

A Question of Strategy

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Working to accommodate transsexual employees when they “transition” from one sex to another is more than just “Political Correctness” or a matter of the law. It makes strategic sense too, argues trans rights campaigner Christine Burns. That “Employee Relations Challenge” who walks into your office may also have your company’s crown jewels in their head.

If you use virtually any sort of microelectronic technology in your daily life then you owe an immense debt to a friend of mine, Lynn Conway. Lynn is Emerita Professor of Electrical Engineering and Computer Science at the University of Michigan and, whilst working at the famous Xerox “PARC” centre in the mid 1970’s, made a pivotal contribution to the way in which large and complex computer chips are designed. The techniques she invented with her colleague, Professor Carver Mead, meant that more engineers were able to design more computer chips in a fraction of the time it had taken before – her methods are still taught to University students around the world – and the paradigms she gave the engineering world have influenced the design of everything from desktop computers and personal organisers to toasters.

Yet even before this seminal contribution, my friend had already contributed enormously to the product design strategy of IBM – with ideas that also changed the way that very fast computers are designed. Chances are, in fact, your desktop PC uses those ideas even today – allowing it to carry out several instructions at the same time, rather than one after the other.

Despite Conway’s obvious intellectual talents, however, that relationship with IBM was soon to come off the rails. The inventor whose talent was to think “outside of the box” was about to come out of the closet too. Till this point her employers had known Lynn as a male – the identity she had been assigned and struggled with since birth. It was an identity which she couldn’t live with. Unfortunately, neither could IBM “live with” the alternative.

“When I explained to IBM in 1968 that I was undergoing a ‘change of sex’, they just couldn’t deal with it. I lost my employment, right when I needed it most.”

In fairness to IBM, it is doubtful that Lynn would have found a better reception anywhere else – so long as people in those days were aware of her transsexuality. Regardless of talent the universal assumption was that it was absolutely out of the question to even contemplate employing “someone like that”.

One of Lynn’s US contemporaries described to me her own experience of violating this most fundamental of society’s taboos in the early 1970’s:

“I was raped, fired, beaten, ostracized from family and subjected to about every kind of discrimination you can think of. It didn't matter how good I was at anything – that was all to no avail when employers learned of my condition. My first company fired me two months from my surgery date, the second fired me a month later. At the third I worked on classified defense technology before they fired me too – and said outright that it was because I was transsexual. By 1981 I was beaten down to the point where I was walking the streets, scraping for survival, living in my car, and flipping hamburgers for survival in an roach infested joint.”

For Lynn the ten years following her expulsion from IBM are an inspiring tale of gritty determination – from riches to rags and back to riches again. She was fortunate in having already met the pioneering physician Harry Benjamin, shortly after he had published his seminal textbook “The Transsexual Phenomenon” in 1966. With Benjamin’s help she had already begun the lengthy process of transforming her body and used the savings she had to go abroad for the surgery to complete the process. Returning to America with a new name and identity she started again from the very beginning – as a humble contract programmer – and grew a new career on the basis of her sheer talent.

Many transsexual people become more energetic and creative following their treatment in fact and, within five years, Conway had established enough of a reputation in her own right to be offered a job by an exciting new research venture which had just been started by Xerox. The

Palo Alto Research Centre (PARC) was a hothouse of talented designers; practically every aspect of modern desktop computing – the computer mouse, windows, icons, menus and more – was invented there. Conway flourished and, within five years, had published her classic textbook on microchip design and was teaching at the world-famous Massachusetts Institute of Technology.

Nobody knew of Lynn's past life or of the pioneering work she had also done at IBM. To "own" her past would have meant risking everything she had rebuilt. It is only quite recently that Lynn's story has emerged and she is able to take the credit for both the contributions she has made to the development of Information Technology as we know it..

Stories like Lynn's aren't often reported though – not because they are necessarily rare but because the people concerned know first hand what exposure can mean. And even though campaigners like myself can vouch from first hand experience that the world has changed greatly in the 35 years since Lynn got fired, it is hardly surprising that people who have lost everything are wary of putting that assertion to the test. Would you?

Until recently the picture was very similar in the UK – until a senior manager from an educational institution in Cornwall took their employer to court for doing exactly what IBM and others had been doing for three decades. In 1996 the European Court of Justice finally ruled that the dismissal of the manager, known only as "P" violated the European Equal Treatment Directive and, by this single act of good sense, outlawed a form of discrimination which hung over the lives of an estimated 35,000 transsexual men and women throughout Europe. In 1999 the decision was formally adopted into the Sex Discrimination Act too – and, in the four years since then, many crudely discriminated transsexual people have won substantial settlements using their new-found protection.

In February 2001 a Harley Street therapist won £140,000 against the school which had trained her, for refusing to place her name on their register and thereby preventing her access to NHS patients. In an earlier case a trans Barrister reached an undisclosed but substantial out of court settlement with the Crown Prosecution Service – whose director had withdrawn a

written offer of employment when it was disclosed that their new recruit was planning to undergo gender reassignment.

Even in manual or junior administrative posts the damages can still be substantial. A factory worker was recently awarded more than £20,000 along with a public apology from her employers.

Discrimination against trans people is generally far from subtle – and tribunals have tended to award correspondingly punitive settlements. When the employee concerned is a high earner of course, the lack of a ceiling on Sex Discrimination awards means that the cost of bad behaviour can easily run into six figures.

The arrival of the “Sex Discrimination (Gender Reassignment) Regulations” in 1999 has therefore led many companies to think much harder about what to do when an employee walks into their manager’s office, closes the door, and says quietly, “I have something very important to tell you”.

Yet the law alone is not the only reason for thinking about how to retain highly talented staff going through such a dramatic change in life. As Professor Lynn Conway’s example illustrates, people who are different often *think* differently too – and that spark of originality may be your company’s ticket to riches.

One company which sees diversity issues in this very clear light is Hewlett-Packard – an enterprise which famously grew from the originality of its two founders turning their ideas into high tech products in a garage.

HP’s former Chief Executive, Carly Fiorina, placed diversity at the heart of the corporate business strategy. Writing on the company’s global web site in 2001 she made the vision plain: “We need the creative talents, the enthusiastic commitment, the ideas and contribution of every HP employee. Invention requires creativity; creativity requires true diversity.”

Managing the gender transition of an employee is not as difficult as it may sound at first – especially as the person with the greatest commitment to helping make the project a success is the employee themselves.

The key, as in any project, is to be well-prepared. Learn the facts about transsexuality so you can explain them to others. Understand the employee's anticipated timescales, any factors which may be outside their control (such as surgery waiting lists) and their preferences for who is to be told, by whom and when. Anticipate the time that the employee will need to take off - and come to a mutual agreement about how that is to be handled, through sick leave and holiday entitlements. Work out all the things which will need to change – from security passes to email addresses and payroll details. And know that some staff are going to find the event easier to deal with than others. What will you do, for instance, about the thorny issue of toilets? (Hint: The answer is not to expect the trans employee to use the disabled loo for the rest of their career in your company). Remember that if anyone is likely to feel stressed about using the loo, it is most likely to be the transsexual employee themselves. Yet consideration also cuts both ways.

This certainly isn't an exhaustive list, but you get the idea. None of these issues are insurmountable either. They just require thought. And more and more organisations are proving it can be done – whether they call in one of a handful of specialist consultants who can help them do the planning and liaison work, or trust to their own good sense.

Gender Identity Disorder (GID), the medical term for people who are innately unhappy with their assigned gender, used to be thought of as incredibly rare. Current estimates suggest that it affects roughly 1 in 11,900 adults born apparently male, and perhaps slightly fewer of those registered as girls. Yet these figures are misleading, especially as trans people seem to gravitate towards certain kinds of careers for some unknown reason. The statistics are challenged by some researchers too – suggesting that the syndrome is at least twice as common as currently thought. Some organisations may therefore have not just one but many trans employees in their midst. Maybe they're not all about to invent something which turns

your industry's paradigms upside down – but a fair number will already be doing tremendously valuable work. Why then sacrifice that talent when it can so easily be retained?

In February 2001 Hewlett Packard invited Lynn Conway to address staff and management at one of their principal R&D facilities in Colorado. High on the agenda were meetings with senior HR managers to explain the increased numbers of gender reassignment surgeries around the world, and the challenges they posed for employers. Later, in a feature article for the company's global intranet news service, she emphasised what Carly Fiorina's strategic vision meant from her own perspective: "A company emphasis on conformity can stifle growth and individuality", she cautioned. "Employees need to see diversity in their work environment". "Otherwise, they're afraid to reveal anything different about themselves — even ideas."

A company executive later reflected, "The first rule here is 'Believe you can change the world.' Dr. Conway has inspired me to really believe that this is possible."

Learning to value your employees' diversity is a matter of good business strategy. You can hide from the challenges and watch your best, most interesting and talented employees head for more exciting places to work – or you can seize the challenge and make it into part of the way your organisation defines its entire culture.

Not all diversity issues may seem as challenging as helping a colleague metamorphose from one sex to the other. Being able to say with confidence that your organisation can rise to that level of adaptation is perhaps the ultimate proof that you are serious about the whole business of welcoming difference though.

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Christine Burns is a transsexual woman and a leading community activist in the UK. She is a member of the Parliamentary Forum on Transsexualism, a former vice-president of the campaign group “Press for Change” and lectures regularly on trans diversity issues. She was closely involved in the introduction of employment legislation in 1999 and was similarly connected with the evolution and eventual passage of the Gender Recognition Act in 2004. She lives in Manchester and is now involved in the care industry, after more than 25 years working in IT and business consultancy.

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More information

Professor Lynn Conway: www.lynnconway.com

Hewlett Packard Diversity Policy: <http://www.hp.com/hpinfo/abouthp/diversity>

Press for Change: www.pfc.org.uk

Trans Diversity Training: <http://www.plain-sense.co.uk/diversity>

Press for Change and the Parliamentary Forum on Transsexualism have jointly published a guidance booklet for employers entitled, “Transsexual People in the Workplace – A Code of Practice”. This is available in printed form from Press for Change (email letters@pfc.org.uk for details) and is also available online at <http://www.pfc.org.uk/employ/empguide.htm>