



TRANS INCLUSIVE POLICIES AND BENEFITS

How to ensure your
policies and benefits
are trans inclusive

SUPPORTING TRANS
STAFF IN THE WORKPLACE

In collaboration with

trans^{*}formation

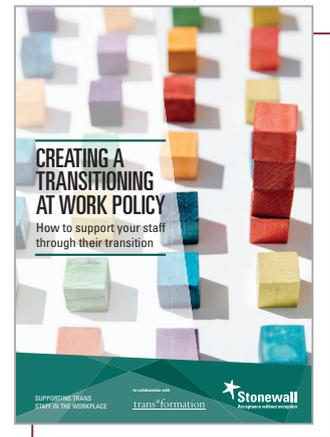


Stonewall

Acceptance without exception

TRANS INCLUSIVE POLICIES AND BENEFITS

Resource three (right) specifically covers how to create a transitioning at work policy. This resource covers all other aspects of policy which may relate to trans staff. The correct uses of the words 'trans', 'transgender' and associated considerations around transitioning are also covered in the third resource of this series.



INCLUSIVE LANGUAGE AND POLICIES

NON-BINARY IDENTITIES AND POLICY

Non-binary is a term for people whose gender identities do not fit into the gender binary of male or female.

A non-binary person might consider themselves to be neither male nor female, or to be in some sense both male and female, or to be sometimes male and sometimes female. People who identify as non-binary will sometimes prefer to refer to themselves using pronouns which are not gendered, for example 'they' or 'ze'.

More often than not, non-binary identities are absent from organisational policy. This is because employers may take a compliance based approach to creating their policies. The law and terminology around gender reassignment is outdated and doesn't reflect the full variety of experience of the trans community. The descriptive term used within legislation is gender reassignment, but this is a very narrow definition of what it means to be trans. Best practice is to treat all individuals, including those who identify as non-binary, as you would other people with protected characteristics. Going above and beyond the law, the most inclusive employers consider non-binary to be a protected characteristic.

Non-binary people and those with other gender-variant identities may or may not identify as trans. Even so, they should be explicitly included in policy. This will ensure your organisation reflects and supports a wide spectrum of gender identities.

TOP TIPS FOR LANGUAGE AROUND NON-BINARY IDENTITIES:

Remove explicitly gendered language from policy when it's not needed and with new policy, use gender-neutral language

Current: 'If an employee wishes to discuss their salary he/she should contact his/her manager'

Change to: 'If an employee wishes to discuss their salary, they should contact their manager'

Give people the space to identify their gender as they wish to on monitoring forms and surveys, with the use of the option 'If you prefer to use your own term, please specify here'

Ensure you include non-binary people across all policies

Provide guidance for employees as to what pronouns are and how to use them

Be wary of any gendered introductions such as 'Dear Sir/Madam'

Make sure a variety of prefixes or titles are available in your HR system, e.g. Mx (or do not collect this information at all)

Do not assume, in policy or otherwise that if a person identifies as trans, they identify within the gender binary (as a trans man or trans woman)

ACTION POINT

Gender can appear in many different processes in the workplace and through customer service or service delivery, for example in filling out HR forms and sales assistants using gendered greetings. Many of these gendered expressions, phrases or pieces of information are not needed. Think about both your employee lifecycle and customer journey and be critical as to where there are references of gender. Do you really need to ask for someone's gender in that process? If so, why?

TRANS SPECIFIC AND INCLUSIVE POLICIES

Within your suite of policies, you should have certain documents which are trans specific and ensure all others are trans inclusive.

1. Transitioning at work policy (covered in the third resource of this series) – specific support available and organisational process for someone who is transitioning

2. Transgender equality policy or statement – a general policy which covers different aspects of the workplace which might affect all trans people, including non-binary people. This may be included in an equality and diversity policy or be a standalone document

3. Anti-discrimination and bullying and harassment policies – policies which are trans inclusive and contain information for staff and the organisation around commitment to combatting transphobia

4. Trans service-user policy (covered in the sixth resource of this series) – a policy which outlines how your organisation and frontline staff should work with trans service users

Separating policy and guidance will ensure it covers everyone who identifies underneath the trans umbrella and you will not lose the nuance of different experiences of the trans community. Placing too much content in one policy, for example all of the above, will lead to the main focus being on transitioning.



CREATING A TRANS EQUALITY POLICY

Your trans equality policy should cover the following areas:

- Statement of support for all trans people
- Information which impacts on all trans staff, including non-binary staff, such as facility use and dress code

STATEMENT OF POLICY AND SUPPORT

At the beginning of your policy you should include a strong statement of support for all trans people. This should emphasise:

- That the organisation values the unique contribution of all staff, including individuals who identify outside of the gender binary
- That the organisation understands there are many different identities which fall under the trans umbrella
- That the organisation will treat anybody's gender identity, regardless of the law, with dignity and respect
- That the organisation considers any gender identities outside of the gender binary as a protected characteristic

This policy demonstrates that all trans staff (including volunteers), service users or visitors, regardless of whether they have decided to go through the process of part or full gender reassignment and regardless therefore of their formal legal standing, should be treated with equal respect.

The policy aims to develop a culture and deliver services above the minimum standard of legal compliance that will lead to a more positive experience for both trans staff and trans people within the community.

CALDERDALE COUNCIL,
TRANSGENDER POLICY

Once you have clearly defined your organisation's commitment to the inclusion of all trans people, this should be applied consistently and coherently across all policies, taking in to consideration all identities within the trans umbrella.

DRESS CODE

Dress codes and expectations can have an impact on all trans people, particularly if they're forced to express themselves through their clothing in a way which doesn't align with their gender identity.

Dress codes and uniforms should be gender-neutral and applied consistently across the organisation. If you specify employees must wear certain clothes, you should not specify for which gender.



'WOMEN MAY WEAR A SKIRT OR SUIT TROUSERS'



'STAFF MAY CHOOSE BETWEEN WEARING A SKIRT OR SUIT TROUSERS'

I'm quite fortunate in that the last time I had to adhere to a gendered dress code was probably when I was at school, though I would've jumped at the chance to wear trousers instead of a skirt even then.

The only other occasions where I've had to wear a uniform is when I've worked in venues or bars, but luckily it's always been branded t-shirts or similar, with no difference in the fit or cut of the garment. I will admit to having avoided applying for certain jobs based on the fact that they enforced gendered uniforms, which I knew I would feel self-conscious and uncomfortable in.

In my current place of work, I would say that the dress code is gender-neutral, in so far that it was explained to me as a smart-casual environment. As such, I am able to wear whatever I like, within reason, usually jeans and a shirt, which makes a huge difference in terms of my comfort and confidence at the office.

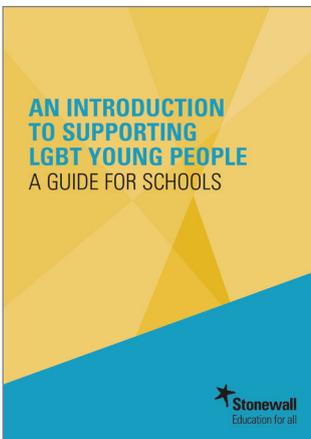
PUJA

Metropolitan does not have a dress code that restricts employees' clothing or appearance on the basis of gender. Transgender and gender non-conforming employees have the right to comply with company dress codes in a manner consistent with their gender identity or gender expression. The Code of Conduct explains dress code expectations within the business.

METROPOLITAN HOUSING TRUST,
TRANSGENDER GUIDELINES

TOP TIPS:

- You should allow flexibility in dress code to all staff regardless of their gender identity or expression, for example in hair length, jewellery and make up
- All staff should be able to choose a uniform which they feel is most appropriate and be empowered by the organisation to wear it
- If an employee is transitioning, a new appropriate uniform should be made available to them in good time and your internal systems should support these changes



For more information on supporting pupils at school where uniform is compulsory, see the Stonewall resource 'An Introduction to supporting LGBT young people' at stonewall.org.uk

FACILITIES

Trans people are frequently denied access to spaces, facilities, events and groups that are gender specific. This can particularly affect trans women accessing 'women-only' spaces. Reasons given for this exclusion include a belief that trans women 'aren't real women', and a concern that other members of a group would feel uncomfortable with the presence of someone that they perceive to be a man.

There is a legal exemption in the Equality Act 2010, which means that public bodies which provide single-sex services can in some circumstances legally exclude trans people. In order to do this they need to prove that this is a 'proportionate means to achieve a legitimate end'. They also need to prove that there is no other way they could have made sure that everyone could access the service. This is a high barrier of proof, and there is very little case law which shows where an organisation could legitimately use this provision.

You should allow anyone to access facilities, spaces and groups which align with their gender identity.

You should work with your estates or office management team to implement gender neutral or unisex toilets and changing areas.

There might be times where trans members of staff feel unable to express their gender identity in public, or when travelling to and from work, for fear of transphobic attack or abuse. Employers should ensure that gender neutral changing spaces are available for those members of staff who feel this way but do want to express their gender identity in the workplace.

TOP TIPS:

- Consult with your estates or office management team and trans employees to determine how you can introduce gender neutral toilets
- Gain buy-in for gender neutral facilities from your senior management team or board
- Plan and effectively communicate the use of these facilities, paying particular attention to the signage to be used and utilising line managers in the process
- When you send communications about gender neutral facilities, do not solely place the emphasis on trans people for the reason for change – this reinforces the idea that trans people should use separate facilities
- It is not only trans or non-binary people that may wish to use gender neutral facilities, there are many people who do not identify as trans who value privacy and non-gendered spaces

Where a staff member or client is non-binary and/or does not identify as either male or female then non-gendered facilities such as toilets and changing facilities should be provided.

ST MUNGO'S, BEST PRACTICE GUIDELINES FOR WORKING WITH TRANS* PEOPLE

As a non-binary person, who presents in a more masculine way, I find using the bathroom anywhere that doesn't have gender-neutral facilities a pretty daunting experience at the best of times, and it's become something that I try to avoid as often as possible.

Consequently, having a gender-neutral toilet at work has made a significant impact on my everyday life, simply by taking the stress out of something as basic as going to the loo.

It's worth noting that utilising appropriate signage is incredibly important – having 'Toilets' on the door is not enough, it needs to explicitly say 'Gender Neutral' or something along those lines. I did find that when this wasn't the case at my workplace, people would often assume that it was the ladies' toilet, which not only led to the occasional awkward exchange, but also meant that anyone wishing to use the gender-neutral facilities wouldn't necessarily know that they were there.

PUJA



Example of gender neutral toilet signage.

BULLYING AND HARASSMENT POLICIES

Organisations should already have two key policies in place: an anti-discrimination policy and an anti-bullying and harassment policy.

Both of these should be made trans inclusive to set organisational expectations around how transphobia in the workplace will be dealt with. It's not good enough to simply state that the organisation does not accept discrimination on the basis of gender reassignment as a protected characteristic (within a list of the other protected characteristics under the Equality Act 2010). Both of the policies mentioned should explicitly state that the organisation will not tolerate the discrimination or bullying and harassment of anyone based on their gender identity or expression.

You should also highlight specific examples of transphobia, explaining why they constitute transphobic language or behaviour – often staff may not be aware of the subtle and nuanced ways in which transphobia can occur. You should link to the sections of these policies within other documents, such as your trans equality policy, transitioning at work policy and any guidance for members of staff around supporting trans colleagues.

EXAMPLES OF TRANSPHOBIA TO INCLUDE WITHIN YOUR POLICIES:

- **Speculating about someone's gender** – "Is that a man or a woman?"
- **Purposefully ignoring someone's preferred pronoun** – "He/She needs to..."
- **Disclosure of someone's trans history** – "Yeah, he used to be a woman"
- **Inappropriate questioning about medical treatment** – "So have you had, you know, the surgery?"
- **Questioning someone's ability to 'pass'** – "She'd be more convincing if she used a bit more make-up"

Any incidents of harassment or bullying against trans employees should be dealt with in accordance with the Service's Harassment and Bullying Policy. The Service's policy includes specific reference to gender identity and gender reassignment. NFRS staff are required to treat colleagues and members of the public in an inclusive and respectful manner regardless of their gender.

NOTTINGHAMSHIRE FIRE & RESCUE SERVICE

Should a staff member wish to initiate a formal complaint due to transphobic harassment or bullying, they should do so in accordance with the Staff Dignity at Work policy.

In addition to internal investigation, abusing someone because of their gender identity is a hate crime, and may be subject to a police investigation. The College is recognised as a Third Party Reporting Centre in conjunction with Police Scotland.

Third Party Reporting Centres are safe neutral locations within the community where people can report hate crime or hate incidents without having to contact the Police directly.

Anybody can use this facility regardless of whether they are a victim, a witness, or just someone who is aware of information that needs to be reported. Trained staff are based at the centres to assist people with the completion of a report. Details are available on the College website.

CITY OF GLASGOW COLLEGE

Transphobic abuse, harassment or bullying (name-calling/derogatory jokes, unacceptable or unwanted behaviour, intrusive questions) is a serious disciplinary offence and will be dealt with under the appropriate procedure.

YORK ST JOHN UNIVERSITY

HEALTHCARE/MEDICAL INSURANCE

Not all trans people want or are able to have any medical intervention as part of their transition. Not every employer is in a financial position to offer comprehensive health or medical insurance. If you are in a position to offer private healthcare and insurance to your employees, your organisation can have a potentially huge impact on the lives of those who wish for medical interventions during their transition.

Waiting times for gender affirming surgeries and treatments on the NHS vary between hospitals but are generally very long. The average waiting time to attend a Gender Identity Clinic (GIC) stands at around 18 months; this is before any other treatment is available or can be properly discussed. Following that appointment it's usually a minimum of 6-9 months for subsequent appointments.

Some people who wish to transition within a shorter time frame may opt to see a clinician privately to reduce waiting times. This can have a positive impact on a person's mental health when transitioning.

Employers in Great Britain are only just beginning to investigate the potential of trans inclusive medical insurance as a benefit for their employees. But with 82 per cent of private healthcare being employer-based in England alone (Commission on the Future of Health and Social Care in England) employers are in a prime position to support their trans staff.

If your organisation does provide medical insurance to your staff and you wish to ensure that it's trans inclusive, you should carefully consider what medical interventions or counselling services are available, and how comprehensive they are in consultation with trans organisations.

Healthcare cash plans often do not include surgeries or comprehensive medical cover, but mostly everyday healthcare such as dental and optical treatments. Medical insurance in contrast, has a much broader coverage.

For further information about medical insurance, you can contact [trans*formation – transformationuk.com](https://www.transformationuk.com)

EMPLOYEE ASSISTANCE PROGRAMME

Another way to ensure your trans staff have a route to gaining confidential advice and support is through your employee assistance programme (EAP).

If you're considering purchasing the service of an employee assistance programme provider, are changing providers or want to make sure your existing provider is trans inclusive, consider the following:

TOP TIP

Once you have purchased your employee assistance programme, give them a call to test their services around gender identity

1. Do they explicitly state on their website that their counsellors are trained in trans equality and understand gender identity issues?
2. Do they explicitly state on their collateral they provide you with that they're trans inclusive?
3. Do they use the correct terminology when advertising the fact that employees can get in touch around trans issues?
4. Do they offer support to those who are transitioning?
5. Do they offer general support and guidance to all people under the trans umbrella?

When promoting your employee assistance programme to your staff, consider the following:

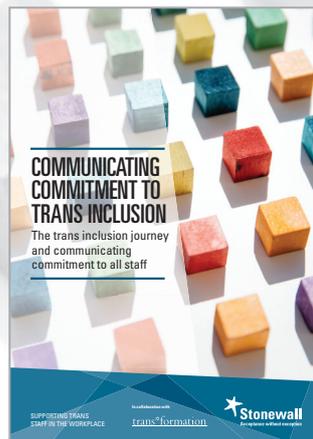
1. In your internal communications and policy documents is it clear that staff can contact the EAP to discuss trans issues?
2. Is it explicit on your LGBT network page that trans people can use the EAP?
3. When was the last time you sent around a communication about the EAP to staff?
4. Do you sign-post staff towards the EAP when communicating other events, for example trans-specific events?

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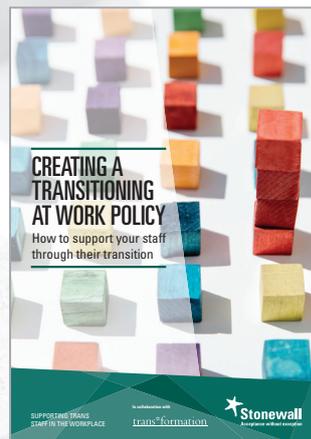
How to ensure your policies and benefits are trans inclusive



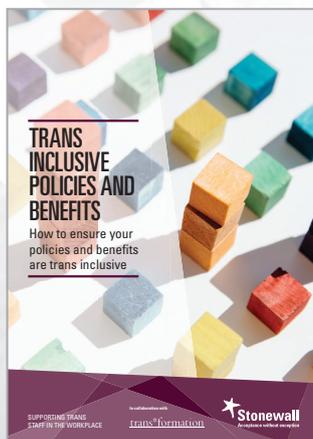
1. First steps to trans inclusion – an introduction to trans inclusion in the workplace.



2. Communicating commitment to trans inclusion – the trans inclusion journey and communicating commitment to all staff.



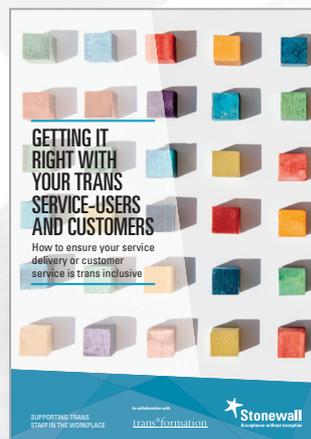
3. Creating a transitioning at work policy – how to support your staff through their transition.



4. Trans inclusive policies and benefits – how to ensure your policies and benefits are trans inclusive.



5. Engaging all staff in trans inclusion – how to engage all levels of staff in the trans inclusion journey.



6. Getting it right with your trans service-users and customers – how to ensure your service delivery or customer service is trans inclusive.

