



SUPPORTING INTERSEX INCLUSION IN THE WORKPLACE

OUT & EQUAL
WORKPLACE ADVOCATES

 **InterACT**
Advocates for Intersex Youth

About Out & Equal

Out & Equal is the premier organization working exclusively on LGBTQ workplace equality. Through our worldwide programs, Fortune 500 partnerships and our annual Workplace Summit conference, we help LGBTQ people thrive and support organizations creating a culture of belonging for all.

We partner with Fortune 1000 companies, government agencies, and organizations across industries and diverse missions to provide LGBTQ executive leadership development, comprehensive D&I training and consultation, and professional networking opportunities that build inclusive and welcoming work environments.

Out and Equal works with executives, HR and D&I professionals, and LGBTQ+ employee resource group (ERG) leaders to strengthen their role as internal change agents, bolstering their effectiveness and helping them incorporate and advance best practices in Diversity & Inclusion work.

We believe equality is about more than checking off boxes. And we know inclusion requires more than a set of directions. It's about creating spaces that celebrate and foster growth for every kind of employee, where leadership is made up of different people with diverse perspectives.

Our goal is to challenge organizations to live into their values every day and transform workplaces. Together, we can develop an environment where everyone can thrive.

About interACT

interACT is an intersex-led national U.S.-based advocacy organization founded in 2006 to advocate for the human rights of intersex youth while raising awareness and promoting intersex inclusion.

We partner with various LGBTQ+, legal, and human rights organizations in efforts to change laws and policies to protect intersex bodily autonomy.

interACT's goal is to promote intersex wellbeing with a focus on ending harmful, medically unnecessary, and non-consensual surgeries on children born with intersex traits.



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Around the world, leading employers have sought to create more inclusive workplaces for their LGBTQ employees. Developing meaningful programs to support intersex employees and intersex family members of employees is more than simply adding the “I” to the LGBTQ acronym. This guide is intended to walk employers through concrete changes they can make to support full intersex inclusion. Inclusive workplace cultures drive performance, retention, and productivity.

—Deena Fidas, Out & Equal



Intersex people aren’t rare but we’re often rendered invisible. Workplace support is a tremendous step forward not only for individual intersex employees, but also their loved ones who often also struggle with a lack of recognition surrounding this population’s specific needs.

—Kimberly Zieselman, Executive Director of interACT

Authors

Kimberly Zieselman, JD, Executive Director, interACT

Alesdair Ittelson, JD, Law & Policy Director, interACT

Deena Fidas, Managing Director | Chief Program and Partnerships Officer, Out & Equal

Madelyn Gelpi, Senior Manager of Stakeholder Engagement, Out & Equal

Madeline Perrou, Senior Associate of Communications, Out & Equal

Design by: Maddison Leroy, Senior Manager of Communications, Out & Equal

This following resource was co-authored by Out & Equal Workplace Advocates and interACT.

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Introduction

Many leading global employers are in their second and even third decade of meaningful policy, practice, and benefits changes to make their organizations more equitable for lesbian, gay, bisexual, transgender, and queer (LGBTQ) employees. While globally, the human rights of the intersex community are often advocated for alongside and within those of the LGBTQ community, many well-intentioned employers have not fully understood the needs and considerations of intersex employees and intersex family members of employees.

Intersex people have existed throughout history and within all cultures, and intersex variations are more common than many realize. A full 1.7% of the population—more common than identical twins, and larger than the whole population of Japan—has an intersex variation.¹

A note on terminology: Intersex is both a physical variation that people have and/or a term of identity. It's important to note that some people may in fact have intersex variation but do not use "intersex" as a category of self-identity.

Globally, the movement for specific protections and rights for intersex people has continued to advance. In 2019, the European Parliament's adopted a landmark resolution which condemned

non-consensual surgery on intersex individuals and called on the EU Commission and Member States to implement legislation that specifically addresses discrimination against intersex individuals.² Most recently—in what was considered an historic step forward for the global intersex community—34 countries released a joint statement in October 2020 which called upon the Human Rights Council to "investigate and address human rights violations against intersex people."³ Earlier this year, a Chicago hospital vowed to stop performing non-consensual surgeries on intersex people and even publicly apologized for the harm it inflicted on its intersex patients—a first in US history. Following this decision and marking another major victory for intersex rights, Boston Children's Hospital also announced they would no longer perform certain non-consensual surgeries on intersex children.

As the intersex movement grows and receives greater visibility, workplace inclusion is a critical step moving forward. The following guide, co-authored by interACT and Out & Equal, is intended to support employers in raising awareness about intersex identity, the intersex community and catalyze actionable steps for creating more inclusive, supportive workplaces.





Building Foundational Knowledge

When developing initiatives to support intersex employees in the workplace, employers should first understand foundational knowledge around intersex variations. The following section provides key information on intersex experiences and to clarify frequently held assumptions.

What is Intersex?

Intersex is an umbrella term used to refer to people born with differences in their sex traits or reproductive anatomy. There are many possible ways to be intersex—in fact there are at least 40 different recognized specific variations under the intersex umbrella. Intersex refers to differences in genitalia, hormones, internal anatomy, or chromosomes that transcend the assumed binary male/female body. While some intersex traits are noticed at birth, others don't appear or aren't discovered until later in life.

Approximately 1 in 2,000 babies (0.05% of all people) are born with visible genital differences that put them at risk for unnecessary surgery in infancy.⁴ Variations that may not be obvious at birth can mean that the risk of unnecessary surgery arises later in childhood.

Intersex status is not inherently harmful to a person's health. However, at a very young age, intersex people are often forced or coerced into surgical procedures which change their bodies to appear "normal." These "corrective" irreversible procedures may cause a number of harms including: damage to future sexual and reproductive function, urinary complications, psychological distress, and/or a misalignment between sex assignment and an intersex individual's gender identity.



Building Foundational Knowledge

What is the Connection Between LGBTQ and Intersex?

The “I” for intersex has been increasingly included as a part of the LGBTQI broader movement. In different parts of the world, the reason for the incorporation of the intersex, or “I” as a part of “LGBTQI” has varied. In some parts of the globe, adding “intersex” was considered to be a “logical step” after adding “T” to LGBTQ, while in other areas adding the “I” was driven by governments and institutions.⁵

Intersex and LGBTQ advocacy is aligned throughout much of the world because of similar challenges facing both communities in understanding and representation. While the LGBTQ and intersex communities have distinct needs and experiences, both have a common cause in fighting for the

rights of those who do not fit society’s traditional binary norms and expectations around sex, sexual orientation, and gender identity. Furthermore, the discrimination faced by intersex people is often heavily rooted in the same pervasive homophobia, transphobia, and stigmatization that continues to harm the LGBTQ community.

Both transgender and intersex people have a shared interest in autonomy and grapple with the loss of decision-making authority over their own bodies. Further, just like LGBTQ people have been subjected to harmful conversion therapy in an attempt to erase their healthy variations of sexuality and/or gender identity, intersex people continue to be subjected to interventions that try to erase their intersex status by “fixing” physical differences without their consent.





Building Foundational Knowledge

How is Intersex Status Different than LGBTQ Identity?

Intersex status is a form of bodily diversity, which relates to physical or biological variations and the subsequent experiences related to these variations. This is distinctly different than LGBTQ identity, which concerns one's sexual orientation and gender identity. Employers should note that the differences between LGBTQ identity and intersex status translate into different needs and experiences in the workplace for both LGBTQ and intersex employees.

- **Understanding Intersex versus Gender Identity:**

A person who is intersex was born with one or more variations in their physical sex characteristics, whereas a transgender person has a gender identity that is different than the sex they were assigned at birth. Intersex babies are typically assigned either male or female at birth, just like non-intersex babies. An intersex person could be cisgender if they grow up to identify with the sex they

were assigned at birth, or transgender if they do not. Some intersex people are non-binary, but most do identify as either male or female. It is important to remember that someone who is intersex is not necessarily transgender or non-binary just because of their intersex status. Always trust the individual as an expert on their own body and identity.

- **Understanding Intersex versus Sexual**

Orientation: Sexual orientation refers to an individual's experiences of romantic and/or sexual attraction to others. Lesbian, gay, bisexual, asexual, pansexual, and heterosexual are examples of orientations. Intersex is not a sexual orientation, and there is no necessary connection between intersex traits and sexual orientation.



The Business Case For Intersex Inclusion

Efforts to support intersex inclusion in the workplace create safer, more authentic environments where intersex employees and those with intersex family members can thrive. Greater awareness can decrease experiences of stigmatization, as well as other instances of harm that can have a negative impact on individual well-being and business outcomes. Furthermore, intersex-affirming workplace cultures may encourage employees to feel more comfortable disclosing their intersex status, and, in turn, create more visibility in the workplace.

While there is still very little research on intersex experiences in the workplace, research consistently demonstrates the benefits of building cultures of inclusion and belonging in the workplace for all employees. Across the board, inclusive workplace environments drive performance, productivity, retention, and well-being. Furthermore, inclusion impacts the bottom line, as inclusive policies and practices are associated with higher company value, productivity, and profitability.⁶

With greater visibility, comes greater levels of awareness and understanding around the intersex community. As with any Diversity, Equity, and Inclusion (DEI) effort, leading employers should stay ahead of the curve and proactively support intersex awareness and inclusion.





Achieving Intersex Inclusion in the Workplace

Like everyone else, intersex employees require respect, support, and the right to work free from discrimination or harassment. In building more inclusive workplace cultures for intersex employees, it is not advisable to begin by adding the “I” to your LGBTQ acronym and programs without first taking important steps to authentically reflect an intersex-inclusive workplace. The following recommendations highlight key action items employers can implement in building truly inclusive workplace cultures for their intersex employees before adding the “I”:

1. Provide an intersex-focused training led by intersex individuals or an intersex organization;
2. Prepare company materials to be intersex-inclusive (including HR and outward-facing materials); and
3. Ensure all non-discrimination efforts specifically include intersex.

Nondiscrimination Policy

Intersex is a covered category under nondiscrimination provisions that prohibit discrimination on the basis of sex. This is because intersex variations are differences in sex traits; therefore, discriminating against someone on the basis of their intersex status is discrimination on the basis of sex. All employers should understand their legal obligations to safeguard against sex-based, and therefore, intersex-based discrimination.

Nondiscrimination policies that include “sex” should expressly include “sex characteristics” to ensure clarity in expectations across the workforce. This is the most inclusive terminology to refer to people with intersex traits, as it encompasses those who have variations in their sex characteristics but may not identify with an intersex label. Adding intersex status in nondiscrimination policies is helpful, but making sure all definitions of sex include “sex characteristics” is essential. To fully support intersex employees and to fortify the workforce’s shared understanding of intersex identity vis-à-vis nondiscrimination policies, “intersex” should be included in any nondiscrimination trainings and any relevant onboarding materials.



Achieving Intersex Inclusion in the Workplace

Diversity, Equity & Inclusion/Human Resources

Employers should proactively take steps to build inclusive workplace environments for their intersex employees through their diversity & inclusion initiatives. The following provides recommendations on how to weave intersex inclusion into DEI/HR strategies.

- Maintain strict confidentiality in managing employees' personal data and records to ensure intersex individuals are not inadvertently outed to coworkers. Advise employees that non-consensual disclosure of medical and/or identity information is prohibited.
- Include comprehensive information on intersex within LGBTQI inclusion trainings. Training and policy education should be required for employees in the onboarding process and for all managers periodically.
- Materials that include education around intersex issues should be readily available for staff on the company's intranet and other educational platforms hosted by the company.
 - > Ideally, trainings and education on intersex inclusion will be advised by trainers who are themselves intersex or materials developed by those with experience.
- Provide intersex resources to HR and Diversity leaders to build awareness of intersex issues.
- Provide definitions of intersex within HR policy documentation.
- Build intersex inclusion into recruitment initiatives.
 - > Recruit through the intersex community. Advocacy and peer support organizations like InterConnect and interACT may be able to share job openings with their national networks of intersex community members.



Achieving Intersex Inclusion in the Workplace

Employer-Provided Health Insurance

Many intersex employees may require intersex-specific medical care in adulthood, including follow-up care like revisions of earlier surgeries and/or hormonal replacement therapy to address poor outcomes of non-consensual interventions they may have experienced in childhood. Employer-provided health insurance should cover these important services, as well as gender-affirming care, preventative care, or other care that intersex employees may need irrespective of their previous medical or surgical history.

It is also important that Benefits leaders communicate with their insurers and third-party administrators (TPA) to ensure their plans are not contributing to unnecessary surgical interventions on intersex infants, which have been deemed a human rights violation (and even a form of torture) by international human rights organizations like the UN. While doctors may act with the best intentions, rushing to “fix” an intersex child’s bodily difference most often does much more harm than good. Unfortunately, parents may feel

pressured into making irreversible decisions about their children’s bodies before the child can choose what, if any, medical procedures they desire. After resolving the plan stipulations with the insurer and/or TPA, it is important to have this information readily available to enrollees within the organization.





Achieving Intersex Inclusion in the Workplace

Self-Identification

Collecting demographic on intersex employees through internal surveys, employee records, or other by other means should be done with careful consideration. Similar to LGBTQ data collection initiatives, employers should guarantee the optional nature of the questions, data protection and privacy, as well as have clarity on the purpose of the data

collection and ultimate use. It is not advisable to take on LGBTQI data collection before a very strong foundation of non-discrimination, employee awareness and data use is established. Should an organization be ready to collect this data, interACT has helpful tips on how to phrase these questions and optional answers.





Achieving Intersex Inclusion in the Workplace

Dress Codes

The purpose of company dress codes is not to enforce gendered attire for employees, but rather to ensure that they are dressed in professional and functional wear. Simple changes in a dress code policy can ensure that attire is appropriate without enforcing gendered binaries on employees, which can alienate transgender, non-binary, and, sometimes, intersex employees. To ensure your company's dress code is inclusive, replace gendered dress code policies with simple guidance concerning principles of general professionalism.

Facilities

Intersex individuals may desire greater privacy in communal restrooms or shared spaces like locker rooms. In these instances, offering alternatives, like a single-stall restroom or changing space, can provide safe and comfortable places for intersex individuals or other employees (like transgender or non-binary employees) who may prefer this option. At the same time, intersex employees, as well as transgender or non-binary employees, must never be required to use different facilities than their peers. In the case of sex-segregated facilities, all employees should be allowed to access the facilities that they deem appropriate for themselves, without restriction or harassment. Furthermore, individuals should never be asked invasive questions about their bodies when attempting to access such a facility.





Achieving Intersex Inclusion in the Workplace

ERG Engagement

ERGs are vital mechanisms to foster cultures of belonging and provide educational spaces within organizations. ERGs are often responsible for getting the conversation started on emerging topics and important issues in the workplace.

- Elevate intersex voices and raise awareness of the intersex community. ERGs should implement programming that focuses on intersex awareness and education in the workplace. This can include:
 - > Partnering with an intersex organization to provide a training or lunch and learn session with the ERG.
 - > Provide reading materials and/or video content around intersex issues and discuss as a group.
 - > Schedule programming around intersex awareness on key intersex calendar dates: Intersex Awareness Day





Achieving Intersex Inclusion in the Workplace

Allyship

While implementing inclusive policies and practices are crucial in fostering cultures of belonging for the intersex community, allies also play a pivotal role. Here are a few ways to demonstrate allyship towards intersex colleagues:

- Allyship for intersex people means not assuming everyone shares the same physical traits or bodily experiences (such as having a menstrual period or the ability to become pregnant) based on presumed gender.
- Intersex people aren't a joke or a punchline. Act if confronted by humor or comments aimed at or about someone or a group because they are intersex.
- If you meet someone who is intersex, let them share the information they wish to share. Don't ask about their bodies or what procedures they've undergone. Respect their privacy and their journey.

- Show up as an ally for the intersex community by amplifying intersex stories and voices. Notice areas where intersex issues are not addressed or recognized—do your best to elevate and support where you can.
- Listen carefully to intersex colleagues and the intersex people in your own networks and follow their lead. It's important to learn directly from intersex people. However, it's also important to not rely on intersex people to do all the work for you. Take time to educate yourself by reading intersex resources and books, connecting with an intersex organization, conducting online research, and more. For more information about the intersex community, visit the *Resources* section of this resource.





The Importance of Corporate Advocacy for the Intersex Community

Much like the LGBTQ community, intersex employees need clear messages of support and awareness from employers. This is especially important, as intersex issues do not receive nearly as much attention as LGBTQ issues despite intersex traits being a relatively common occurrence and affecting a significant amount of the global population. Here are a couple of ways to ensure your company is advocating for the intersex community:

- Maintain an organizational awareness of the issues that may be affecting your intersex workers by following or subscribing to mailing lists of intersex-focused policy organizations that do not have a financial stake in continuing to perform non-consensual surgeries.

Here are a few:

- > [interACT: Advocates for Intersex Youth](#)
- > [Intersex Justice Project](#)
- > [InterConnect](#)
- > [Intersex Campaign for Equality](#)

- Take a public stance in support of the intersex community. An employer's external engagement in supporting the intersex community can be critical in instances in which policy issues arise. Major companies have played a significant role in advancing LGBTQ inclusion across the globe and possess a similar opportunity to make an impact in advancing intersex awareness and inclusion. Encourage your company to speak out and take a public stance on issues affecting the intersex community. For information on staying up to date on policy issues concerning intersex employees, contact interACT at info@interactadvocates.org.
- Employers have established deep, authentic connections with the LGBTQ community at-large through partnerships with LGBTQ non-profits and civil society organizations. Similarly, employers should seek out intersex-led organizations and events for partnership to better familiarize themselves with the community.

Closing

The invisibility of the “I” is changing, and employers must ensure diversity and inclusion initiatives demonstrate an awareness of and implement best practices concerning the intersex community. By utilizing the information and practices included in this guide, employers, individual leaders, and employees are better positioned to create cultures of belonging for their intersex employees. Please stay in touch with us at hello@outandequal.org to share your application of these practices and any feedback you have on this resource and/or your employer’s experience.





Resources

Intersex, Gender, and LGBTQIA—interACT

<https://interactadvocates.org/faq/intersex-lgbtqia/>

Intersex 101: Everything You Want to Know—interACT

<https://live-interact-advocates.pantheonsite.io/wp-content/uploads/2017/03/INTERSEX101.pdf>

What We Wish Our Friends Knew—interACT

<https://live-interact-advocates.pantheonsite.io/wp-content/>





Timeline of Intersex Advocacy in the United States

1960s: Dr. John Money of Johns Hopkins University develops a medical paradigm of “correcting” intersex children in infancy by surgically altering their bodies to comply with a female or male binary system. Soon this model is in place at every US Children’s hospital.

1993: Cheryl Chase [founds](#) the Intersex Society of North America to “end shame, secrecy, and unwanted genital surgeries for people born with an anatomy that someone decided is not standard for male or female.”

1996: Intersex activists [protest](#) treatment of intersex children at the annual convention of the American Academy of Pediatrics in Boston, MA. That date (October 26th) has since been deemed [International Intersex Awareness Day](#).

1996: In response to the activists, the AAP publishes a position [advocating early genital surgeries](#).

1997: David Reimer, who was surgically assigned female after a circumcision accident by Dr. Money at Johns Hopkins, and whose [John/Joan](#) case formed the basis for much of the argument for early genital surgery, publicly renounced Dr. Money after rejecting his female assignment at age 14.

1998: The Gay and Lesbian Medical Association (now GLMA: Health Professionals Advancing LGBT Equality) passes a [policy resolution](#) calling for research on outcomes of genital-normalizing surgery, full disclosure of risks and alternatives by physicians to parents of intersex children considering surgery.

2005: The San Francisco Human Rights Commission issues a [“A Human Rights Investigation into the Medical “Normalization” of Intersex People”](#)

2006: Anne Tamar-Mattis founds Advocates for Informed Choice, now [interACT: Advocates for Intersex Youth](#), the nation’s largest organization dedicated to intersex advocacy.

2013: [The American Academy of Pediatrics](#) advocates psychological care prior to any surgical intervention in the case of transgender youth.

2015: Lambda Legal [files suit against the US State Department](#) to recognize intersex plaintiff Dana Zzyym’s right to a non-binary passport.

2016: The Office of Civil Rights of the US Health and Human Services [issues a final rule](#) interpreting the non-discrimination provision of the Affordable Care Act to prohibit discrimination on the basis of intersex traits.

2017: Three former US Surgeons General [issues a white paper](#) calling for an end to medically unnecessary interventions on intersex children.



Timeline of Intersex Advocacy in the United States

2017: Physicians for Human Rights [condemns](#) non-consensual surgery.

2017: Human Rights Watch publishes the first in-depth report on intersex issues in the United States, [“I Want To Be Like Nature Made Me.”](#)

2018: The American Academy of Family Physicians [condemns](#) non-consensual surgery.

2018: California [passes the first ever state legislation](#) naming the human rights violations facing the intersex population and calling children born with variations in sex characteristics “a part of the fabric of our state’s diversity to be celebrated rather than an aberration to be corrected.”

2018: The Michigan Medical Society becomes the first state medical association to [pass a resolution](#) opposing unnecessary surgeries on intersex infants.

2019: The Equality Act is updated to explicitly prohibit discrimination on the basis of sex characteristics/intersex status.

2019: California, New York, Iowa, Texas, and Connecticut all consider state-level bills to protect intersex bodily autonomy.

2019: Cook County, IL [adopts a resolution](#) recognizing the harmful interventions occurring on intersex children in the US, including in Chicago.

2019: The Massachusetts Medical Society becomes the second state medical association to [pass a resolution](#) in favor of intersex children’s bodily autonomy.

2020: Presidential candidates [Elizabeth Warren](#) and Pete Buttigieg each include a call for intersex bodily autonomy in their proposed LGBTQI plans.

2020: NYC Council considers a [bill](#) that would require the state department of health to conduct an education and awareness campaign promoting intersex bodily autonomy.

2020: In Chicago, IL, the first US-based hospital [issues a statement](#) apologizing for the harms of non-consensual surgery and commits to a review of its practices.

2020: In Boston, MA Boston Children’s Hospital [announced it will no longer perform two of the most harmful reconstructive genital surgeries](#) on young intersex patients before they can meaningfully participate in the decision.

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- ⁵ Carpenter, M., Hough, D. (2014) Employers' Guide to Intersex Inclusion. Sydney: Pride in Diversity and Organisation Intersex International Australia
- ⁶ Open for Business. (2019). New global champions: Why fast-growing companies from emerging markets are embracing LGBT+ inclusion. <https://static1.squarespace.com/static/5bba53a8ab1a62771504d1dd/t/5dcdaa165615bd6a00f03190/1573759526393/New+Global+Champions+-+why+fast+growing+companies+from+emerging+markets+are+embracing+LGBT%2B+inclusion+%28full+report%29.pdf>