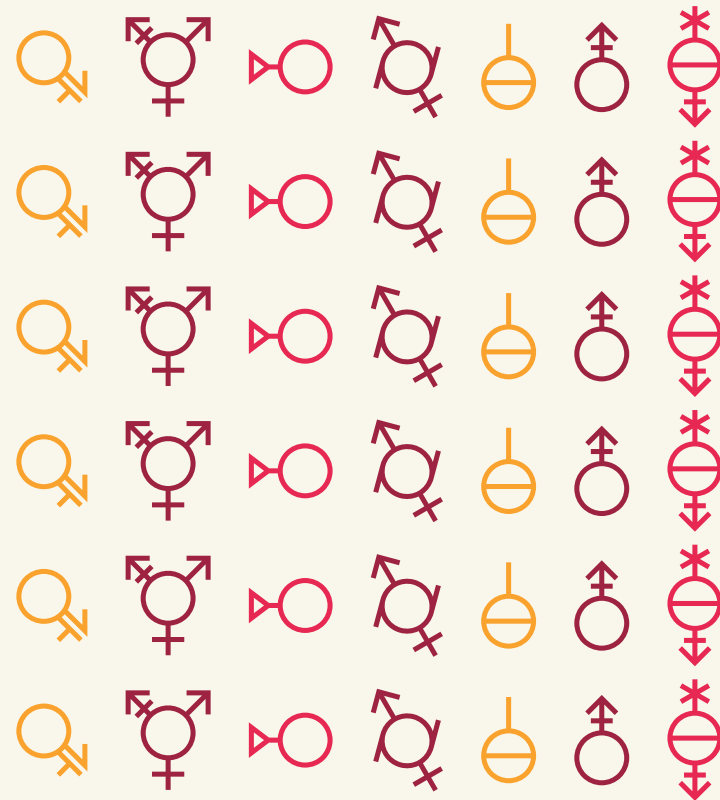
Avoiding gendered signage on any stall or facility doors will prevent unnecessary discomfort.

### 9. Inclusive health insurance policies

Legally, doctors, hospitals, and insurance companies are not permitted to discriminate against trans or non-binary people in the provision of health care. Health plans cannot exclude transition-related care, and every individual must be treated according to their gender, without discrimination. Companies do not need to stop at the basic legal requirement—fully covering gender confirmation surgery, mental health counseling, prescription drug or hormone therapy, and other treatments commonly utilized by trans and non-binary individuals is an important step towards inclusion. Short-term disability coverage following gender confirmation surgery should also be included in company health coverage.

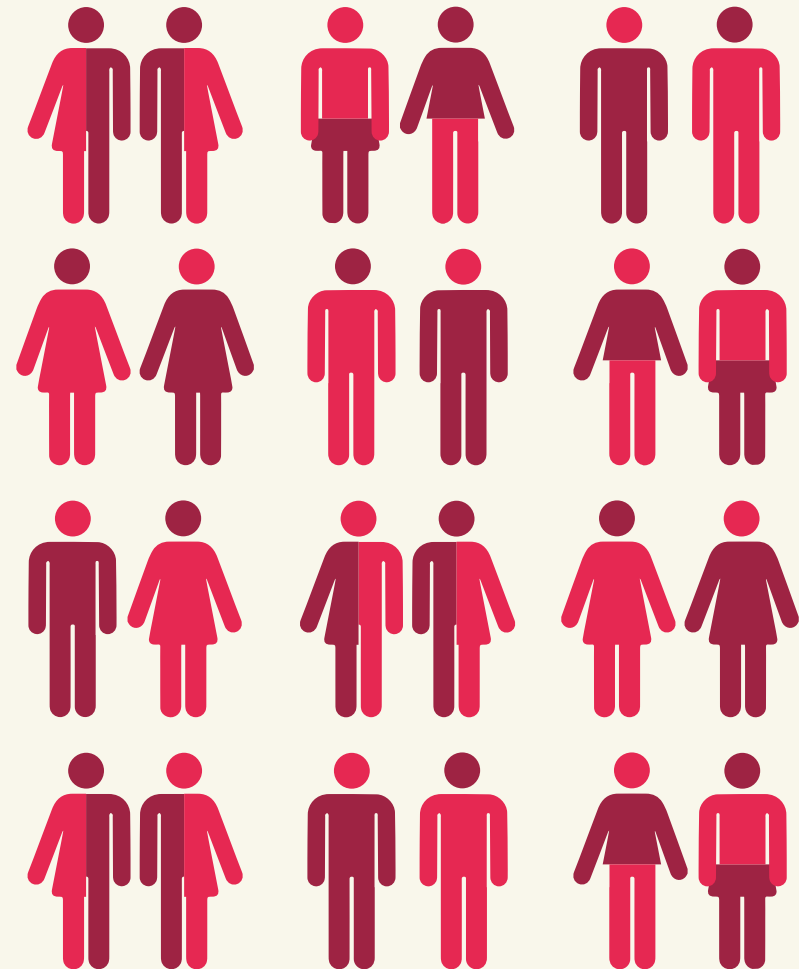
### 10. Actively recruit individuals from protected communities

The discrimination and exclusion faced by non-binary individuals means that it is necessary to take proactive measures to engage with potential employees that identify as non-binary. Evaluate your procurement process to ensure inclusion and publicize your socially-responsible policies to attract highly-qualified candidates who are either non-binary or are seeking a more inclusive workplace. This will also likely attract customers who increasingly choose to support inclusive businesses. The [2017 Harris Poll for GLAAD](#) found that nearly 70% of Americans would switch to a brand that is LGBT-friendly and most would actively avoid businesses that are less inclusive. As more consumers are stepping up to champion LGBT and non-binary rights in the workplace, there are utilitarian benefits to doing the right thing. Recruit better talent, keep employees happier and more productive, and build brand loyalty with inclusive workplace practices and policies.



# In conclusion

Engendering (pun intended) an inclusive, kind, and safe workplace culture to support and welcome non-binary individuals is the responsibility of every business. Everyone shares in the effort to combat the discrimination and harassment faced by non-binary individuals in the workplace—despite many great strides made over the past few decades. This guide offers concrete and robust direction for how to accomplish this, for the benefit of non-binary individuals, the success of ally businesses, and society as whole.



# Meet bob

We know how important it is to make holistic and culturally sensitive decisions about your people, especially in light of today's modern workplace trends. That's why we built bob, a people management platform that fosters an inclusive culture and boosts employee satisfaction with non-binary gender identification capabilities.

The main tools that bob uses to address these topics can be found using our Reports, Custom Gender Selection, and Pronoun Preference functionalities.

Use all of this people data to help you plan events, accommodations, and facilities, in addition to determining company policies and training. Put your people's wellbeing first and boost employee satisfaction by being inclusive.

## bob creates an inclusive workplace

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### Custom gender selection

HR admins can now add custom fields to the gender list, allowing the addition of non-binary identities in profiles. Grouping and filtering using custom genders can be applied:

- Personalized onboarding
- Employee profiles
- Culture clubs

### Pronoun preference

Empower your employees by allowing them to customize their personal profiles with a drop-down menu that shares their preferred pronoun. Options include:

- They/them
- Xe/xem
- Ze/zir
- Add your own manually to meet your team's needs

### Reports and insights

Shine a light on your company's gender demographics when looking at current and future headcount. Filter by accurate and relevant gender details by analyzing:

- Surveys
- Lifecycle feedback
- Talent groups

In 2020, it's time to make smarter decisions  
when it comes to your people and organization.

To learn more about hibob and our data-driven tools,  
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