

Ward and Smith's 2018 Employment Law Symposium: Real-Life Lessons in Diversity in the Workplace

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This is the last in a series of articles summarizing key topics addressed at the Ward and Smith, P.A. 2018 Employment Law Symposium held in Wilmington, North Carolina.

During a session on diversity in the workplace at Ward and Smith's 2018 Employment Law Symposium in Wilmington, two attorneys shared their personal and professional experiences related to diversity—especially related to the experiences of transgender and disabled people.

Lynn Gordon is an accomplished health care attorney and, since 2017, in-house counsel at New Hanover Regional Medical Center. Paula Kohut is an attorney at Kohut & Adams and a transgender woman. The panel discussion was moderated by Will Oden, who leads Ward and Smith's workplace safety and health practice.



Kohut spent most of her life—and her legal career—as a male until she transitioned in 2011. Her transition to a female was a long-time coming. She had gender identity dysphoria, a feeling of not being connected to the biological sex one was born with. "I knew at the earliest age that I was different, that was when I was 3 or 4 years old," she told attendees. "But I knew it wasn't safe to tell anyone."

In the 1980s and 1990s, she worked, and eventually became a partner, at a Charlotte law firm and then moved to Wilmington to downshift her practice and lifestyle. In 2011, she transitioned to female, a process that included surgery to make her face look more feminine.

She says that since transitioning and starting to practice as a woman, she has seen firsthand the implicit discrimination that women and minority attorneys can face and better understands the privilege she had as a white, male attorney. "When I walk into a boardroom today," she says, "I'm not in charge; I'm not automatically deferred to."

Gordon said that during her lengthy career as a health care attorney with a law firm in Chicago, she was often the first or only woman at her level of seniority. She realized later that her success made her a role model for younger women attorneys.

Gordon also has a disabled daughter who needs a service dog, and the experience of going places with her and being welcomed—or not—has also given her insights into what life can be like for people who aren't born with all the advantages of society's most privileged members.

For organizations, Gordon said, welcoming diversity is just the beginning. She quoted Verna Myers, a Harvard Law School graduate and well-known diversity consultant: "Diversity is being invited to the party. Inclusion is being asked to dance."

Gordon added that true diversity and inclusion happens when "you get up and show moves and you're happy dancing."

Kohut noted that the discomfort people can feel around transgender people or others who are different from them can be alleviated, at least in part, through education. For example, if you're not sure how to refer to a transgender person, ask them what pronouns they prefer.

Gordon said that New Hanover Medical Center is becoming more welcoming to transgender people. At the beginning of 2018, the hospital started to include coverage of sex reassignment therapy in its employee insurance plan. The Medical Center also works to make employees more comfortable, such as ensuring they have appropriate restroom choices. The hospital is also starting to discuss these practices with its vendors as well.

Both women reported that younger people are generally more accepting of differences in gender identity or other characteristics than older people. Kohut noted, however, that her 85-year-old father took her transition relatively well, but was also relieved to discover that, as a transgender woman, she would still be sexually interested in other women.

Gordon stated that when it comes to the workplace, an employer's job is not to change someone's fundamental beliefs when it comes to characteristics like sexual identity. "Our job isn't to change somebody's mind, necessarily," she said. "Our job is to make sure that everyone understands that respect is fundamental. At the end of the day, if I have respect, that's good. If I have respect and love, that's awesome. But we've got a long way to go."

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