

STATEMENT OF

**William H. Hendrix, III, Ph.D., Global Leader, Gays, Lesbians and Allies at Dow
THE DOW CHEMICAL COMPANY
Midland, Michigan**

**For the hearing on
An Examination of Discrimination Against Transgender Americans in the
Workplace**

**Before the
House Health, Employment, Labor and Pensions Subcommittee**

**On
June 26, 2008**

Mr. Chairman and members of the Subcommittee, my name is Dr. Bill Hendrix, and I am a product stewardship specialist for the Insecticides, Seed & Traits business within Dow AgroSciences LLC, a 100% wholly owned subsidiary of The Dow Chemical Company. I hold a Ph.D. in Entomology from Iowa State University and have worked for Dow for 19 years.

In addition to my role as a product stewardship specialist within Dow, I also serve as the chair of the Company's Gays, Lesbians and Allies at Dow (GLAD) Network, an affinity group advocating for gay, lesbian, bisexual, transgender and ally employees within the company. GLAD is one of six employee networks at Dow, all working toward promoting an increasingly diverse and inclusive workplace. GLAD was first established in 2000.

Dow thanks the Subcommittee for holding this hearing to examine the discrimination that many transgender Americans experience in their workplace.

First, I will provide some background on Dow. Dow was founded 110 years ago in Midland, Michigan, a small town of about 40,000 people just over 100 miles north of Detroit. Our small town Midwestern roots have encouraged us to establish our enduring

Core Values of Integrity and Respect for People. It is these Values that form the very heart of our approach to Diversity and Inclusion.

Over the years, as we have grown and become a major player in the global economy, Diversity and Inclusion have truly become key elements of our corporate culture. Just consider our footprint: we serve customers in 160 countries, we have manufacturing sites in 35 different countries, and at last count, my 43,000 colleagues represent about 100 different nationalities.

Clearly, diversity underpins our workforce, our culture and, indeed, our business model. In a highly competitive world where innovation is the key to securing competitive advantage, we know that it is our “Human Element” that is key to our success. As a result, we know that creating a respectful, inclusive working environment is not only a matter of fairness and equality, but also one of critical economic and business importance.

With a shrinking and ever more diverse talent pool – particularly in the sciences and engineering – it is essential for us to actively include everyone to ensure we attract, develop and advance the very best talent available in the marketplace. As an industrial, business-to-business supplier with virtually no consumer marketing, located largely in smaller rural areas, we must work even harder to have an identifiable employer brand to attract top talent. We see our proactive stance on diversity and inclusion as a key element of this brand.

Our open policy allows us to hire the best employees, with the greatest range of perspectives. When we discuss the LGBT policies in the workplace, we do so knowing that this policy gives us an advantage. Because we don’t have major offices or facilities in the metropolitan areas in the US, our LGBT employees often have more protection from discrimination under Dow’s policies than under the laws of their state or locality. In fact, according to the latest report from the Human Rights Campaign (HRC), only twelve states and the District of Columbia prevent employment discrimination based on gender

identity; no federal law clearly prohibits employment discrimination against LGBT employees.

Specifically, our LGBT policies have been good for our workplace for two main reasons: a) retention of our LGBT employees has been enhanced, because they know that they can perform their jobs openly without fear of repercussion and therefore have more reason to be committed to the company in return, and b) better recruitment of allies and younger workers, who often use employee benefits, such as support for domestic partnerships and flexible work hours, as a litmus test for prospective employers.

For Dow, like most companies, the offering of benefits to LGBT employees has been the result of a multi-stage journey. We first instituted sexual orientation in our employment nondiscrimination policies in 2000. We then added parity for domestic partnerships in 2002. We added protections based on gender identity in 2005. A copy of our policy is attached as exhibit A. Of special note, we have implemented this globally for all the 160 countries in which we have employees!

When comparing our company to other peer Fortune 500 companies, Dow is one of the nearly 30 percent that currently offer protection for employees based on gender identity. While non-discrimination policies are just one component of inclusive workplaces, increasingly, U.S. employers are becoming like Dow and providing similar workplace protections. Surveys have shown that at least one of every five transgender people has experienced workplace discrimination and harassment. Such discrimination, and subsequent loss of talent, comes at a significant cost to employers, many of whom, like Dow, will suffer from shortages of qualified workers as baby boomers retire (Transgender Inclusion in the Workplace 2nd edition, April 2008, Human Rights Campaign Foundation Report, 64 pg).

For our workplace transgender policy, we leveraged the policy developed by HRC and then modified it slightly for our specific workplace conditions. A copy of this policy is attached as exhibit B. This policy strongly emphasizes mutual respect and good

communication between the transitioning employee and his/her supervisor. However, if the employee doesn't feel comfortable talking directly with their supervisor, they may elect other options such as their HR representative or a leader from the GLAD network. Communication to the transitioning employee's workgroup is also critical. Working with the transitioning employee, training seminars or educational emails can be created to prepare co-workers. Our policy also addresses the questions of a transitioning employee's workplace dress, as well as changing that employee's name, including updating company databases and offering support for other legal documents such as passports, an important document for global company employees.

While already a welcoming workplace, Dow's commitment to transgender inclusion in our workplace continues to grow. Currently, Dow is looking at ways to expand our transgender health benefits to include coverage of hormone therapy and long-term counseling. We now provide counseling relating to gender transition through our Employee Assistance Program. While, many companies, like Dow, are exploring how to provide better health coverage for transgender workers, there are some companies that do offer these types of benefits. According to the HRC Foundation Report on Transgender Inclusion in the Workplace 2nd edition (April 2008), there are 78 companies that offer transgender health benefits without exclusion to their transgender employees. These include large employers such as IBM, General Motors, and Eastman Kodak.

As I have mentioned, it has been a journey for my company. On the whole, our program has gone remarkably well. We have already had one employee transition in the workplace and utilize the policies. As expected, co-workers have had a few questions and concerns, including about restroom use in the workplace, but, our company has been able to address them and ensure that the facility in question remains a respectful and productive environment. In discussions with the transitioning employee, she felt her transition was going well, and most of her coworkers were quite accepting and supportive. Of interest is that this employee is based in a rural, coastal Texas location.

Overall, we have achieved a positive reception of our transgender policy, both internally and externally. Externally, one of the key metrics for our company is the HRC Corporate Equality Index, where we have maintained a 100% rating since 2005. Transgender policies are currently a key component of the ranking criteria. Internally, because of our strong commitment to our Human Element campaign's policies, very little negative notice was taken of the inclusion on gender identity. This was just one more diversity factor within our comprehensive program.

Dow appreciates the chance to share our views and applauds the committee's work to gather more information on gender identity within the workplace. We strongly support protections against discrimination based on gender identity and sexual orientation in the workplace and welcome any further questions you may have.

Exhibit A

Our Global Policies for Inclusion -- Respect and Responsibility

(<http://www.dow.com/diversity/beliefs/inclusion.htm>)

We encourage a culture of mutual respect in which everyone understands and values the similarities and differences among our employee, customers, communities and other stakeholders. We work to provide an atmosphere that encourages positive interaction and creativity among all employees.

It is the policy of The Dow Chemical Company that employees be provided a work environment which is respectful and free from any form of inappropriate or unprofessional behavior, such as harassment including sexual harassment, pestering or bullying and any form of unlawful discrimination based on sex, gender, race, sexual orientation, gender identity, disability, age, ethnic origin, or other inherent personal characteristic protected by law.

Exhibit B

Workplace Guidelines for Transgendered Employees

Overview

At Dow, we want our employees to be at their maximum productivity. Employees who can be honest about who they are can put their full energy into their job. As a result, we prohibit discrimination against or the harassment of employees based on their sexual orientation or gender identity or characteristics.

Scope

This document is intended to provide guidance to transgendered employees and their leader(s) to help both understand the workplace issues that transgendered employees may face as they undergo gender transition.

It in no way obligates The Dow Chemical Company to provide any employee benefit beyond what may be allowed in existing Summary Plan Descriptions (U.S.) or similar benefits programs' policy descriptions in other countries.

This document is also not a statement of policy of The Dow Chemical Company, but rather is intended to offer guidance to employees and their leaders within the provisions of policies and programs separate from this document.

Definitions

Gender Identity refers to those individuals who, with the documented support of medical or psychological professionals and in accordance with the recognized Informed Consent Model of Care or the Harry S. Benjamin Standards of Care, are changing or have changed their physical characteristics to facilitate personal and public redefinition of their sex as opposite that which they were assigned at birth.

Transitioning Employee refers to an individual who is in the process of modifying his/her physical characteristics and/or manner of expression to satisfy the standards for membership in a gender other than the one he/she was assigned at birth

Transitioning Employee Guidance

If you are a transitioning employee, you should be comfortable being openly who you are. This means expressing your gender identity, characteristics or expression without fear of consequences. It is important, however, that you inform key personnel in your workplace who need to know about the change and the impact on your work (the need to be away from work for treatment, for example). Your first point of contact may be your immediate supervisor, and/or your local human resources or Employee Assistance Program (EAP) representative. If you are not sure or perhaps uncomfortable contacting the above-mentioned individuals, you may wish to first contact a leader (steering team member or Site Implementation Leader) or other participant in the Gays, Lesbians and Allies at Dow (GLAD) employee network for support and guidance.

Explain to the person that you've selected to speak to your intentions, needs and concerns. Remember you are covered under Dow's equal opportunity policy. Your leader, HR and others may not be educated about transgender issues and may not understand clearly what your needs may be. You should be prepared to spend some time educating people. Providing them with a copy of these guidelines may help. As you prepare to make your situation more widely known to your co-workers, you need to expect them to be unfamiliar with your situation and your needs during this time. You and your leader will need to work together to develop a strategy to address this mutual education process.

Leader Guidance

If you have an employee who is transitioning, it is important that you demonstrate an understanding, sensitive approach to his/her needs and concerns. It may be frightening to an employee to make himself or herself vulnerable to a person upon whom their job depends. Our culture supports diversity and inclusion. If your employee informs you of his/her desire to transition or if an employee is currently in the transitioning process, your support is critical. Your actions may determine if the transition is successful or not. If you are not familiar with transgendered individuals, allow the impacted employee to educate you. Be open-minded and discuss with the employee his/her needs and concerns. Make it clear to the employee that your conversation will be held in the strictest of confidence and you will share the information only with those who have a business need to know the information, such as your HR partner. Explain any concerns you might have and ask the employee's opinion regarding the best method and time for informing co-workers about the transition process.

During the early stages of an employee's transition, few, if any, accommodations will be required on your part. However, at some point, issues dealing with an employee's physical appearance and usage of restroom facilities must be addressed. You should be prepared to address the questions and concerns of co-workers; however, the utmost care must be taken to assure the transitioning employee that his / her personal situation will continue to be held in confidence during these discussions. Along these lines, communications are best handled one-on-one versus group settings or mass communication methods like E-mail.

**Restroom and
Locker-Room
Access Issues**

Restroom and locker-room access issues need to be handled with sensitivity, not only to our obligation to provide transitioning employees with the same level of access available to non-transgendered employees, but also to the emotional responses to co-workers to the idea of sharing facilities with a transgendered co-worker.

An employee should use the facility based on his/her current gender. The transitioning employee and leader may want to explore the use of alternative facilities during the transitioning process. However, once transition is complete, a transgendered employee has the right to the same access as a non-transgendered employee of the same gender.

**Attire and
Appearance
Guidance**

Employees who are transitioning are required, prior to surgery, to assume the role for their reassigned gender. This process is known as the real life experience. Although professionals may recommend living in the desired gender as a step to surgery, the decision as to when and how to begin the real-life experience remains the employee's responsibility. Part of that experience is dressing and adopting other appearance characteristics in the reassigned gender role.

A transitioning employee's attire and appearance should remain appropriate to the office or work setting in which they work and the job they hold. The same dress expectations apply to transgendered as to other employees. If, as a leader, you are concerned about the appearance your transgendered employee will present when she or he starts coming to work in the other gender role, ask for a picture of her or him in work attire. If you still have concerns, these should be addressed with your employee. If she or he dresses or behaves inappropriately, this issue should be dealt with the same way it would with any other employee. Similarly, co-workers are expected to maintain a respectful work environment and any behavior to the contrary should also be dealt with by the leader.

**Medical
Requirements**

Transitioning employees should provide regular medical updates to Dow Health Services (at least every six months during the transition process). This information should come from the employee's primary health care provider and should detail where the employee is in the transition process and what type, if any, restrictions apply to the employee's work activities. Time off from work as a result of surgery or other medical inability to work is generally paid and covered under Employee Illness Leave.

**Additional
Resources**

Many additional resources are available through the Human Rights Campaign, a U.S.-based civil rights organization that advocates for equal rights for gay, lesbian, bisexual and transgender Americans. These are available on-line at <http://www.hrc.org> (follow links to Workplace issues).
