

<b>Transitioning in the Workplace Policy</b>	
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## **Executive Summary**

This document sets out Leeds Community Healthcare NHS Trust (the Trust) policy and procedure on trans equality in the workplace.

This policy applies to all staff working within the Trust which includes those who are within a Bank/Locum system or via an Agency. This Policy also extends to those who may hold an Honorary Contract with the Trust or are independent contractors to the Trust as well as service users.

Those external to the Trust who breach this policy may be subject to legal action.

The Trust recognises that unacceptable behaviour may take place at work and outside work at work related social events. This policy and procedure applies equally in both circumstances.

The Policy and Procedures may be reviewed at the request of Management or Staff Side by giving four weeks' written notice with reasons for the review.

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## **1 Introduction**

Leeds Community Healthcare NHS Trust (the Trust) is committed to promoting equality, diversity and good relations in everything it does – as a community leader, as a provider of services, and as an employer.

The Trust is committed to equality of opportunity for trans people throughout recruitment and employment, including supporting trans employees through any transitioning process. The Trust will not tolerate discrimination, victimisation or harassment on the basis of a person's gender identity, including non-binary identities, gender expression or trans status.

The Trust seeks to provide a supportive environment for trans staff and to create a culture and environment where trans staff are able to thrive and are well supported during any process of transition. Trans staff contribute a variety of experience to the organisation and working with the Trans community may have a positive impact on organisational priorities and values.

The purpose of this policy is to assist managers and trans employees in The Trust with practical information on workplace support.

## **2 Aims and Objectives**

The Trust's vision is to provide the best possible care to every community in Leeds. In order to achieve this, the Trust needs to attract and retain a highly productive workforce.

The Trust has a duty to provide a safe and secure environment for employees. Many incidents of unacceptable behaviour can be dealt with effectively in an informal way. Complaints will be taken seriously and investigated.

## **3 Definitions**

'Trans' describes people whose gender identity differs from their sex assigned at birth. Trans is an umbrella term covering people who:

- are intending to undergo, are undergoing, or have undergone transitioning at any stage;
- identify as having a gender different from that which they were assigned at birth and are planning or have had medical interventions such as hormones or surgery;
- identify as having a gender different from that which they were assigned at birth, but who are not planning any medical intervention; and/or,
- are non-binary – that is, they are not solely male or female. They may define themselves as both, neither or something entirely different. They may or not have medical interventions to align their body with their non-binary gender identity.

These are not mutually exclusive alternatives. A person may identify as trans but may not identify within the gender binary (trans woman or trans man).

'Transitioning' is the steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this.

Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents. This often involves dressing differently, using a different name and pronoun (e.g. she, he or they) and changing official documentation. It may involve various types of medical or surgical treatment, although this is not the case for all trans people.

The Trust recognises there are many different routes individuals may choose to take in order to transition. The Trust is committed to supporting each individual in their decisions and respecting their dignity

Please see the glossary (Appendix 1) for further information.

#### **4 Pronouns**

If an employee is not certain of a colleague's pronoun, they should in the first instance listen and observe other's close to the individual who may use the correct pronoun. If this is not possible, the employee should respectfully ask the individual which pronoun the person uses. If the wrong pronoun is used accidentally, the employee should apologise sincerely. Repeatedly and purposely using an incorrect pronoun constitutes bullying and harassment and/or gross misconduct.

#### **5 Employees who are transitioning at work**

If an employee is intending to transition at work, the Trust would encourage them to have a conversation with their line manager and/or HR representative who will be able to support the employee in the process. The employee's line manager, in conjunction with other appropriate colleagues, should aim to make this process as smooth as possible. Managers should be aware that it can be an extremely difficult step for someone to approach their manager about transitioning.

The Trust is committed to reassuring all staff that they will be supported and respected. The transition process will be led by the individual concerned.

#### **6 Telling colleagues**

The manager and employee will discuss the individual's preferences in relation to informing others, including other managers, colleagues, service users and other relevant contacts. They will agree whether the employee will do this,

whether they would prefer the manager or a work colleague to do this, or a mixture of these options. They will also get express written agreement from the employee about when and how this will happen, including the details of the message and who it will be shared with. Levels of disclosure may vary in detail for different types of contacts and will be agreed in advance.

## **7 Uniforms and dress codes**

If a uniform is in place for the role, managers will ensure that the trans employee has access to the uniform that is most appropriate at all times. Some trans employees may need access to both the male and female uniforms. Managers will be flexible, and will support the preferences of the trans person wherever possible. Trans staff have the right to comply with any dress codes in a way that reflects their gender identity and gender expression.

## **8 Changing facilities, toilets and other single sex facilities**

Trans people are entitled to use single sex facilities in accordance with their gender identity. For non-binary people, this might mean using gender-neutral facilities or using a combination of different facilities. However, trans people will never be required to use accessible toilets unless they wish to do so. Where possible, clearly identified, none gendered facilities will be provided. In the absence of gender neutral facilities, a non-binary colleague may use the facilities they feel most comfortable using, including but not limited to accessible facilities.

## **9 Updating records**

Electronic records will be updated in a timely manner, to coincide with the date on which the workplace transition begins. Care will be taken to ensure that records do not link back to the former name – this may entail creating a whole new email address rather than simply changing the name on the existing one, for instance. The manager and employee will work together to ensure that all appropriate records are updated.

An individual does not need to hold a GRC (see section 15 for further information) in order to have their details changed on any workplace systems. They should be treated as any other person changing their name. New security passes with the correct name and a new photograph will be issued, without any replacement cost to the trans employee.

Paper records will be updated where possible. Those which cannot be updated – for instance, paper copies of references relating to the employee's recruitment – will be stored securely for 6 years, and clearly marked as only to be looked at by named persons.

## **10 Customer facing roles**

An employee who is transitioning may continue in a customer facing role. However, some people might prefer a period of redeployment during transition, or as a permanent change. Managers and HR will work with the trans person to find a solution that meets the needs of both the employee and the service.

## **11 Attendance at appointments and time needed for medical treatment**

Paid special leave will be given in order for employees to attend transition-related appointments and treatment. These absences will not be counted in relation to absence monitoring, included in absences for references, taken into consideration for performance monitoring or, for instance, during redundancy procedures.

In addition, trans staff are entitled to the same sickness absence and pay as other staff.

Many people have to travel a long distance for appointments, and these may be given at short notice. People may need reduced hours or duties, or other changes to usual working arrangements, for a temporary period following some treatments. Managers will be as flexible as possible to accommodate this.

## **12 Action plan or check list**

The trans employee and their manager might find it helpful to put in place an action plan, or to agree a check list to clarify the actions that will be taken over the course of the employee's transition, dates by which these will be done, and the person who will take responsibility. Please see Appendix 2 for an example, which can be modified to suit the individual's needs.

## **13 Discrimination and abuse**

The Trust has a zero-tolerance approach towards discrimination and harassment based on gender identity, gender expression or trans history. Inappropriate behaviour or language may constitute discrimination, harassment, bullying or victimisation.

Discrimination including harassment, third party harassment and victimisation are covered by the Equality Act 2010. Managers are responsible for taking timely action where misconduct occurs on the grounds of an employee's gender identity, in line with the harassment policy. This will be monitored and followed up. Although non-binary people are not protected by the Equality Act 2010, the Trust will not tolerate any harassment or discrimination towards them.

#### **14 Data Protection Act 1998 and GDPR**

The Data Protection Act controls how information can be processed and used. This protects a staff member's gender history being processed in an unlawful manner. An individual's trans status is classed as 'sensitive personal data' under the General Data Protection Regulation (GDPR), and therefore must also be collected, recorded and used in line with the GDPR's principles.

#### **15 Gender Recognition Act 2004**

The UK Gender Recognition Act (GRA) enables people aged over eighteen to gain full legal recognition for the gender in which they live. Applications are considered by the Gender Recognition Panel. Once a person receives a Gender Recognition Certificate (GRC), they are legally of that gender for every purpose and have all the rights and responsibilities associated with that gender.

Employment rights do not depend on whether a person has a Gender Recognition Certificate. It is illegal to ask for a person's GRC and it should never be a pre-condition for transitioning at work. It is also illegal to disclose someone's trans status without permission from the employee. To make an application for a GRC, a person needs to show they have been living and working in that gender for at least two years.

The Gender Recognition Act gives anyone applying for or holding a Gender Recognition Certificate particular privacy rights. It is a criminal offence to pass on information acquired 'in the course of official duties' about someone's gender recognition, without the consent of the individual affected. 'Official duties' include employment, trade union representation or supply of business or professional services. Any staff member who is found to be passing information or disclosing someone's trans status without their consent, even if the person does not have a GRC, will be treated as harassment.

#### **16 Equality Act 2010**

The Equality Act 2010 (England, Scotland and Wales) protects against discrimination because of gender reassignment in employment and service delivery. It bans direct and indirect discrimination and victimisation. There is similar protection in Northern Ireland under the Sex Discrimination (Gender Reassignment) Regulations (NI) 1999. The term 'gender reassignment' has its limitations under the current law however LCH is committed to protecting all staff regardless of their gender identity.

The Act makes clear that it is not necessary for people to have any medical diagnosis or treatment to gain this protection; it is a personal process of moving away from the gender assigned at birth to the correct gender.



People discriminated against because they are wrongly perceived to be trans, or who are discriminated against because of their association with trans people or issues, are also protected.

## **17 Genuine Occupational Requirements**

In the vast majority of cases, the gender of a worker is of no relevance to their ability to do a particular job. However, the Equality Act 2010 does allow for an exception where being of a particular sex is an 'occupational requirement' of that post. If this is the case for an employee transitioning at work, they will be redeployed into a suitable position.

## **18 Internal and External Recruitment**

People who have already transitioned have no obligation to disclose their trans history. Job applicants and interviewees will not be asked their gender identity during the recruitment process – it is not a relevant criterion in selection. Neither is there any obligation for a trans person to disclose this as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing officers who become aware that an applicant is trans will maintain full confidentiality in relation to this.

## **19 References**

Where a reference request is received for an existing employee who has transitioned, the Trust will respect the employee's privacy and only respond using the employee's correct name and gender in the reference.

Disclosure on sickness absence will not include time taken off for medical appointments related to transition. This information is strictly confidential and managers must be very careful of any record keeping in this.

When the Trust requests a reference, we will make the request using the prospective employee's correct name and gender since transitioning. We will not mention previous names or gender identity, unless specifically asked to do so (in writing) by the trans person.

## **20 Criminal record checks/disclosure and barring**

If the appointment requires criminal record checks, we will highlight to all applicants the confidential procedure available to trans people.

## **21 Qualification certificates**

The Trust recognises that it can be difficult and expensive for a trans person to change their qualification certificates. If these are in a former name then where

possible a record will be made that the certification has been seen, but a copy will not be taken. If it is absolutely necessary for the Trust to store a copy, they will be stored securely and only accessed by named persons.

## **22 Professional registration**

If the employee's job involves professional registration, the employee's line manager and/or HR will check whether the registration body has a specific, confidential process for gender transition.

## **23 Pensions and National Insurance**

Where pensions, national insurance contributions or other benefits are dependent on legal sex, trans people will be advised of the different implications of whether they do or do not have a Gender Recognition Certificate. Further information can be found [here](#).

## **24 Roles and responsibilities**

### **Employee**

- Engaging with managers and HR around the logistics of transitioning in the workplace
- Leading the trans process at all time and identifying a first point on contact
- Reporting any instances of harassment, victimisation or discrimination

### **Manager**

- Ensuring that colleagues are informed about the employee's transition in a manner that best suits the employee
- Maintaining confidentiality at all times
- Thoroughly investigating any instances of harassment, victimisation or discrimination
- Supporting the employee in any way that is necessary and appropriate

### **HR**

- Ensuring that this policy is followed at all times
- Maintaining confidentiality, including securing paper documents and files

### **IT Department / Support Services**

- Changing names, titles and pronouns on email and other systems
- Issuing updated security passes and ID badges

### **Learning and development**

- Providing trans equality training as a general part of the equality and diversity training programme

## **Trade unions**

- Supporting the employee if they experience harassment, victimisation or discrimination
- Discussing and agreeing any changes to this policy.

### **25 Support for employees with a family member who is transitioning**

If an employee is supporting a family member who is transitioning, they may need to take time off to attend appointments and treatment or give assistance following medical treatment including surgery. Some of these may be at short notice, and may involve travelling a long distance. Managers will be as flexible as possible to accommodate this.

### **26 Support available for employees who are transitioning**

The Trust recognises that transitioning can be a challenging process for those involved. Employees are recommended to contact the Employee Assistance Programme for confidential support, if required. Employees can also contact their Trade Union/Professional Organisation representative.

### **27 Promotion of trans equality**

As well as ensuring that trans staff are fully supported, the Trust will demonstrate our commitment to trans equality in the following ways:

- Ensuring that all training courses that are delivered are fully inclusive of trans and non-binary people – this includes both face-to-face training and e-learning
- Marking important dates for the trans community, such as Trans Day of Visibility (31st March), Transgender Day of Remembrance (20th November) and Non-Binary People's Day (14<sup>th</sup> July)
- Including trans people in publicity and marketing materials
- Ensuring that all forms and surveys are inclusive of trans people, including non-binary people for both staff and clients
- Including trans equality as a core part of the organisation's equality agenda and objectives
- Investigating fully all complaints of harassment, victimisation or discrimination on the grounds of gender identity, gender history, trans status or gender expression
- Monitoring the implementation of this policy.

**References:**

Stonewall. (July 2016). *Creating a Transitioning at Work Policy*. Retrieved from <https://www.stonewall.org.uk/resources/creating-transitioning-work-policy-2016>

Stonewall. (July 2016). *Trans inclusive policies and benefits*. Retrieved from <https://www.stonewall.org.uk/resources/trans-inclusive-policies-and-benefits>

Stonewall. (July 2016). *First steps to trans inclusion*. Retrieved from <https://www.stonewall.org.uk/resources/first-steps-trans-inclusion>

## Appendix 1 – Glossary

**Cis gender:** this refers to a person whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some.

**Gender binary:** the classification of sex and gender into two distinct and disconnected forms of masculine and feminine.

**Gender dysphoria:** medical term for deep-rooted and serious discomfort or distress because of a mismatch between a person's biological sex and gender identity; an overwhelming desire to live in a different gender to that assigned at birth.

**Gender expression:** a person's external gender-related behaviour and appearance, including clothing.

**Gender fluid:** having a gender identity which varies over time.

**Gender identity:** a person's deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned to them at birth.

**Gender reassignment:** the process of transitioning from the gender assigned at birth to the correct gender. This may (or may not) involve medical and surgical procedures.

**Gender Recognition Certificate:** issued by the Gender Recognition Panel – signifies full legal rights in acquired gender and allows the issuing of a replacement birth certificate.

**Gender variance:** gender expression that does not match society's norms of female and male, usually in relation to children or young people.

**Legal sex:** The sex recorded on your birth certificate. Rarely relevant at work. Currently binary in the UK. Changed by applying to Gender Recognition Panel.

**Non binary person:** a person who does not identify as solely male or female. They may identify as both, neither or something entirely different. This is an umbrella term for a person who identifies outside of the gender binary.

**Pronouns:** are words used to refer to someone who does not conform to the gender roles and behaviours assigned to them at birth, for example 'he' or 'she'. Some people, such as those with non binary identities may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.

**Sexual Orientation:** a person's emotional, romantic and/or sexual attraction to another person.

**Transitioning:** is a term used to describe the steps a trans person may take to live in the gender they identify as.

**Trans:** this is an umbrella term to describe people whose gender is not the same as or does not sit comfortably with the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide range of terms, including but not limited to, transgender, non-binary and gender queer.

**Transgender man/ trans man:** A person who is assigned female at birth but identifies as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

**Transsexual person:** legal/medical term for someone who lives (or wishes to live) permanently in the 'opposite' gender to that assigned at birth This term is still used by some although many people prefer the term trans or transgender. This term may be found offensive or outdated and should not be used when talking about a person who does not identify as transsexual.

**Transgender woman/ trans woman:** A person who was assigned male at birth but identifies as a woman. This may be shortened to trans woman, or MTF, an abbreviation of male-to-female.

## Appendix 2 – Action plan

Are there any temporary or permanent changes / reasonable adjustments to the role which should be considered to support the employee? Considerations should include security aspects such as lone working, night working.
Is any time off required? If so how will this be managed? Consider flexible working methods, if appropriate)
What will the employee's title and name be? What pronouns will be used? When will they start using these? Will there be any phasing?
Are there any dress codes to be considered? Are new uniforms needed?
If applicable, how will single sex working requirements be managed?
When and how should colleagues be informed of the transition? Is further training required?
Is there any guidance material which the employee wishes to share with managers and colleagues?
Should the employee encounter unacceptable behaviour towards them (colleagues or service users) who should this be reported to?
Are there any other actions not covered by above?
Is there an agreed date for when this action plan will be disposed of in accordance with the requirements of the Data Protection Act 1998?
Actions agreed
Date of next meeting

### Who needs to know?

	Who will tell them?	When?	Date completed
Senior Manager			
HR Representative			
Line manager			
Team members			
Other colleagues			
Others (specify)			

### Changes to records

	Who will do this?	When?	Date completed
HR Records			
Name badge			
IT systems including email			
Website			
Voicemail			
Internet/intranet address entry			
Union membership			
Pension scheme			
Certificates/awards			
Personal file and related data			
Other:			

**Details of meetings**

Date	Comments	Actions	Date of next meeting

## Appendix 3 – Frequently Asked Questions

### **FAQ's for staff members wishing to transition in the workplace**

#### **“I identify as trans and wish to transition, who should I contact first for support?”**

There are many routes you may take in order to transition; you may wish to contact your line manager, a HR representative, the Employee Assistance Programme (EAP) or another trusted colleague. The transitioning process will be led by you, and the Trust will support you with your individual transitioning decisions.

#### **“Where can I get confidential advice and support regarding transitioning?”**

The EAP have trained colleagues who can provide confidential advice on a range of topics including transitioning; you can call their free 24 hour confidential helpline on 0800 030 5182.

#### **“Will my colleague's be informed of my transition?”**

You will discuss how you would like your colleagues to be informed of your transition, depending on your individual preference. However you choose for your colleagues to be told, you will provide express written agreement of when and how this will happen.

#### **“Can I be redeployed to another role within LCH while I'm transitioning?”**

You may prefer a period of redeployment during transition, or as a permanent change. Managers and HR will work with you to find a solution. If you wish to stay in your substantive post, this is also possible.

#### **“Can I use the facilities which match my gender identity?”**

You are entitled to use single sex facilities in accordance with your gender identity. For non-binary people, this may mean using gender-neutral or accessible facilities, or using a combination of different facilities. A non-binary person can choose to use facilities they are most comfortable using, if gender neutral facilities are not present.

#### **“Can I wear the uniform/dress code which matches my gender identity?”**

You are entitled to comply with uniform/dress codes in the way that reflects your gender identity and expression.

#### **“Who do I go to if I'm being bullied or harassed about my transition or gender identity?”**

The Trust has a zero-tolerance approach towards discrimination, bullying and harassment based on gender identity or transitioning; any concerns should be raised in line with the bullying and harassment policy. You can also raise your concerns with your line manager, Rainbow Badge Ambassadors or the HR team.

#### **Do I need a Gender Recognition Certificate (GRC) before I can transition at work?**

No, a GRC is not a pre-condition for transitioning at work.

FAQ's for colleagues of a staff member who is transitioning while working for your organisation

#### **“What does it mean if someone is transitioning and what does it involve?”**

‘Transitioning’ is the steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this.



**“Someone has told me they want to transition, what do I do?”**

You should let the individual decide how their transition will progress; offer them support, respect their right to confidentiality and help to ensure their transition is as smooth as possible. Managers should be aware that it can be an extremely difficult step for someone to approach their manager about transitioning.

**“Is there training about transitioning and trans equality/issues?”**

Trans equality training is provided as a part of the Equality and Diversity training programme.

**“How do I respond if a colleague is using inappropriate language in relation to a colleague who is transitioning?”**

You should report any instances of harassment, victimisation, bullying or discrimination in line with the bullying and harassment policy. The Trust has a zero-tolerance approach towards discrimination, bullying and harassment based on gender expression, non-binary identities or transitioning

**“When do people who are transitioning start to use the facilities which match their affirmed gender?”**

Trans people are entitled to use single sex facilities in accordance with their gender identity regardless of what stage they are at in their transition.

**“How do I know which pronoun to use for someone who is transitioning?”**

If you aren't certain of a colleague's preferred pronoun, in the first instance listen and observe others close to the individual who may use the correct pronoun. If this is not possible, respectfully ask the individual which pronoun the person uses. If the wrong pronoun is used accidentally, apologise sincerely.

**“Where can I access support regarding a colleague/family member/friend who is transitioning?”**

The EAP have trained colleagues who can provide confidential advice on a range of topics; you can call their free 24 hour confidential helpline on 0800 030 5182. You can also speak with the HR team and the Rainbow Badge Ambassadors.

## **Appendix 4 – Guidance for Line Managers**

### **Introduction**

This guidance is specifically relevant to managers whose direct reports propose to undergo, or are the steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Often this is supported by medical interventions, and changes to names, titles and documentation, but this is not required.

Under the Equality Act 2010, the 'process' or any 'part of the process' of moving away from the gender expression typically associated with the sex assigned at birth, towards an expression that reflects the gender identity, is referred to as "gender reassignment". This is a 'protected characteristic' under the Equality Act 2010, which provides legal safeguards against discrimination, harassment and victimisation, from the moment that a person 'proposes' to transition. The guidance also applies to those who reverse such a transition. LCH is committed to supporting staff members more extensively than legally required, including non-binary staff members who are transitioning who are not protected under the Equality Act 2010.

It can be hard for an employee to tell an employer that they are planning to transition at work, or about their 'trans' identity. The employer, or manager, who has been approached by the employee should take a series of steps including listening and agreeing to support the employee through transitioning at work or in their 'trans' identity.

Employers, managers and colleagues should be aware that no two transitions or two 'trans' identities are likely to be exactly the same, so as much as possible they should:

- follow the employee's lead and agree with them what steps need to be taken before, during and after any transition live in the gender identity they have or any gender they identify with and
- schedule meetings to help reassure them along the way and deal with any unforeseen matters.

### **The process of transitioning**

Many, but not all, trans people decide to undergo transition. Where they seek medical treatment, the GP should refer them to a gender specialist. This may be a private provider, but this is expensive, so specialised treatment is usually initiated in an NHS Gender Identity Clinic (GIC). Due to the long waiting time for appointments, some trans people may choose a private route for this reason. After assessments to establish the needs of the individual, treatment may commence that may initially include, for instance: hormone therapy, hair removal treatments, and Speech and Language Therapy.

Those who wish to access hormone therapy are not required to have transitioned at work. However, in order to access some surgeries, a continuous change of gender role and expression for at least 12 months, in all aspect the trans person's life, including their place of work, is a criterion for NHS treatment. This may differ for private providers.

## **Line manager responsibilities**

- Ensuring that colleagues are informed about the employee's transition in a manner that best suits the employee
- Maintaining confidentiality at all times
- Thoroughly investigating any instances of harassment, victimisation or discrimination
- Supporting the employee in any way that is necessary and appropriate

## **Entitlements and considerations for trans employees**

### **Disclosure**

It is up to the trans person to decide whom to tell, and when and how to tell them. There is no obligation for staff to be informed that a colleague is about to transition. However, in order that the transition moves forward smoothly, some level of prior communication may be necessary for those with whom the individual has ongoing working relationships, for instance, staff working in the same office. This would be provided on a limited basis, so that the requirement to use the new name and pronouns, and to share facilities, is understood by work colleagues.

Some trans people may wish to ensure that the wider organisation is apprised of the situation, in which case, a carefully worded email may be sent simultaneously. In this situation the trans person may prefer to tell their colleagues face to face. Managers must be available to support their staff member through this process. Before an individual communicates their decision to transition, it is recommended ensuring that trans awareness training be available for other staff members to attend should they should choose. Some trans people may wish their line manager or another colleague to inform others about their transition or its element (for example name change or pronoun change).

### **Time Off For Medical Appointments**

The majority of people who transition undergo some level of medical treatment. This may necessitate taking time off work and may have an impact on the workload of colleagues. There is specific protection under the Equality Act for time off related to gender treatments. Staff and managers should ensure that no discrimination occurs against a person taking time off for such treatments. Trans people must not be treated less favourably than those absent because of illness or other medical treatment.

Paid special leave will be given in order for employees to attend transition-related appointments and treatment. These absences will not be counted in relation to absence monitoring, included in absences for references, taken into consideration for performance monitoring or, during redundancy procedures.

In addition, trans staff are entitled to the same sickness absence and pay as other staff. Many people have to travel a long distance for appointments, and these may be given at short notice. People may need reduced hours or duties, or other changes to usual working arrangements, for a temporary period following some treatments. Managers will be as flexible as possible to accommodate this.

## **Name change, records and confidentiality**

Trans staff who have undertaken transition may be anxious to protect their privacy with regard to their trans history. The right to confidentiality must be respected, it is illegal to disclose someone's trans history. Current records/ letters/ documents for trans staff should not refer to a previous name. Where these can't be changed, they must be kept separate from the records of other staff, in locked storage and only accessed by named persons approved by the trans person, and with their permission, unless emergency circumstances occur.

In a small number of cases, it may be necessary for some records to retain a reference to the sex of the employee at birth. Access to such records, and all personnel records should be restricted only to staff who require such details to perform their specific duties.

An individual does not need to hold a Gender Recognition Certificate in order to have their details changed on any workplace systems. They should be treated as any other person changing their name. New security passes with the correct name and a new photograph will be issued, without any replacement cost to the trans employee.

## **Practical arrangements**

Trans people are entitled to use single sex facilities in accordance with their gender identity. For non-binary people, this might mean using gender-neutral or accessible facilities, or using a combination of different facilities. However, trans people will never be required to use accessible toilets unless they wish to do so. Where possible, clearly identified, gender neutral facilities will be provided. In the absence of gender neutral facilities, a non-binary colleague may use the facilities they feel most comfortable using, including but not limited to accessible facilities.

## **Recruitment related issues**

People who have already transitioned have no obligation to disclose their trans history. Applicants and interviewees will not be asked their gender identity during the recruitment process – it is not a relevant criterion in selection. Neither is there any obligation for a transgender person to disclose this as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing officers who become aware that an applicant is trans will maintain full confidentiality in relation to this.

If giving a reference for someone moving to a new job, the referee must use the name which is used by the trans member of staff and not refer to a former name. This information is strictly confidential and managers must be very careful of any record keeping in this.

## **Employer Top Tips**

- 1. Support your employee:** Think about how you can best support your employee. What are their plans? What support do they want from you?
- 2. Construct a timeline and action plan with the employee:** What does the employee want to happen and when?
- 3. Consider if you need to inform senior managers:** Remember confidentiality; it is an offence to disclose that someone is trans without their permission.

- 4. Look up relevant policies:** For example, bullying and harassment.
- 5. Review relevant legislation:** Equality Act 2010, Data Protection Act 1998 , GDPR and Gender Recognition Act 2004.
- 6. Sharing with the staff team:** Ensure that the employee takes the lead with this.
- 7. Find out more:** There are plenty of resources out there to help you to support your employee.
- 8. Reflect:** What preconceptions might you or your staff team have about trans people, their experiences and their wishes? If any, how could you address these? What training is available for colleagues?
- 9. Dealing with harassment, bullying and discrimination:** How can you become aware of and deal with potential issues in the workplace?.
- 10. Following up:** What is the best way for you to maintain an open dialogue with your employee about their progress and any additional support that they might need?