

Trans Equality

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Introduction

1. This managers' guide is designed as a reference tool to help managers broadly understand trans issues, and as a sign-post for further practical guidance to appropriately manage a trans individual's circumstances with respect and care.
2. The City Corporation is committed to promoting equality and fairness in our employment practices. It is opposed to all unlawful discrimination, harassment and victimisation. This document is regularly reviewed and updated to ensure the guidance offered remains relevant.
3. As trans issues are likely to be specific to a particular employee, managers should seek advice. This guide provides broad guidance without covering every possible eventuality. Essentially, it is about treating trans employees with dignity and respect and giving them the confidence of the organisation's support.

Legal Position

4. **Transgender** and trans are inclusive terms for people whose gender identity is different from the sex they were assigned at birth.
5. **Transsexual** is a term used in the Equality Act 2010 to define those who fall within the protected characteristic of gender reassignment. Under this definition, a transsexual person is someone who has proposed to undergo, is undergoing or has undergone gender affirming treatment. However, most trans people no longer use the term 'transsexual' as it is regarded as medicalising and pathologizing.
6. The Equality Act 2010 incorporates "gender reassignment" as a protected characteristic and provides explicit protection for "trans" people against discrimination.
7. A person has the protected characteristic of "gender reassignment" if they are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex. Such a person is referred to in statute as a "transsexual person" or "trans".
8. Gender reassignment is a personal process that is, claiming a person's gender rather than a medical process although it may (or may not) include medical processes such as surgery or hormone treatment.
9. The Equality Act 2010 requires that public bodies have due regard to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act (including discrimination by association or perception), to advance equality of opportunity between persons who share a protected characteristic and those who do not, and to foster good relations between persons who share a protected characteristic and those who do not.
10. All employees are required to uphold these standards in accordance with the City Corporations Code of Conduct and Equal Opportunities in Employment Policy.

Gender identity and sexual orientation

11. Gender identity and sexual orientation are not interchangeable terms. Gender identity refers to the internal sense of one's gender, whereas sexual orientation is defined in the Equality Act as a person's attraction towards persons of the same sex, persons of the opposite sex, and persons of either sex.
12. Trans people can be bisexual, gay, heterosexual lesbian, asexual, or any other sexual orientation, and employers should not assume that a trans person has a particular sexual orientation.

Using Pronouns to Identify

Pronouns are words that describe someone's gender in the third person.

It's important to get a person's pronouns right so that you can treat them with respect. As a manager of a trans employee, you should ask the person how they would prefer to be addressed and ensure this is communicated to the team.

Trans people are diverse however current language and social structures lack the ability to describe and therefore make visible, some people's gender identities particularly those of non-binary people who do not identify as either male or female – may remain unwillingly invisible. For others, the goal is to move towards being accepted within binary gender categories. Using the correct pronoun enables people to be recognised for who they are; whilst non-trans (also known as cisgender or cis) people can take this for granted, trans people are not always able to access this basic right.

Gendered pronouns include she, he, his or her. Many non-binary people use the gender-neutral pronouns 'they, them, their', which are grammatically correct (e.g. "Someone left their bag here. I hope they realise and come back for it.") Some people use other pronouns such as 'ze' or 'hir', or simply prefer that people use their name rather than a pronoun. It is best to use the gender neutral 'they' pronoun rather than 'he or she' in documents, conversations, and correspondence, especially when it is not clear what a person's gender or preferred pronoun is.

Supporting an individual who is transitioning

13. A person's decision to transition is one that has probably been taken, with years of great consideration. For some it may have been preceded by many years of stress, anxiety and feelings of isolation, given the lack of understanding of trans people in wider society
14. Details relating to practical steps to support for an employee during a transition is included in Transitioning in the Workplace Guide and the Government Equalities Office guidance for employers to recruitment and retention of trans staff.
15. These guides will help you to think about the practical steps involved, such as managing confidentiality and communications, planning for medical appointments and absences, changing workspaces and the eventual first day back at work. This should be used at the outset and updated at agreed regular intervals with the employee.
16. It is also important to recognise that for some people the process of transition may not be a 'one-off' moment and may not involve medical procedures. They may also continue to look and dress exactly as before but choose to use a different name and

pronoun. All are equally valid aspects of trans experience and should be respected by the employer.

Time off

17. The Equality Act 2010 (s.16) gives protection to less favourable treatment of employees in relation to an absence that is because of gender reassignment.
18. The employee and manager should discuss what time off is likely to be required and when, if known, as early in the process as possible.
19. The employee may require time off for medical or other treatment, and time off for these purposes should be treated in the same way as time off for illness or other medical appointments.
20. The employee may also need time off for additional appointments and employees should be offered flexibility in rearranging working hours or allowing holiday or special leave to be taken for these purposes.
21. Some employees may wish to take a period of leave before returning to work in their affirmed gender. The employee and employer will need to agree whether this is to be part of the employee's normal annual leave entitlement or some form of special leave.
22. Managers are advised to discuss these issues as part of a transition plan in collaboration with the employee, to agree a plan that is suitable for both the business and the employee.

Use of Facilities

23. Issues around the use of toilet and changing facilities are common for trans individuals. It is common to assume that trans employees should use gender-neutral facilities (i.e. disabled toilets). However, often the most critical aspect of gender transition is to ensure that a trans person can live, be seen and be treated by others in a manner consistent with the person's gender identity. Using the appropriate restroom is an important part of this process.
24. Managers must ensure that the employee can use facilities appropriate to their expressed gender identity. Managers must ensure that the employee can use those which are appropriate to their expressed gender identity without fear of harassment.
25. It is recognised however that gender neutral facilities are vital for non-binary employees and should be made available where possible. A trans employee must be able to use the toilet or changing room of their expressed gender identity without fear of harassment. People should not be made to use unisex disabled toilets, unless they choose to do so, particularly as a temporary measure during the transition period.

Definitions

26. Understanding the terminology relating to gender identity is the first step to creating an inclusive workplace for trans people. The inappropriate use of language can cause offence and distress to employees and undermine the employer's efforts to support trans people.
27. Trans people may have preferences regarding the language they use, and employers should respect their wishes. The following are some of the key terms of which employers should be aware:

Cross-dresser (or transvestite): This describes someone who chooses, some of the time, to wear clothes associated with a different gender to the one they were assigned at birth. Many cross-dressers are comfortable with their birth gender and do not intend to live permanently in the opposite / a different gender. However, according to a report commissioned by the Equalities Review, many trans women spend a significant period as a cross-dresser before they decide to transition.

Gender dysphoria: Many trans people feel anxiety or discomfort around their body and/or gender, hence wishing to make some physical changes.

Gender expression: An individual's gender expression is how that person expresses their identity to others, for example through dress, mannerisms, behaviour, voice, and hairstyle.

Gender identity: This refers to the gender that any individual feels that they are; it is the individual's internal perspective.

Gender recognition certificate (GRC): This is currently provided to an individual who has made a successful application under the Gender Recognition Act 2004 to the Gender Recognition Panel, although this legislation is subject to review. The individual must show that they have lived in their acquired gender for two or more years and intends to do so permanently, and they must have been assessed as having gender dysphoria. A GRC gives an individual legal recognition in their affirmed gender, giving that person the rights and responsibilities belonging to someone of that gender. The individual will be able to obtain a new birth certificate (if their birth was registered in the UK). Many trans people do not seek to obtain a GRC as they consider the process to be too bureaucratic, medicalising, and intrusive*. For most aspects of life, a GRC is not required and employers should not require the production of a GRC if the employee can produce suitable forms of identification, e.g. a passport or driving licence.

Intersex: Intersex people are born with sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies.

Non-binary: This is a catch-all term that is used to describe people whose gender identity or experience is something other than male or female.

Transgender (or trans): A trans person is someone whose gender identity is different from the gender they were thought to be at birth.

Trans man: This describes a person who has transitioned from female to male.

Trans woman: This describes a person who has transitioned from male to female

* Another reason for not obtaining a GRC may be that if someone is in a civil partnership, they need to dissolve the civil partnership or convert it to a marriage before being able to obtain a GRC, because the law currently prohibits civil partnerships between people of mixed genders, although this is now subject to review following a recent judgment by the Supreme Court.

28. Employers should recognise that many individuals who transition simply want to be described as a woman or a man, and regard being trans as part of their gender-identity history, but would prefer that it is not referred to in the workplace, unless they wish to bring it up.

Links / Other resources

- [GOV.UK: The Workplace and Gender Reassignment – A guide for staff and managers](#)
- [GOV.UK: The recruitment and retention of transgender staff – Guidance for employers](#)
- [Broken Rainbow UK: Shining the Light – 10 Keys to Becoming a Trans Positive Organisation](#)
- [AllAboutTrans.org.uk](#)
- [Parliament.uk: Transgender Equality Legislation](#)
- [EHRC Employment Statutory Code of Practice](#)
- [GOV.UK: Equality Act 2010: What Do I Need to Know? A Quick Start Guide to Gender Reassignment for Voluntary & Community Organisations in the Provision of Goods and Services](#)
- <http://genderedintelligence.co.uk>
- [The British Association for Counselling and Psychotherapy www.bacp.co.uk](http://www.bacp.co.uk)
- [City Pride – City of London Staff Network](#)
- [Stonewall](#)