

CREATING A TRANSITIONING AT WORK POLICY

How to support your staff
through their transition

SUPPORTING TRANS
STAFF IN THE WORKPLACE

In collaboration with

trans^{*}formation



Stonewall

Acceptance without exception

CREATING A TRANSITIONING AT WORK POLICY

WHAT IS TRANSITIONING?

Transitioning is a term used to describe the process and steps an individual takes in order to live in the gender they identify as.

Transitioning is a unique process for each individual and may include any number of changes to a person's life. There is no 'right' or 'wrong' way to transition. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. There may be a variety of reasons including cost, time or simply not feeling the need to. Transitioning could also involve dressing differently, changing official documents, telling friends and family that you are transitioning, or a number of other things.

The start of or intent to transition will be different for everyone. It's about the individual. After an individual transitions they may not identify as trans; they may simply see the process as being part of their past and not current identity. For example, an individual who has transitioned and identifies as female, may refer to herself as a woman, not a trans woman. This personal decision should be respected at all times and communicated to any staff as necessary.

Many people falsely believe that in order to transition a person must undergo a medical intervention, such as hormone treatment or surgery, or gain a Gender Recognition Certificate (GRC). It should not be assumed that the goal of every individual's transition is to change their physiology or legal gender. If a trans person chooses not to undergo any medical intervention or gain a GRC, they are still entitled to dignity and respect along their chosen path of transition, whatever that may consist of.

GENDER DYSPHORIA

Gender dysphoria is the clinical diagnosis for someone who doesn't feel comfortable with the gender they were assigned at birth. Many trans people reject the idea that gender dysphoria is a pre-requisite for being trans and it shouldn't be assumed in your policy that everyone who wishes to transition has experienced or is experiencing gender dysphoria.

CREATING A TRANSITIONING AT WORK POLICY

You should proactively create a transitioning at work policy to ensure you have the correct support mechanisms in place for staff if they intend to transition while working for your organisation. Your policy should be specific to transitioning at work.

To ensure that staff feel supported during transition you should create a suite of documents which complement and work alongside each other. This suite of documents should include:

- A short policy document – a concise three or four page policy
- A definitions document – kept separate from the policy to update as necessary
- A guide for managers – guidance for line managers around supporting trans staff
- A frequently asked questions (FAQs) document – written from several different perspectives

'Bearing in mind that working is a crucial part of the transition process, it is worrying to discover that 42 per cent of people not living permanently in their preferred gender role were prevented from doing so because they feared it might threaten their employment status.'

ENGENDERED PENALTIES: TRANSGENDER AND TRANSSEXUAL PEOPLE'S EXPERIENCES OF INEQUALITY AND DISCRIMINATION (2007), THE EQUALITIES REVIEW

The Equality Act 2010 protects those trans people who are 'proposing to undergo medical intervention'. This leads some employers to presume that only those who transition with medical intervention require support or those who are transitioning from male to female or female to male are protected. Many trans people don't want to undergo medical intervention or don't need to. They will still require support to transition at work. Similarly, some people, for example those who identify as non-binary or gender fluid, may or may not propose to undergo medical interventions. They too require your support.

Whatever your suite of documents look like, they should be flexible enough to encompass the many different ways people can transition, placing the trans person in the centre of the process and ensuring they're in control.

Transitioning impacts a person's whole life. Your job is to ensure they are supported in the workplace.

EXPERIENCES OF TRANSITIONING AT WORK

Transitioning in work is a big part of most people's transition and I was no different. As an Officer in the British Army, my job completely depends on human interaction and mutual respect and I was very concerned about losing that respect. To my utter delight, I found that everyone was completely supportive, whether that was my superiors, my peers or my subordinates. In fact the majority of people took time to come and tell me how proud they were of my decision to be true to myself and that if I ever need any help with anything that they would be right there by my side.

Now, I would be lying if I said that response was universal. In such a large organisation there will always be someone whose narrow-minded views means that they won't accept you. However, the Army's response was very simple – these are our values and standards which you signed up to and which include respect for others. If you cannot behave appropriately, then that is your problem, not mine.

Having the support of the organisation and its people had a profound effect on me. It validated my identity and taught me that all that really mattered in work was that I was able to do my job.

HANNAH

For the last 20 years I always knew I was different, but it wasn't until around 10 years ago I was able to accept myself as a transgender person. At this time I had no idea how I could come out to my children, my family, my friends or at work, let alone keeping my career in the construction industry.

Importantly to me my employer introduced a safe space to be open about gender identity and sexual orientation. After attending the launch of our LGBT & Allies Network in 2014 I decided I was going to transition while working – by changing my presentation on the outside – but more importantly, for the first time being the person I really was on the inside.

My employer supported my transition by helping me create a structured plan for coming out in the office. An announcement was made by my MD to all staff through an exceptional meeting, and was then followed up with a staff notice to satellite offices. My actual day of transition at work coincided with a Macmillan cancer awareness cake day, and so this gave staff the opportunity to meet me after my announcement. Overall it could not have been handled any better and I have immense gratitude to those who facilitated that period of my life and gave me my future.

The impact of their support meant that any fears I had were unfounded. Very quickly life as the real me became very normal. And in the 18 months since transitioning in construction I have had no problems either in the office or on building sites that I visit in my day job as a Senior Planner. For me the most important thing they did was to engage support from senior managers and to educate the staff. My advice to employers in supporting transitioning staff is that making this process as smooth as possible can not only bring great positive changes to the person concerned, but also the business as a whole.

CHRISTINA

LANGUAGE IN POLICIES AND GUIDANCE

Many transitioning at work policies are based on compliance with the Equality Act 2010. This means some of the language used is outdated and insufficient. The language you use within your suite of transitioning at work documents is incredibly important. For many staff who are not familiar with the trans community, it will help them understand what it means to be trans and give them the words they need to discuss the subject.

Using language which reflects current consensus and understanding will not only benefit these members of staff, but also demonstrate to your trans staff the organisation understands them. In contrast using outdated language may cause offense and amplify discrimination.

USING THE WORD TRANSGENDER:

The word transgender is an adjective and should be used as such. In documents and policies, follow these simple rules:

- The correct usage of the term is 'transgender person/people', 'transgender community' and 'transgender equality' – "Many transgender people face discrimination"
- More often than not, the word transgender will be shortened to trans
- The word transgender should never be suffixed with '-ed' or '-ism' – "People who are transgendered", or "I am learning about transgenderism"
- An individual should never be referred to as 'a transgender' – "In order to support a transgender"

WORDS WHICH NEED CAREFUL CONSIDERATION:

Transsexual – some people identify as transsexual and are happy for others to use the term. Many people see it as old and outdated. It's acceptable to define the word transsexual in your guidelines, but you should not solely use the word transsexual to refer to trans people; it should simply be in your list of ways people can identify themselves.

Gender dysphoria – as this is a medical term, think carefully about whether or not you need to include it in your policy. Your transitioning at work guidance is about support, not about speculating why people may identify as trans.

WORDS AND PHRASES TO AVOID:

Avoid phrases and language which might be inferential or judgemental, such as 'atypical' and 'non-traditional'. Avoid focusing on or going in to too much detail about medical intervention – staff do not need detailed information on what medical interventions may involve.

Protection for trans people under the Equality Act 2010 was a huge step forward. However, the terms "gender reassignment" and "transsexual" in the Act are outdated and misleading; and may not cover wider members of the trans community. The protected characteristic should be amended to that of "gender identity".

WOMEN AND EQUALITIES
COMMITTEE (2016), TRANSGENDER
EQUALITY ENQUIRY

TOP TIPS:

1. You should use the terms trans, transgender and gender identity as opposed to transsexual and gender reassignment
2. Throughout the documents you should always emphasise the uniqueness of every person's transition and that they are in control
3. Consider your audience and tailor the content to different roles, for example what a manager needs to know may be different to other members of staff
4. Include any willing members of staff who identify as trans in your consultation and review of the policy, but be wary of solely using one or two people's experience of transitioning (as every journey is unique) or placing the whole burden on them
5. The policy and guidance should provide structure, but still be flexible enough to adapt to the individual

DOCUMENT 1 – TRANSITIONING AT WORK POLICY

Your transitioning at work policy should be a concise document which covers the following:

A BRIEF INTRODUCTION TO THE AIMS OF THE ORGANISATION AND THE PURPOSE OF THE POLICY

- This introduction will allow you to demonstrate to staff that the organisation will support them through their transition
- You should also include information about how trans staff contribute a variety of experience to the organisation and how working with the trans community may have a positive impact on organisational priorities and values
- Keep the introduction specific and link to a general policy around supporting trans staff (covered in the fourth resource of this series)

A BREAKDOWN OF RESPONSIBILITIES OF MEMBERS OF STAFF AND LINKS TO SPECIFIC GUIDANCE

- Clearly defining different staff member responsibilities in the policy will ensure each party knows what is expected of them
 - These could include (but are not limited to): the individual who is transitioning, senior managers, line managers, HR teams and estate/office managers
- From this section you should link to specific guidance and documents intended for those individuals, for example, to a line managers guide or FAQs

AN OVERVIEW OF ENTITLEMENTS AND CONSIDERATIONS

- Be clear about staff entitlements and changes when transitioning and emphasise that line managers can be incredibly helpful with all the changes that need to be made. These can include, but are not limited to –
 - Data protection, work permits, national insurance, re-deployment, pensions, professional registration, references, DBS checks, updating records, facilities, time off for medical intervention and dress code
 - You can provide an employee with a checklist of all internal systems which need to be changed and line managers can assist in the process
 - Please note facilities and dress code are discussed in the fourth resource of this series
- All of the above factors will vary within workplaces and you should include all that are relevant to the roles within your organisation

AN OVERVIEW OF TRANSITIONING

- This overview should use the correct terminology and have a strict emphasis on the idea that there are many different routes individuals may want to take in order to transition
- Anyone reading the policy should understand that there is no 'right' or 'wrong' way to transition and that everyone's dignity should be respected
- You should avoid adding minute detailed accounts of medical interventions and physiology, or making assumptions about gender dysphoria and why people may identify as trans
- You should include a rough idea of key milestones along the transition process, which are based on the workplace journey, not their transition in general, such as:
 - The first meeting date with a manager or member of HR to decide on timelines and plans
 - When colleagues will be informed and/or trained on trans equality and issues

AN OVERVIEW OF LEGISLATION AND FURTHER RESOURCES

- Provide a brief overview of legislation including the Gender Recognition Act (2004)
- Acknowledge that the law is insufficient in its terminology and framework
- Link to any further resources or other interdependent/related policies

KEY MESSAGES FOR THE POLICY:

- Transitioning involves different steps and activities for different people
- An individual does not need to hold a Gender Recognition Certificate (GRC) in order to have their details changed on any workplace system, they should be treated just like any other person changing their name
- A person's trans status will be kept in the strictest confidence in line with the person's wishes and the law
- The organisation and individual's line manager will fully support a person's transition
- The organisation and individual's line manager will ensure that the individual does not suffer detriment, bullying or harassment as a result of transitioning
- The timescales, activity and communication will be driven and led by the person transitioning

DOCUMENT 2 – DEFINITIONS AND TERMINOLOGY

Language and terminology around gender identity can change quickly and so you should have a definitions document that is separate to your main policy which you can update as and when is necessary.

- Link to this document from your policy, guides and FAQs
- Ensure you are using the correct terminology and definitions
- Once you have appropriate definitions you should ensure the language is used consistently across all your guidance

DOCUMENT 3 – GUIDANCE FOR LINE MANAGERS

Line managers are incredibly important in ensuring a member of staff is supported while transitioning.

Empowering line managers to understand terminology, legislation, the transition process and entitlements will enable them to plan in a thoughtful and sensitive way. This should always be led by the individual staff member who is intending to transition. Guidance created should highlight the support that managers are able to offer an individual who is transitioning and the policies in place to support them (such as the transitioning at work policy and bullying and harassment policy).

EXAMPLE STRUCTURE FOR A LINE MANAGER'S GUIDE:

1. Introduction to why it's necessary for line managers to be supportive and how they can contribute to a positive experience for both the trans individual and working environment
2. An overview of the process of transitioning and what may be involved – linking to your transitioning at work policy and definitions document
3. An outline of their responsibility as the manager of someone who is transitioning
4. An outline of key actions managers should take and milestones, emphasising these should be led by the needs of their direct reports
5. An outline of entitlements and considerations for their direct report – linking to your transitioning at work policy
6. Frequently asked questions from the perspective of a manager, for example:
 - A list of 'do's and don'ts' from a management perspective
 - Information and considerations around correct pronoun usage

TOP TIPS:

- Reassure managers that they will be supported in helping their direct report through transition
- As with all policies, the guidance should use the correct terminology to effectively emphasise the uniqueness of each person's transition
- If you have employees in the organisation who have managed staff while transitioning, ask them to review and feedback on the guidance, but be wary of solely using one or two people's experience (as every transition is unique) or placing the whole burden on them
- Embed the guide into existing diversity and inclusion training for managers
- Emphasise that line manager support doesn't stop once the employee has transitioned

DOCUMENT 4 – FREQUENTLY ASKED QUESTIONS

This FAQ document should be written from two different perspectives:

AN INDIVIDUAL STAFF MEMBER WISHING TO TRANSITION WHILE WORKING FOR YOUR ORGANISATION

It's vital that all staff are able to engage with an easy to read FAQ document containing answers to questions they may have if they are considering transitioning while working for your organisation.

This will demonstrate to trans staff that the organisation takes trans inclusion seriously and understands the process they are embarking on.

Questions may include:

- "I identify as trans and wish to transition, who do I need to contact first for support?"
- "Where can I get confidential advice around transitioning?"
- "Will all my colleagues be informed of my transition?"
- "Can I assume a different role within the organisation while I'm transitioning?"
- "Can I use the facilities, for example changing rooms and toilets, which match my gender identity?"
- "Who do I go to if I'm being bullied or harassed about my transition or gender identity?"
- "What support will the organisation offer me if I'm transitioning?"

A COLLEAGUE OF A STAFF MEMBER WHO IS TRANSITIONING WHILE WORKING FOR YOUR ORGANISATION

It's important that any colleagues of individuals who are transitioning are able to engage with materials which explain to them clearly what transitioning may involve and how an employee/organisation may be impacted.

This FAQ document should make clear that staff must be supportive of their trans colleagues and that bullying and harassment on the basis of transitioning is not acceptable and may constitute unlawful behaviour.

Questions may include:

- "What does it mean if someone is transitioning and what does it involve?"
- "What happens after a person has transitioned?"
- "Someone has told me they want to transition, what do I do?"
- "Is there training about transitioning and trans equality/issues?"
- "What is a pronoun and how do I know which one to use?"
- "How do I respond if a customer/client/service-user is using inappropriate language in relation to a colleague who is transitioning?"
- "When do people who are transitioning start to use the facilities, like changing rooms and toilets, which match their affirmed gender?"

CONTINUING SUPPORT FOR TRANS STAFF

You should ensure that all trans employees (whether transitioning or not) receive continued support, and that policies are in place to protect them from bullying and harassment. You can do this by:

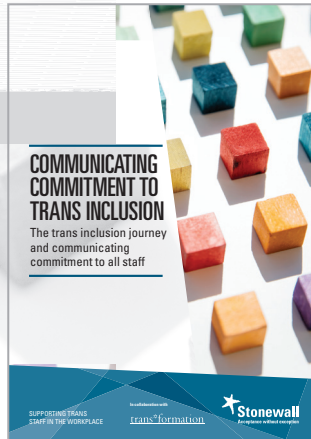
- Providing a safe secure forum in which trans staff can discuss their experiences, for example online, or through the LGBT staff network
- Ensuring your Employee Assistance Programme provider covers gender identity issues
- Ensuring diversity and inclusion training contains specific content around trans equality and gender identity
- Equipping and empowering all staff to combat transphobia if they see or hear it

CREATING A TRANSITIONING AT WORK POLICY

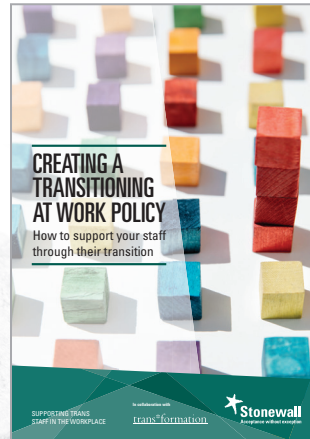
How to support your staff through their transition



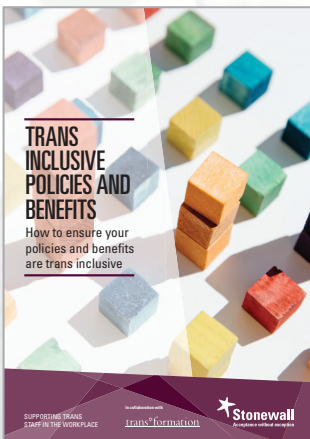
1. First steps to trans inclusion – an introduction to trans inclusion in the workplace.



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



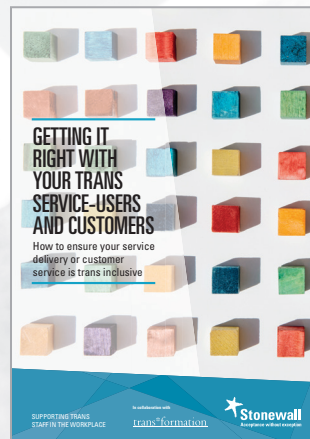
3. Creating a transitioning at work policy – how to support your staff through their transition.



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.

