

Transitioning at work

- creating a policy

People are more productive when they can be open about themselves at work. Many transgender people make the decision not to disclose their trans status or trans history because of fear of discrimination, prejudice or not believing an organisation is adequately prepared for someone who intends to transition. An organisation that nurtures diversity, including diversity of gender identities makes sure that staff are recruited and retained. Diverse workplaces benefit everybody.

For the purposes of this policy the term trans will be used throughout. Trans is an umbrella term to describe a range of people whose gender identities are not the same as the sex they were assigned at birth.

The workplace is a crucial environment for someone who intends to transition. Every school and college should have a policy in place to support employees who intend to transition. Making sure your organisation proactively has the support mechanisms in place will ensure both the employee and your organisation has a positive transition.

The following policy gives guidance on addressing the needs of trans employees. It clarifies how the policy should be implemented and how to protect the legal rights and safety of trans employees. This policy will only be useful and effective if staff know about it, understand it and, when necessary, use it. Training on the contents of the policy is also important and should form part of the induction of all new members of staff. The policy does not anticipate every situation that may arise nor does it act as a definitive guide to transitioning in the workplace.

The needs of each trans employee must be addressed individually and no two transitions will be the same. The most important piece of advice this document can give is to let the transition be led by the person transitioning.

A graphic consisting of three overlapping pentagons in light blue, purple, and pink. The text 'Gender dysphoria' is written in white, bold, sans-serif font across the center of the overlapping shapes.

Gender dysphoria

Gender dysphoria is a clinical term for when someone experiences a mismatch between their sex and their gender identity. Discomfort and distress can come from hiding their identity, prejudice and discrimination, and/or not being supported

A graphic consisting of three overlapping pentagons in light blue, purple, and pink. The text 'Transitioning' is written in white, bold, sans-serif font across the center of the overlapping shapes.

Transitioning

Transitioning describes the steps a trans person may take to live in the gender they identify with. Every person's transition is unique and will involve different things. There is a lot of focus on medical transitions, but not all trans people want or can access hormone therapy and surgeries.

Transition may involve purely social aspects such as telling friends, family and colleagues, dressing differently, and changing names, pronouns and/or official documents. There is no 'right' or 'wrong' way to transition. A person's transition is private, so it is inappropriate to ask questions about trans people's bodies.

Policy statement for your workplace

Get your employer to adopt this policy:

This organisation is committed to the inclusion of trans employees by creating a safe environment where trans employees are supported, treated with dignity and respect and can express their gender identity freely.

This organisation recognises the benefits and experiences that trans employees can bring to the workforce and will ensure that any employee intending to transition will be supported, valued and treated with dignity and respect. We understand that every person's transition is unique.

This policy has been agreed following consultation with recognised trade unions and will be reviewed every 2 years' subject to further consultation.

Scope

This policy is relevant to all members of staff who intend to transition. All employees and governors and academy trustees have a responsibility to comply with this policy.

All employees should report any breaches of policy that they witness, whether by colleagues, or other third parties, to their line manager immediately.

Legislation

Trans employees are protected by two key pieces of legislation:

Equality Act 2010: Outlaw's discrimination related to the protected characteristic of Gender Reassignment.

If an employee identifies that they have gender dysphoria and the condition has a substantial and long-term adverse impact on their ability to carry out day-to-day activities, they may also be protected under the provisions in the Equality Act 2010 relating to the protected characteristic of disability

Gender Recognition Act 2004: Allows trans people to obtain a Gender Recognition Certificate and have the correct gender marker on their birth certificate

In addition to these two pieces of legislation, the Human Rights Act 1998 and the General Data Protection Regulation (Data Protection Act 1998) are also relevant to trans employees.

Transition care plan

There is no requirement for an employee to tell their employer or colleagues about their intention to transition, or for the employer or colleagues to ask questions about a person's trans status or history. It is unlawful to disclose an employee's trans history or status without their explicit consent

Any employee who decides to disclose their intention to transition should, having discussed their plan with their union support network inform their line manager or HR colleague and agree a main point of contact that will help manage the transition from the organisations perspective.

A Transition Care Plan (TCP) will be put in place so both parties can confirm the detail and timing of key dates and actions before, during and after the employee's transition. This process will be led by the employee and no action will be taken without their explicit prior consent. The TCP is a commitment from this organisation to support the employee at all stages of their transition, act in their best interests and in accordance with their wishes.

The drafting of the TCP can be led by the employee, with their agreed main point of contact and a trade union representative present, if the employee requests their attendance.

The TCP is a completely confidential document and access is restricted to named persons approved by the employee and with their permission.

The TCP will be reviewed at each significant stage of the employee's transition or more frequently if necessary. All actions will be taken in consultation with the employee transitioning.

Privacy

This organisation supports trans employees in making decisions about who, when and how they share information about their trans status, history or gender identity and recognises employees' rights to discuss their gender identity and transition openly if they choose to do so or keep that information private.

It is important to know that it is unlawful to disclose an employee's trans history or status without their explicit consent. Management, HR staff and colleagues must not disclose any information that may reveal an employee's trans status or intention to transition.

Any breaches of confidentiality regarding an employee's trans status or history will be treated in a serious manner and dealt with under the bullying & harassment policy and disciplinary procedure. You may wish to state where this policy can be found and how it can be accessed.

Should colleagues and the school community learn of or be informed about an employees' intention to transition, this organisation is committed to supporting the individual in managing this situation.



Names/pronouns

Pronouns are the words we use which can depend on a person's gender. Pronouns used correctly are one of the easiest ways to show respect for someone's identity. Some people use 'he' and 'she', while some prefer gender-neutral pronouns like 'they'. You can ask 'what are your pronouns?'

Employees will be addressed by the name and pronouns that correspond to their gender identity and that they have requested to be used at all times. Intentionally and persistently misgendering or using colleagues' previous names would amount to harassment and will not be tolerated.

Breaches of this policy will be treated in a serious manner and dealt with under the bullying & harassment policy and disciplinary procedure.

Records

Any employee wishing to change their pronouns, name or gender does not need a Gender Recognition Certificate or an updated birth certificate to do so.

Upon request of the employee this organisation shall update all records, including archived records with the employee's new details. Any name badges, signs, photographs or email addresses will be updated immediately.

Where archival records cannot be updated or replaced, or cannot be updated without a Gender Recognition Certificate, which includes pensions and insurance, these records will be kept separate from the records of other staff and will only be accessed by named persons approved by the employee and with their permission.

Facilities

Employees do not require a Gender Recognition Certificate or to have undergone any medical procedures to use facilities that correspond with their gender identity.

Where single sex facilities are available, employees can use those which correspond with their gender identity without fear of bullying or harassment.

Trans employees will never be asked to use accessible or unisex facilities exclusively unless they are preferred by the employee. If possible, gender neutral facilities will be made available for employees who prefer to use unisex facilities.

Dress code and work wear

This organisation fully supports employees who wish to change their gender presentation. Employees have the right to follow the organisations dress code that is consistent with their gender identity. You may wish to state where the dress code can be found and how it can be accessed.

Where an employee is required to wear uniform, employees can wear the uniform that corresponds with their gender identity. This organisation will ensure that the employee has access to a new uniform well in advance of their intended transition.

If possible gender-neutral uniforms should be made available and the organisation's dress code should not prescribe specific dress code for men and women.

Time off/absences

This organisation appreciates that every person's transition is unique, can involve many different aspects and that time off work will vary according to the needs of the individual.

Any absence associated with an employee's transition will be treated in the same way as sick pay and leave entitlements. Time off related to the employee's transition will not be used against employees when considering them for promotion or pay progression.

Employees intending to transition should give as much notice as possible when requiring time off related to their transition, however this organisation understands that waiting times for appointments may delay timescales and this is out of the control of the employee.

Individuals may need to take leave at short notice to attend additional appointments and, wherever possible, this organisation will be flexible.

Occupational health/employee assistance programmes

Employees who intend to transition will be offered the opportunity to be referred to Occupational Health for advice and support. Occupational Health is able to offer support and counselling for employees who may be experiencing emotional distress during before or after their transition.

This organisation will ensure that health and safety planning includes regular Risk Assessments for trans employees such as providing a stress assessment for an individual trans member.

Employees are able to discuss any requirements or adjustments they may need with their line manager, HR staff or main point of contact.

You may wish to state details of any employee assistance programmes available.

Harassment

Harassment from any member of staff or the school/college community because of an employee's gender identity or trans status will not be tolerated. All employees should be alert to and report any form of harassment to their line manager and not allow it to escalate.

Harassment of transgender employees will be treated in a serious manner and dealt with under the bullying & harassment policy and disciplinary procedure.

Grievances

Any employee who believes that they have a complaint should report it as soon as possible. The issue will be investigated in a timely manner and, where necessary, action will be taken under the relevant policy and procedures.

Training

This organisation will provide regular awareness training to all members of staff as part of our commitment to eradicating the stigmatisation of transgender communities in the workplace.