

EMPLOYEE ASSISTANCE REPORT

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supporting EAP professionals

Transgender Support in the Workplace – Part II

By Carolyn Ruck

How should employee assistance professionals respond when an employee requests workplace support while fulfilling the final steps of a gender transition process?

When facing gender transition in the workplace, employers call the EAP because they recognize a critical need for information and collaboration. Most often, it's the lack of clarity that proves problematic for the transitioning employee, and risky for organizational well-being at all levels.

Lack of awareness, vague policies and the absence of diversity programs and management training can be stressful and costly for an employer. An employee's gender change disclosure, if not handled well, can lead to any combination of complaints, interpersonal conflicts, rumors, or claims of a hostile work environment, harassment or discrimination.

Part one of this two-part article examined how employment law applies to transgender issues, the sensitive "coming out" process, and important transgender facts. Best practice guidelines and a "looking ahead" summary are presented in the conclusion of this series.

Best Practice Guidelines

The following are best practice guidelines regarding transgender

"... with increasing employment protections, ... you are likely to see transgender issues arising in the workplace over the course of your career."

issues in the workplace. While specifically designed for managers and human resource representatives – they are also recommendations that EA professionals should be aware of.

❖ **Remember to breathe.** The transitioning employee has probably been aware of their status for years and has been engaged in psychotherapy. You may be hearing about this for the first time.

❖ **When meeting with the transitioning employee, keep an open mind and acknowledge your own level of experience.** Ask questions and express a willingness to learn, adapt, and support.

❖ **Review current company policies for addressing harassment and discrimination.**

Should employee relationship issues arise, these documents will help guide your responses.

❖ **Include corporate legal counsel throughout the transition process.** You'll need to know which state, county or city laws may apply to employment actions involving the employee. Remember that a transitioning employee needs

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to provide consent prior to the organization disclosing even limited personal health information.

❖ **Obtain time frames from the transitioning employee in order to determine company timelines for responding to changes** (e.g., Jim plans to return as Joanne after medical leave of absence in early October). Most employers coordinate leader and staff trainings prior to the employee's return to work.

❖ **Strive for endorsement of company anti-harassment and respect policies from the top down.** Once the tone of acceptance and respect for diversity is established and conveyed by key leaders, front line supervisors are usually motivated to put policies into everyday practice. Unfortunately, even if an organization has specific policies covering protected classes; some claims of harassment and discrimination may arise from the front lines. This is why transgender-at-work training for managers and staff can be beneficial.

❖ **Include the transitioning employee in most aspects of organizational planning and response.** After all, you'll be involved in some very personal disclosures. Assure the employee of your support.

❖ **Plan to follow up privately and periodically to see how the transitioning employee is doing.** This is especially important during the first three months after his or her new gender appearance becomes apparent at work.

❖ **Avoid focusing on genital surgery vs. the entirety of the transition process at work.** Not all transgender individuals have genital or breast reconstructive surgery but most will have hormone therapy,

vocal retraining and cosmetic or facial treatments. When I first started consulting with organizations, many HR reps seemed fixated on evidence of genital surgery as the marker for when the employee should use new gender-identified bathrooms.

❖ **The date the employee presents, as his/her target gender is the day to begin using the restroom that reflects his/her new gender.** The employee should not be forced to use the restroom that matches his/her *previous* gender.

❖ **It may be necessary to review your organization's non-discrimination and anti-harassment policies.** For example, if the company receives staff complaints about being uncomfortable working with the transgender employee or there are concerns regarding joint bathroom use. *Consider suggesting an EAP referral to help that individual adjust to workplace realities.*

❖ **Remind staff that their transgender co-worker is still essentially the same person.** Encourage the same levels of work and social interactions.

❖ **Recommend education for organizational leaders first – before any training for line staff.** Be aware that managers with little exposure to transgender issues may need more time to digest the information.

❖ **Determine which customers or vendors need to be updated** about the change in gender. This includes “when” and “how.”

❖ **Plan for administrative and benefit updates** to ensure they are completed by the day the transsexual employee begins appearing at work as their target gender. This includes health insurance and

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other benefit changes, photo ID, name in company directory, etc.

Looking Ahead

Surveys indicate that 35% of Fortune 500 companies and 61% of Fortune 100 companies have protection policies that include gender identity. Most of these companies have also specified sexual orientation in their policies. These percentages have continued to increase over time.

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Employers that proactively develop and implement workplace strategies that address harassment and discrimination against all employees have an opportunity to enhance corporate reputation, and increase job satisfaction and employee morale. Results may include *greater* productivity, *less* staff turnover and *fewer* risks of litigation.

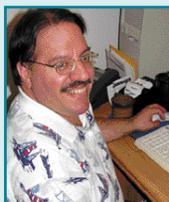
Discrimination cases are costly in terms of time, legal fees and goodwill. Companies with established diversity programs and management systems to address and resolve charges of discrimination and harassment may be at less risk for employment lawsuits.

With increasing media attention to Gay, Lesbian, Bisexual and Transgender (GLBT) individuals and roles, societal exposure to diversity is increasing. *This fact, combined with increasing employment protections, means you are likely to see transgender issues arising in the workplace over the course of your career.*

In lean economic times, leaders are planting seeds for the future. The best and brightest young employees will be considering employers based on several factors including progressive workplace policies. If a company is going to attract these employees, it makes sense to advocate for employment policies that are inclusive of gender identity.

EA professionals are able to highlight the importance of organizational inclusiveness, make the business case for it, and find ways to untangle organizational webs of fear and uncertainty. They are a valuable resource in this regard, so take advantage of it. ■

Carolyn Ruck is a licensed mental health counselor, and consultation team manager at Empathia, Inc. She has provided transgender-at-work consultation for dozens of employers over the past decade. Carolyn has worked therapeutically with Male to Female and Female to Male transsexuals in a variety of settings.



Editor's Notebook

This month, Carolyn Ruck concludes her look at a unique topic – that of transgender support in the workplace. As Carolyn points out, EAP guidance can *enlighten* and *ease* the organizational adjustment process.

While the number of transgender employees is small, there is a steady legal trend toward employment protection for these individuals. This means it behooves EA professionals to learn more about this issue. The “best practice guidelines” described in this article should prove very useful to EAPs affected by this issue.

Elsewhere in this month's *EAR*: Do you feel appreciated at work? REALLY appreciated? I know I seldom did at the daily and weekly newspapers I worked at in Wisconsin, and it's one of the main reasons I'm no longer in that

business. Paul White takes a look in part one of a two-parter.

ObamaCare is a controversial and politically charged debate that is likely to remain in the news until after the fall election. How will it be implemented if President Obama is re-elected? What if Mitt Romney is elected? Would he repeal it, as he's promised? *Most important, how would this landmark health care legislation affect EAPs?* Stay tuned.

In a day and age with seemingly more workplace scandals than ever, this month's *Brown Bagger* examines why seemingly “little white lies” hurt business. Finally, Gregory Jantz takes a look at Facebook in this month's LifestyleTIPS[©] insert. Happy reading! Until next time. ■

Mike Jacquart

Mike Jacquart, Editor
(715) 258-2448

mike.jacquart@impacttrainingcenter.net

EAPs Save Money!

The next time a potential corporate client is skeptical about the value of EAP services, consider telling the client that EAPs led to:

A \$7,750 savings per employee at Warner Corp., because of lower recruitment and training costs, lower workers' compensation costs, and fewer on-the-job accidents;

A 75% reduction in inpatient substance abuse treatment costs after an EAP was implemented at Gillette;

A McDonnell Douglas report, which estimated that its EAP saved the company \$5.1 million due to fewer days missed from work, lower turnover, and lower medical claims of employees.

Source: SAMHSA (www.samhsa.gov).

Is PTSD a Medical Condition?

Dr. Eugene Lipov, author of *Exit Strategy for Post-Traumatic Stress Disorder*, plans to treat 10 patients and follow up with biological marker tests that would help prove his theory that PTSD is a medical, not a psychological, condition.

He's seeking corporate donations to broaden the study in order to hasten the Veterans Administration's acceptance of the procedure, which has been used to treat 95 patients.

"The Veterans Administration's treatment for PTSD involves intensive psychological therapy and psychotropic drugs that works only about half the time and can take months or years," Lipov says. "My treatment, stellate ganglion block (SGB), involves two injections and works very quickly. In 80-85% of patients, it completely erases symptoms."

Lipov has treated 50 patients with SGB, an injection of anesthesia into a cluster of nerves in



the neck. His success stories date back to his first patient, who remains symptom-free after three years. Another 45 or so veterans have undergone the treatment at four military institutions, including a small study still underway at the Naval Medical Center in San Diego. Lipov theorizes that SGB works because it reduces excessive levels of cortisol, nerve growth factor and norepinephrine

in the brain, all stimulated as an organic response to stress.

"If I can show there's a biological change, that the treatment's success isn't just a placebo effect, I can get more acceptance," Lipov says. "Right now, part of the problem is credibility – people can't believe there's such a simple solution to a complex problem."

So far, Lipov has been unable to secure federal funding for a large study that would hasten the treatment's acceptance by the Veterans Administration. As a result, he's seeking private and corporate donors to match Illinois' contribution to his non-profit, Chicago Medical Innovations, so he can expand the biomarker study. An estimated 300,000 veterans of Iraq and Afghanistan have suffered post-traumatic stress disorder or major depression, according to a Rand Corp. report. ■

For more information, check out www.ChicagoMedicalInnovations.org.

Resources

Winning Salespeople: What It Takes to Become One, \$149, PDF download, PBP Executive Reports, (800) 220-5000, www.pbpexecutive-reports.com. This article lists the 10 fundamental facts that should guide every selling situation, the seven core beliefs of "super closers", and more.

Build Relationships, Win New Business, and Influence Others, by Andrew Sobel and Jerold Panas, \$22.95, Wiley. The authors examine 10 of the toughest, most awkward conversations you'll ever have, and the powerful questions that will help manage them with ease.

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What Happens if ObamaCare is Overturned?

By Elise Gould

The Affordable Care Act, otherwise known as ObamaCare, requires that insurers offer coverage to everybody, and at a common price (subject to some variation based on age and whether or not you're a smoker). Without its provision to stop free-riding, too many healthy people would wait until they got sick before they enrolled in insurance and started paying premiums.

This means that the insurance pool at any point in time would be less healthy, and thus more expensive. In other words, health reform without the mandate is considerably less efficient than health reform *with* the mandate.

Recent research has found that removing the individual mandate from health reform will reduce the number of newly insured individuals by about 62.5% (from 32 million with the mandate to about 12 million without). Because each newly insured individual is sicker on average without the mandate, this 62.5% reduction in enrollment does not lower net government spending by nearly as much.

Again, spending reductions are smaller than the sheer change in newly insured because those who opt out are more likely to be younger, healthier, and cheaper to insure. Taken together, the cost per newly insured person under health reform without the mandate is 93.3% higher than under health

reform with the mandate.

The inefficiency introduced by removing the mandate can be partially remedied by implementing other devices to stop free-riding, such as late enrollment penalties or default auto-enrollment. But, to put it simply, removing the mandate increases costs for the newly insured and makes health reform much less efficient. ■

Elise Gould is the director of health policy research for the Economic Policy Institute, an independent, nonprofit think tank that researches the impact of economic trends and policies on working people in the U.S. (Editor's note: These views reflect those of this author only – NOT those of Impact Publications, publishers of this newsletter. Watch for an article about the effect of the Affordable Care Act on EAPs, in a future issue of EAR.)

Clinical Perspective

Do Minorities Suffer More from Stress?

Workplace stress can cause a variety of health problems.

Researchers believe that racial and ethnic minority groups may suffer a disproportionate burden of stress-related illnesses.

A proposed study would explore the relationship between minority populations and work-related stress to help develop intervention and prevention efforts.

The National Institute for Occupational Safety and Health is seeking permission to proceed with the project to see whether minorities

are at an increased risk of problems associated with workplace stress. Increasing medical care utilization costs, job dissatisfaction, poor job performance, and employee turnover are among the documented health, economic, psychological, and behavioral consequences of stress.

According to the proposal, the following minorities suffer health effects possibly related to stress:

❖ Age-adjusted prevalence of hypertension among blacks is 40% compared to 27.4% among non-Hispanic whites.

- ❖ Some cancers are five times greater among Asians.
- ❖ Type II diabetes is two to five times greater among Hispanics.
- ❖ Depression is four to six times greater among Native Americans.

The information would be used to develop practices that benefit the health and safety of the diverse American workforce. ■

Sources: Employee Assistance Professionals Association (www.eapassn.org), and Risk and Insurance – Emerging Strategies for Risk (www.riskandinsurance.com).

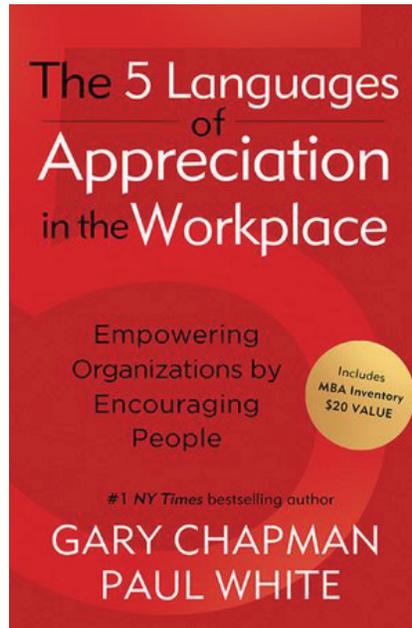
Appreciation in the Workplace – Part I

By Dr. Paul White

The workplace has become increasingly stressful. The financial stress from the global economy downturn has impacted businesses, non-profit organizations, ministries, schools, and government agencies. Employees in the workforce are discouraged. Team members have to “do more” with fewer resources. Staff members report not feeling valued for the work they are doing, and are approaching burnout.

Sixty-five percent of workers report receiving no recognition or appreciation from their supervisors in the past twelve months. And 79% of employees who quit their jobs report not feeling valued as one of the top reasons for leaving.

At the same time, business managers and organizational leaders are frustrated. They know their team members are working hard, but *they* are getting worn down. Many organizations have attempted to address the issue by



implementing employee recognition plans. But, in one study, only 31% of employees in organizations that have recognition plans, actually reported feeling appreciated for doing their work well! As a result, leaders often feel stuck – they *want* to do something that will encourage their staff, but they don’t know what to do.

The Importance of Appreciation

Each of us wants to know that what we are doing matters. Without a sense of being valued by supervisors and colleagues, workers start to feel like a machine or a commodity.

When team members do not feel valued, the results are predictable:

- ❖ Workers become discouraged, feeling there is “always more to do and no one notices whether I do a good job or not.”

- ❖ Employees begin to complain about their work and negative communication among co-workers increases.

- ❖ Negative behaviors increase: tardiness, absenteeism, conflict, stealing, lower quality work, and apathy. ■

NEXT MONTH:

Communicating appreciation authentically.

Dr. Paul White is a psychologist, consultant, speaker, and co-author of “The 5 Languages of Appreciation in the Workplace: Empowering Organizations by Encouraging People.” For more information, visit www.DrPaulWhite.com.

Marketing Matters

The Key to Selling: Become a Priority

By Nathan Jamail

The customer loves our service and they want to buy from us, but right now they are handling some higher priority situations. However, I am sure right after that they are definitely going to buy from us!

If you constantly hear yourself or one of your sales professionals

make this statement and find that the customer still has not purchased your EAP service after several months, you need to understand something; you are NOT a priority to the customer and you need to become one. Why is it that a sales professional’s number-one priority is to close the sale and yet buying the product is the prospective client’s

last priority? If the product or service helps the customer, they like it, they want it, then why would it not be a top priority, if not the number-one priority?

The answer is simple. Your product or service cannot become a potential client’s leading priority until you understand the customer’s

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Many Employees Left to ‘Sink or Swim’

Less than one-fourth of employees reported that they felt managers were interested in the professional development of their staff, according to a new survey by career transition and talent development consulting firm Lee Hecht Harrison. More than half reported that their managers rarely, if ever, take an interest in helping them develop in their positions in the workplace.

“These results aren’t surprising,” said Kristen Leverone, a senior vice president with Lee Hecht Harrison. “In engagement surveys employees are explicitly asking for more coaching and regular performance feedback from their managers. Employees want to

know what they are doing well and where they can improve. Without this kind of feedback, employees are left guessing about the value and impact of their contributions,” Leverone said.

According to Leverone, regular career conversations are critical to engagement, retention and business performance. However, with managers stretched with more direct reports and higher goals to meet, they often lack the skill or time to be an effective coach.

“Unfortunately, with so many competing pressures, career conversations are getting little attention, leaving employees to sink or swim in their careers. We advise leaders to look for opportunities to inte-

grate career conversations into other business meetings and discussions and talk with employees about the work they are doing, the challenges they are facing, and the support they need to be successful.”

Leverone added, “If you are not actively engaging and supporting the people who work for you, you’re probably not getting their best work. Managers need to see this as a priority and invest the time to check in regularly with their employees. Quick check-ins are just as important as full career coaching discussions because it signals to the employee that leaders are interested in and value them.” ■

Source: Lee Hecht Harrison (www.lhh.com).

Key to Selling... cont'd from Page 6

priorities. There are several things you can do to move buying your product or service up on the customer’s priority list:

❖ **Sell value, not price.** A salesperson must create a sense of urgency or become the customer’s priority, but the difference between a sales clerk and sales professional is that the sales professional should stay away from trying to be the cheapest. Selling on price alone devalues the product; it is about selling the value, the benefit, not the price alone. In addition, when you focus on the customer’s priorities in the *beginning* by asking the right questions, you are able to influence

the customer to buy now without resorting to desperate tactics.

❖ **Develop questions that will allow you to understand the goals and priorities of the prospective customer.** The better you understand them, the more likely it is that you will be able to show how your EAP service will help benefit the customer as their *top* priority. Ask questions to *truly* understand the prospect’s responsibilities and the pains of their job until you’ve gained enough knowledge to directly show how your EAP service can help them with their immediate goals or priorities. By doing this, the prospective customer knows they need to buy *now*.

Summary

There is no magic wand for closing more sales, and coming up with witty catch phrases will not do much more than get a good laugh. The real magic lies in the preparation and the skill of selling. You can close more sales when you focus on the benefit the *prospective customer is looking to obtain*, not just the benefit of your EAP service. When you *understand* the prospective customer’s priorities, you will be able to become a customer’s priority. ■

Nathan Jamail, the best-selling author of “The Playbook Series,” is a motivational speaker, entrepreneur and corporate coach. To find out more, visit www.NathanJamail.com.

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Some Things to Know About Medical Leave

By Eric Mullins

Medical leave is a benefit that employees can receive when they need to take off of work for medical reasons. For employees who are considering taking off work for medical issues, there are some things that EA professionals need to know about how the process works. Here they are:



❖ **The FMLA offers rights** — The Family Medical Leave Act (FMLA), passed in 1993, provides employees with the right to take off work for medical purposes. It covers scenarios like the birth of a child, the adoption of a child, caring for a family member, or a personal health condition.

❖ **Paid time off isn't required** — Although employers are required to provide employees with the *right* to take off work for medical issues, they are not required to *pay* for it specifically. Employers may ask an employee to use up vacation time,

sick time, personal days, and any other time that they have off before using medical leave.

❖ **Amount of time off varies** — There are specific rules about how much time an employee can take off under this legislation. Employees have the right to take off up to 12 weeks throughout the calendar year. However, in order to qualify for the FMLA, the employee has to work there for at least 12 months.

❖ **The employer can't ask for specifics** — Under the rules of the FMLA, the employer cannot ask for specifics about why the employee is going to be out of the office space for an extended amount of time. If the employee doesn't want to provide any information about the leave, he does not have to. The employer does have the right to ask for a doctor's note, but it doesn't have to specify the condition of the employee.

❖ **The employee must provide notice** — When an employee needs to take off for medical leave, it is important to provide the employer with plenty of notice. According to the rules of the FMLA, the employee has to provide written notice at least 30 days ahead of time. The employee should also provide some information about how long he expects to be off of work. While it can be very difficult to predict these kinds of things when dealing with medical issues, the employee simply has to give his best guess.

❖ **It can be applied retroactively** — Although employees are required to provide advance notice of their intention of going on medical leave, exceptions can be made. For example, if some kind of medical emergency came up, and the employee was not able to provide any notice before missing work, the employer can apply the FMLA leave retroactively. This makes it possible for the employer to take advantage of the medical leave without having to provide notice if something unexpected comes up.

Summary

Medical leave can be a valuable resource for the employee when medical issues crop up. It can be used for the employee or for members of the employee's family, in most cases. It is designed to help promote a work-life balance that otherwise may not be offered by certain employers. ■

For this and other posts, visit www.industrialspace.net/blog/6-things-to-know-about-medical-leave **Editor's note:** This article originally ran on the Impact blog. Visit or subscribe to this free blog at <http://impactpublishing.wordpress.com>.

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