

# Key Terminology for Working with Lesbian, Gay, Bisexual and Transgender People

TEGL 37-14 LGBT

<b>Sex</b>	A characteristic assigned at birth based on a combination of an infant's biological characteristics.
<b>Gender</b>	Socially construed roles, behaviors, activities and attributes that a given society considers appropriate for men and for women.
<b>Sexual Orientation</b>	An individual's physical, romantic and/or emotional attraction to people of the same and/or opposite gender. Examples of sexual orientation include straight (heterosexual), lesbian, gay and bisexual.
<b>Gender identity</b>	A term that refers to one's internal sense of one's own gender. It may or may not correspond to the sex assigned to a person at birth, and may or may not be made visible to others.
<b>Gender Expression</b>	A term that refers to how a person represents or expresses their gender identity to others, often through behavior, clothing, hairstyle, voice and/or body characteristics.
<b>Gender non-conforming</b>	Refers to individuals whose gender expression is different from societal expectations related to gender.
<b>Transgender</b>	<p>A term that refers to people whose gender identity, expression or behavior is different from that typically associated with their assigned sex at birth. Transgender is a broad term and an acceptable descriptive term for non-transgender people to use. "Trans" is shorthand for "transgender." Note: "transgender" is correctly used as an adjective and not as a noun; thus "transgender people" is appropriate, but "transgenders" is often viewed as disrespectful.</p> <ul style="list-style-type: none"> <li>• Transgender women: A term that refers to a person whose assigned sex at birth was male but whose gender identity is female.</li> <li>• Transgender man: A term that refers to a person whose assigned sex at birth was female but whose gender identity is male.</li> </ul>
<b>Transitioning</b>	A term that refers to the time when a person begins living as the gender with which they identify rather than the gender they were assigned at birth. This often includes changing one's first name and dressing and grooming differently. Transitioning may or may not also include medical and legal aspects such as taking hormones, having surgery, or changing identity documents (driver's license, social security record, etc.) to reflect one's gender identity. Medical and legal steps may be very costly and sometimes not affordable.
<b>Sex reassignment surgery</b>	A term that refers to surgical procedures that change one's body to better reflect a person's gender identity. Contrary to popular belief, there is not one surgery; in fact, there are many different surgeries. These surgeries are medically necessary for some people. However, not all people want, need or can have surgery as part of their transition. "Sex change surgery" is considered a derogatory term by many.

# Further Guidance Regarding Forms of Sex Discrimination Against LGBT Individuals

## TEGL 37-14 LGBT

Entities in the public workforce systems are prohibited from discriminating on the basis of sex-based stereotypes. This includes stereotypes about how persons of a particular sex are expected to look, speak or act. Examples of unlawful discrimination include but are not limited to the following practices:

- Denial of access to or otherwise subjecting the individual to adverse treatment in accessing **aid, benefits, services or training** under a WIA/WIOA Title I-financially assisted program or activity because of that individual's failure to comply with gender norms and expectations for dress, appearance and/or behavior including wearing jewelry, make-up, high-heeled shoes, suits or neckties.
- **Treating an individual adversely** because the individual identifies with or is perceived to identify with a gender different from their assigned sex at birth, or the individual has undergone, is undergoing, or is planning to undergo sex reassignment surgery or other processes or procedures designed to facilitate the adoption of a sex or gender other than their assigned sex at birth.
- Subjecting or otherwise permitting an individual to be **subjected to adverse action** or harassment and/or physical threats following disclosure that the individual was going to marry a same-sex partner or otherwise not conform to society's sex-role expectations by being in a relationship with a person of the same sex.
- Denying transgender employees **access to the bathrooms** used by the gender with which they identify.

### Protection of Transgender Persons

Because of persistent employment discrimination against transgender persons it may be more difficult for workforce customers who are transgender to find jobs. To that end and in keeping with WIOA non-discrimination regulations, transgender customers cannot be denied access to workforce and training programs due to their gender identity. The customers should not be counseled to change their gender presentation in order to find work. The following should be considered when providing services:

- **Names and pronouns.** Always refer to each person by the name and the gender-specific pronoun the person wants to be called (e.g., he, his, him, she, hers, her). If staff does not know an individual's pronoun preference, they should ask in a tactful way. Continued intentional misuse of the person's name and pronoun may breach the person's privacy, may put the person at risk or harm, and in some circumstances may be considered harassment.

- **Identification documentation.** Transgender people may have mismatched identification documentation (e.g., "old" identification with a previous name and/or gender marker and "new" identification with correct name and/or gender marker). This situation occurs because obtaining corrected identification documentation as a result of gender transition is a complex legal process that may take a significant amount of time and other resources. **Such discrepancies should not prevent a transgender person from getting a job, participating in a program or receiving services. If a situation is encountered in which discrepancies in personal identification pose legitimate obstacles, staff should explain what documentation must be provided (e.g., proof of a court-ordered name change).**
  - **Selective Service requirement for males 18-25.** If a transgender male did not register for selective service at the time required, was not asked by the Selective Service System to register, and has not yet gone through the process of name change for legal documents (like driver's license), will it be acceptable to include a case note explaining the situation?

SHORT ANSWER: NO. A case note by itself does not suffice.

ACTION REQUIRED: Individuals who have changed their gender to male will be asked to complete a federal Selective Service "Status Information Letter" and provide a copy of their birth certificate.

Go to: [www.sss.gov/Registration/Status-Information-Letter](http://www.sss.gov/Registration/Status-Information-Letter) > "Forms" > "Status Information Letter Request"

Caution: Securing written records from physicians for inclusion in the case file may constitute grounds for protected health information (PHI).

- **Restroom access.** All customers and employees must be able to access restrooms consistent with their gender identities. The decision as to which restroom to use should be left to the individual to determine the most appropriate and safest option for them. Restricting customers and employees to using only restrooms that are not consistent with their gender identity, or segregating them from other workers by requiring them to use gender-neutral or other specific restrooms, singles out those individuals and may make them fear for their physical safety. Bathroom restrictions can result in customers and employees avoiding using restrooms entirely while at work, which can lead to potentially serious physical injury or illness.
- **Confidential medical information.** Information about a person's status as transgender may be considered medical information and this should be kept strictly confidential.