

Transitioning in the Workplace

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Introduction

1. This guidance is intended for members of staff and the managers of staff who propose to undergo or are undergoing a process of affirming their gender expression, with their gender identity, rather than the one they were assigned at birth. It also contains a variety of specific best practice ideals that all staff can learn to create a welcoming environment for trans and non-binary employees.

Background

2. Many, but not all, trans people decide to undergo gender affirming treatment, where they seek medical interventions. Their GP will refer them to a gender

specialist. This may be a private provider, that can be expensive, so specialised treatment is usually initiated in an NHS Gender Identity Clinic (GIC). After assessments to establish the needs of the individual, treatment may commence that may initially include hormone therapy, hair removal treatments, and speech and language therapy.

3. Some trans individuals may wish to access hormone therapy, whilst others may wish to access some surgeries, this requires them to continuously live in their affirmed gender role and expression for at least 12 months. This includes all aspects of their life, including their place of work. Due to insufficient capacity in the provision of medical care for trans people, the waiting times can be several years to access a GIC. There are further delays for access to surgical services. These factors cause great stress for those seeking medical assistance.

Managing the Process and Notification

4. When a member of staff is considering transition, a meeting should be requested with their line manager, and possibly a member of HR and/or a trade union representative, depending on the personal wishes of the individual concerned. This is a confidential meeting in which an outline plan or 'memorandum of understanding' may be drawn up. This is a flexible document, not a contract, but rather a demonstration that the City Corporation will act according to the person's wishes and in their best interests. It may be changed in accordance with evolving circumstances.
5. Although, Trans awareness training is available to all staff at the City Corporation, transitioning in the workplace has the potential to trigger prejudiced or discriminatory behaviours amongst some employees. There is a clear steer on this in our Trans Equality Policy, Bullying and Harassment and Code of Conduct, that prejudicial behaviour will not be tolerated. Nevertheless, trans individuals may feel particularly anxious during this time, as may their immediate colleagues. Managers should reassure transitioning employees that they will be supported, and that if any incidents occur, they will be investigated. They may turn to their chosen designated 'point of contact' as well as being signposted to outside means of support if required.
6. It is recommended that the issues below are considered during the initial consultation meeting:
 - agree a designated person as a 'point of contact'
 - the expected timing of the transition of gender role at work

- what time off may be required for medical appointments and any medical procedures
- what amendments will be required to identity cards, records and systems
- whether the employee wishes to inform colleagues themselves, or would prefer this to be done by their line manager
- how and when this information will be communicated
- how to deal with any possible discrimination, harassment, or hostile actions.

Disclosure

7. It is up to the individual to decide whom to tell, and when and how to tell colleagues. There is no absolute obligation for staff to be informed that a colleague is about to transition. Nevertheless, in order that transition moves forward smoothly, some level of prior communication is preferable 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, 'need to know' basis, so that the requirement to use their preferred name and pronouns, and to share facilities, is understood by work colleagues. Some Trans individuals may wish to ensure that their department and closely linked colleagues are apprised of the situation, in which case, a carefully worded email may be sent simultaneously to appropriate colleagues and also, where relevant, to colleagues whom they may work closely with. Alternatively, they may prefer to tell their colleagues, face to face.
8. Managers must be available to support their staff member through this process. A designated person from the iTrent team will need to be informed so that they can make the necessary changes to documentation and records. Contact details are colTrentHRteam@cityoflondon.gov.uk.

Time Off for Medical Appointments

9. Most 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 their colleagues.
10. There is specific protection under the Equality Act 2010 for time off related to gender affirming 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.

11. Time off to attend a hospital or doctor's appointment which lasts for less than half of a working day should not be counted as sick leave, but if an appointment means an absence of a half-day or more, it should be recorded as sickness absence in the normal way. The usual statutory and occupational sick pay rules will apply (see Sickness Absence Policy). Most surgery is not undertaken in the first couple of years following transition, but when major surgery is planned, managers should be flexible regarding time off.
12. Time away from work for surgery and to recover from surgery or treatment will be recorded as sickness absence but should not normally trigger the formal Capability procedure. Staff may be asked to attend an Occupational Health Assessment before their return to work after any long-term absence, to ensure that they are fully recovered before returning to full duties. Managers should discuss any adjustments that might need to be made to facilitate the return to work.

Confidential Records

13. Trans staff who transition in the workplace are likely to be anxious to protect their privacy. The right to confidentiality must be respected. 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, and only accessed by named persons approved by the Trans person, and with their permission, unless emergency circumstances occur.
14. In a small number of cases, it may be necessary for some records (e.g., regarding pensions and insurance) to retain a reference to the sex of the employee that was assigned at birth. Access to such records, should be restricted only to staff who require such details to perform their specific duties. Documents must not be accessible to those who do not deal directly with this person's pension or insurance situation. IT records must be password protected in such a way that they are not accessible to anyone other than those directly involved.
15. A Trans individual will be able to change their name unofficially, as soon as they request this, e.g. through the "Preferred name field in the HR self-service and payroll systems. Where staff members confirm on their employee record that they are Trans, they will also be able to specify their preferred gender identity.
16. Formal change of records can be undertaken upon production of a formal change of name certificate, for example, a Deed Poll or Statutory Declaration document.

Trans individuals do not need a Gender Recognition Certificate (GRC). A newly recruited member of staff may already have a GRC and choose to volunteer this information, but it must not be requested. Those who are proposing to transition or have recently done so, may not be in a position to obtain a GRC. This requires the applicant to have lived permanently in their affirmed gender, full-time, for two years prior to the application and is therefore irrelevant when a person transitions.

Practical arrangements

17. The City Corporation supports trans staff, accessing the toilet facilities appropriate to their gender identity or expression. In line with our trans policy, the City Corporation will provide adequate gender-neutral toilets to accommodate non-binary, trans and other gender diverse people.

Harassment

18. When colleagues are told about an individual proposing to transition/transitioning or become aware of it, they may have questions that are, intentionally or unintentionally, personal, or intrusive. Our Trans awareness training covers the issue of unacceptable questions, for instance, asking about surgery, which could be regarded as harassment. Some Trans people are more willing to answer questions than others, so it is important that the employees and their manager discuss this in advance.
19. For some staff this may be their first engagement with a person who has transitioned, and they may fear 'saying the wrong thing'. This can lead to isolation of the individual which is also unhelpful. Training includes educating staff about how they can be welcoming of a newly transitioned person, without being intrusive. It is not the responsibility of the Trans individual to educate those around them; however, there may need to be some patience exercised with colleagues who make mistakes, such as using the wrong pronoun. Everyone does need to understand, however, that this is very painful to Trans people. If this is done with malicious intent, it would amount to harassment.
20. All City of London employees should also be aware that everyone has a responsibility to challenge discrimination towards Trans staff (as with all discrimination). Individuals and teams should be supportive of their trans colleagues and not tolerate unacceptable behaviour that is witnessed or overheard. It is not acceptable to use the term 'banter' to excuse offensive behaviour.

Recruitment related issues

21. It should not be expected that applicants and interviewees for employment will wish to disclose transgender status - some people consider it a very private matter; also, many have experienced prejudice and harassment because of disclosure.
22. Where Disclosure Barring Service (DBS) checks are necessary, the recruitment manager will inform all applicants that there is a confidential checking process for trans applicants which does not require them to disclose their previous identity to their employer. Trans applicants can contact the DBS applications line for further advice about completing the DBS checking form as there is a dedicated service for this as stated in the Gender Recognition Act 2004. The DBS keeps the relevant identity information secure from the employer and it is not printed on the DBS certificate.
23. If giving a reference for someone moving to a new job, the referee must use the preferred name and not refer to their former name.

Best Practice

24. It is important to understand the difference between “sex” and “gender”. Typically, the terms “sex” and “gender” are incorrectly used interchangeably although the definitions are quite different.
 - Sex: is a social, legal medical designation assigned at birth based on a medical assessment of the body.
 - Gender: is the cultural meaning (such as masculinity or femininity) assigned to biological sexes historically.
 - Trans: is an umbrella term: people whose gender identity is different than their sex assigned at birth fall under the umbrella term of transgender identity. Some individuals identify with a gender identity that is opposite of their sex assigned at birth. Others identify as neither, both, or somewhere in between female or male, many use the word nonbinary to describe this identity. Other identities include genderqueer, bigender, agender, gender nonconforming and gender fluid.
 - Non-binary: is a gender identity which falls outside of gender binary meaning an individual who does not identify as strictly female or male. A non-binary person can identify as both or neither male and female, or sometimes one or the other. There are several other terms used to describe gender identities outside of the male and female binary, such as genderqueer, gender non-

conforming, agender, and bigender. Though these terms have slightly different meanings, they refer to an experience of gender outside of the binary.

25. Therefore, while the term non-binary falls under the umbrella of transgender identity, it is important to note that identifying as transgender does not mean that a particular individual is nonbinary although transgender individuals can be nonbinary, most transgender individuals identify strictly as male or female.

Do's and Don'ts

26. The use of gender specific language is common in everyday life and conversations. Individuals regularly use gendered language when referring to others, even if the gender does not align with the person they are referring to.
27. While many use these terms without the intention to exclude others, gendered language does not acknowledge or validate the existence of those who identify outside of the gender binary. Thus, it is important to rethink common gender phrases and adjust them by using more inclusive, gender neutral language.
28. It is suggested that gendered language is replaced with gender inclusive language wherever possible in everyday conversations. When appropriate, used they/them, instead of he/she and say, "hello everyone" instead of "hello ladies and gentlemen".
29. Using an individual's correct name and pronouns is an important way to demonstrate respect and courtesy towards nonbinary employees in the workplace. A few ways that can demonstrate pronoun inclusivity is by including pronouns in email signatures as this introduces pronouns early. When introducing new employees, include your name and your pronoun. Hi my name is ... My pronouns are It is acceptable for the individual not to respond, by stating their own pronouns. The point is that including pronouns in introductions creates a space for individuals to voluntarily provide their pronouns. Practicing using gender neutral pronouns can enable feelings of comfort with these terms, particularly as this may require a concerted effort to do confidently. Be open and willing to be corrected should you make a mistake when addressing someone.
30. *Pronouns are:*
- *he/ him/ his,*
 - *she/ her/ hers*
 - *they/ them/ theirs*

31. Non-binary individuals regularly encounter circumstances which invalidates the very existence of their gender identity. For example, completing an onboarding document or employee survey, can present challenging experiences for non-binary employees. If only male and female options are included in a question regarding gender - which box do, they tick? At the City Corporation rather than using questions about sex, we use sex/gender to include gender identity. This ensures no one is excluded.
32. Always remember that gendered facilities, such as toilets or changing rooms, create difficult circumstances for non-binary employees. Deciding which facility to use - male or female - forces nonbinary individuals to make decisions about their gender identity that does not reflect their own internal sense of self, this can also put them at further risk of experiencing discrimination.

Links / Other resources

- Trans Equality Policy
- Gender Identity Policy
- Sickness Absence Policy
- Capability Procedure
- Bullying and Harassment Procedure
- Gender Recognition Act 2004
- Equality Act 2010
- Gov.uk – Apply for a Gender Recognition Certificate

For tables, use table style “HR Policy Table”