

## **Example Policy – Stonewall**

### **Transitioning at Work**

#### **Introduction**

At X, we celebrate and value the diversity of you all. We're committed to ensuring that anyone who is trans or non-binary are respected and valued and that we provide a working environment that is free from discrimination, harassment and victimisation based on their gender identity.

This document outlines transitioning at work and the process that should be followed to manage any changes that may be required within the workplace. It also provides guidance to managers, colleagues and the People Team on how best to support a member of the team who is transitioning or who has transitioned.

#### **Definitions**

Where this document uses the word "trans", this is meant as an umbrella term, including non-binary people and those whose gender identity falls outside of the binary, to refer to a broad range of people who have a gender identity that differs from what is typically associated with the sex they were assigned at birth. The appendix to this policy provides guidance on some of the most commonly used terms relating to the trans community.

Please be conscious that language is constantly evolving and how a person chooses to describe themselves should always be respected. If you are unsure how to address a colleague, it is always best to ask them rather than to assume. Using inappropriate language and terminology can cause offence and distress and undermine our attempts to create an inclusive workplace for all individuals.

Non-binary people may or may not identify as trans.

#### **Transitioning**

We will support any member of the team who wishes to transition or who has transitioned in the past. Transitioning is a term used to describe the steps someone takes in order to live in their true identity.

#### **Legislation**

Under the *Equality Act 2010*, a person is protected from discrimination, harassment and victimisation if they are proposing to undergo, are undergoing, or have undergone a process, or part of a process, of gender reassignment. This process is considered to be a personal process and there is no requirement for this to include any physiological changes or medical supervision.

Many people experience a gender identity within the binary model of gender as defined in terms of men and women. A person who was assigned female at birth but who identifies and lives as a man may refer to themselves as a trans man. A person who was assigned male at birth but who identifies and lives as a woman may refer to themselves as being a trans woman.

Some people, however, experience a non-binary gender identity. They may experience their gender identity as being on a spectrum between man and woman, or as a mix of genders.

We recognise that the current legislation is limited in that it does not provide clear protection against discrimination for non-binary people. However, we intend to be inclusive of non-binary people, as they may wish to take steps to express their gender identity in the workplace.

### **What does transitioning involve?**

Each person's transition process will be different and may consist of a number of different social, medical and/or legal steps.

These may include, but not exhaustive:

- Dressing differently
- A change of name and/or pronouns
- Changing documents such as credit cards, utility bills and employment records
- Having hormone therapy, speech therapy and/or surgeries
- Gaining legal recognition of their affirmed gender as set out in the *Gender Recognition Act 2004*.

The Gender Recognition Act allows trans people, provided they meet the requirements outlined in the Act, to obtain a Gender Recognition Certificate (GRC), which enables them to obtain a birth certificate with the correct gender marker on it. A person does not need a GRC to be protected under the Equality Act.

As the *Gender Recognition Act 2004* requires a person to show evidence that they have been living and working in their affirmed gender for at least two years, obtaining a GRC, if desired, usually happens at a later stage. Employment rights do not depend on whether a person has a GRC and, in most circumstances, it is not lawful to ask whether a person has a GRC. Whether someone has a GRC or has applied for a GRC is 'protected information' under the Gender Recognition Act.

If you disclose that you have a GRC, we will ensure that this and any information that suggests that you have transitioned is kept confidential and is not disclosed without your consent.

We recognise that both the steps taken during transition and the time they take will be unique to each person. We are committed to ensuring that everybody receives the dignity and respect they are entitled to regardless of what their transitioning process looks like.

We are also committed to supporting those who have transitioned and who may require support at work in relation to gender history or gender expression.

## **Managing your transition at work**

If you intend to transition or are considering doing so, and you wish to let us know, you should approach either your manager or local HR representative to start an initial conversation. This discussion will remain confidential unless and until you have given consent for it to be disclosed to any other relevant members of staff.

Once you have made your manager or HR representative aware that you are considering starting, will be starting, or have started, to transition, you and your manager will work with your HR representative to develop a confidential action plan to manage your transition at work.

If you have previously transitioned but you require support from us in relation to your gender identity or gender expression, you should approach your manager or your local HR representative as outlined above.

### **Action plan**

The plan will consider what steps to take before, during and after your transition and will be led by you. No action will be taken without your consent and will always be led by you.

Some examples of actions that may be applicable to you are:

- Updating your email address and email signature
- Updating your personal details on the HR system and the Intranet
- Wearing different clothes to work
- Having a new photograph taken for the intranet and your security pass
- Using different facilities to the ones you currently use
- Informing your team and / or department
- Informing clients
- Taking time off for treatment

### **Review meetings**

Regular review meetings will be arranged with you throughout your transition to ensure you are receiving sufficient support and to enable any required changes to be made to the plan. This will usually be with your local HR representative and your manager. Where you may be taking time away from the office, this could be a scheduled phone call instead.

### **Disclosure**

Deciding who is told about your transition, when they are told and how they are told will be led by you. Some people may prefer to notify their immediate colleagues themselves, either by email or in a team meeting. Others may instead prefer their manager or HR representative to send an email or hold a meeting on their behalf. You may need to work with your manager to decide if and how colleagues and clients are to be notified. Levels of disclosure may vary between different parties, such as your direct team, your wider department and the Company, and any clients or relevant third-party contacts.

## **Time off from work**

A reasonable amount of paid leave may be given for you to attend transition-related appointments and treatment. This will be agreed on a case by case basis. Transition-related absences will not be counted in relation to absence monitoring. Where possible, your need for time off from work should be discussed in advance with your manager and HR representative when drawing up your confidential action plan.

We recognise that those undergoing medical and/or surgical procedures may require temporary changes to working hours or duties, for example in periods of recovery. Positive support will be provided to ensure any needs are reasonably met, and any such changes will be discussed and agreed between you and your manager.

## **Dress**

Though the dress code does not have any gender specific requirements, we recognise that trans and non-binary people may wish to change their work attire as part of their transitioning process. This step will be led by you and you will be supported in changing how you express your gender.

## **Toilets and other single-gender facilities**

You should use the toilets and facilities that best fits your gender identity when you are ready to do so. We will support you in using the toilets and facilities that you feel are most appropriate for you.

## **Confidentiality**

Where applicable, electronic records will be updated in a timely manner based on the date decided in your action plan. This may be your first day in the office in your affirmed gender. All reasonable steps will be taken to ensure that records do not link back to your former name, where applicable. Paper records will also be updated where possible. Those which cannot be updated will be stored securely and marked only to be viewed by a limited number of named individuals.

There may be some circumstances where other people in the Company who need to be notified of your transition in order to make changes to records. In this circumstance, your consent will be obtained to disclose this, and the information will be restricted to only those who need to know.

In a small number of cases it may be necessary for some records (e.g. with regards to pensions and insurance) to retain reference to your sex assigned at birth. Access to any such records will be restricted only to staff who require such details to perform their specific duties.

Information will not be disclosed to any third parties without your consent, for example when responding to any reference or tenancy requests.

## **Transphobic behaviour, harassment, bullying and discrimination**

All members of staff have the right to be treated with dignity and respect regardless of their gender identity and gender expression. We have zero tolerance to any transphobic behaviour or harassment, bullying or discrimination on the grounds of gender identity or gender

expression. Such behaviour is a serious disciplinary offence and will be dealt with as such under EIL-SAP-0064 Conduct (Disciplinary) procedure.

Any member of staff who experiences or witnesses unacceptable behaviour should report this as soon as possible to their manager or a member of the People Team. Further action will only be taken if the individual feels comfortable with us doing so, allowing the issue to be investigated and, where necessary, remedial action to be taken.

Some examples of unacceptable behaviour are:

- Disclosing somebody's trans status, trans history or transition without their consent;
- Asking intrusive questions about somebody's gender identity or transition;
- Purposefully using a colleague's birth name and/or the wrong pronoun
- Verbal abuse, including threats, derogatory name-calling, insults, ridicule or belittling of trans and non-binary people;
- Telling inappropriate jokes about somebody's gender identity or gender expression
- Displaying or circulating offensive material relating to somebody's gender identity, gender expression or sex characteristics, for example by email or via the internet;
- Violence or the threat of violence.

### **Guidance for managers**

As a manager, your support is likely to be critical throughout and following the transition process. You may be the first person within the workplace to whom your staff member discloses their intention to transition, so please be mindful that this in itself can be an extremely difficult step for somebody to take.

As a manager, you should:

- Be positive and encouraging in initial conversations – these will set the tone for the rest of the transitioning process at work.
- Treat your staff member's disclosure to you with the strictest confidence. No identifying information should be shared with anybody else without the individual's consent.
- Ask how they would like to be referred to at each stage of the transition process.
- Support and assist with any communications within the firm and to clients, as appropriate and as agreed by both parties.
- Plan work in a thoughtful and sensitive way, discussing workload and performance throughout the transition process to ensure your member of staff's transition does not have any negative impact upon their career progression or development.
- Take swift action on any issues that emerge within your wider team or with your clients, such as negativity or inappropriate comments.
- Be flexible in accepting reasonable adjustments and accommodating appointments where possible – appointments can be difficult to secure, may involve long waiting lists and may require a significant amount of travel.
- Organise brief catch-ups on a regular basis with your transitioning member of staff to ensure they are feeling fully supported at work, both during their transition and for a period of time afterwards.

If you are unsure about how best to support a member of staff, it may be best to encourage them to meet with a member of the People Team with you.

## **Guidance for colleagues**

As a colleague, your support is vital in creating a positive and supportive work environment for your colleague who is transitioning.

As a colleague, you should:

- Respectfully ask your colleague how they would like to be referred to if you are unsure at any stage what name or pronouns to use to address them. While honest mistakes may occur initially, a repeated failure to address a colleague by their chosen name and / or pronouns could be regarded as harassment and dealt with as such. If you make a mistake, you should apologise promptly and sincerely and move on swiftly without making a big deal about the mistake.
- Respect their privacy – if you have any questions, politely ask your colleague if they would be comfortable to answer questions, as not everybody will feel able to openly discuss their transition. Be mindful that transitioning is a major decision and it could have taken many years for your colleague to reach this point. Even if your colleague is willing to answer questions, do not ask intrusive questions about their transition, for example, regarding any physiological changes they may be proposing to undertake, be undertaking, or have undertaken, unless your colleague initiates discussion of any such changes.
- Be an ally for your trans colleague and report or sensitively challenge any unacceptable behaviour that you notice towards them. All members of staff have a responsibility to treat their colleagues with respect and dignity, regardless of their gender identity or gender expression.
- Treat your colleague's disclosure with the strictest confidence. While your team or department may have been notified about your colleague's transition, this may not have been communicated across the wider Company. You should not disclose their transition or trans status to anybody else without their consent, including after their transition.

## **Guidance for HR**

HR should:

- Provide support to the individual and their manager throughout the transition process;
- Schedule regular review meetings with the individual and their manager;
- Keep the confidential action plan updated;
- Ensure all records are updated in a timely manner as appropriate, having sought the individual's consent to contact other relevant individuals across the firm;

- Securely store any documents which cannot be updated and refer to an individual's birth name, gender marker or pronouns;
- Assist where appropriate with internal communications regarding an individual's transition;
- Support the individual and their manager to put in place any reasonable adjustments;
- Seek recommendations where necessary from occupational health services;
- Deal swiftly with any reported instances of bullying, harassment or discrimination on the basis of gender identity or gender expression.

## Support and resources

Below are some examples of wider sources of confidential support and advice both internally and externally:

- Employee Assistance Programme (EAP) –  
You have access to the Employee Assistance programme, accessible to you 24/7, by phone or online. For further information on this, please visit the intranet site.
- MindLine Trans+ - this is a UK wide service offering a confidential mental health support helpline for people who identify as trans, agender, gender fluid or non-binary. The helpline can also support family members and friends, or signpost to other services or resources.  
The helpline is open Monday and Friday, 8pm – midnight, on **0300 330 5468**.
- Switchboard – this is an LGBT+ helpline which is open 10am – 10pm every day, and can be contacted by phone on **0300 330 0630**, or by online chat or email from their website <https://switchboard.lgbt/>
- We understand there are times when mental well-being is impacted by areas in personal and work life. It is important that we collectively take responsibility for our own and others well-being.

If you feel that your mental wellbeing is being impacted or you feel someone else's mental wellbeing is being impacted, please feel safe to speak openly, in a non-judgemental environment, with your manager, HR representative or our Occupational Health Provider.

## Appendix of Definitions

*(Source: Stonewall. Updated: February 2020)*

### **ALLY**

A (typically) straight and/or cis person who supports members of the LGBT community.

### **CISGENDER OR CIS**

Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

### **COMING OUT**

When a person first tells someone/others about their orientation and/or gender identity.

### **DEADNAMING**

Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.

### **GENDER**

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.

### **GENDER DYSPHORIA**

Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity.

This is also the clinical diagnosis for someone who doesn't feel comfortable with the sex they were assigned at birth.

### **GENDER EXPRESSION**

How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.

### **GENDER IDENTITY**



A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

## **GENDER REASSIGNMENT**

Another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender.

Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice.

## **GENDER RECOGNITION CERTIFICATE (GRC)**

This enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply.

You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.

## **INTERSEX**

A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.

## **NON-BINARY**

An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

## **OUTED**

When a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.

## **PERSON WHO HAS TRANSITIONED**

Someone who identifies as male or female or a man or woman but was assigned the opposite sex at birth. This is increasingly used by people to acknowledge a trans past.

## **PRONOUN**

Words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.

## **SEX**

Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.

## **TRANS**

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 variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

## **TRANSGENDER MAN**

A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

## **TRANSGENDER WOMAN**

A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

## **TRANSITIONING**

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.

## **TRANSPHOBIA**

The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, trans.

## **TRANSSEXUAL**

This was used in the past as a more medical term to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

This term is still used by some although many people prefer the term trans or transgender.