

Transgender Equality Policy



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1. Introduction:

This policy relates to the recruitment, employment and management of Council employees who identify themselves as transgender, trans, trans men or trans women and may be intending to undergo, are undergoing or have undergone gender reassignment (transitioning).

It supports the commitment of the Council to promote equality in the provision of services and in employment, and to recruit and retain a diverse workforce that is representative of the community it serves. The Council believes that all employees, workers, and job applicants have the right to be treated with fairness, dignity and respect and we aim to ensure that the working environment is fair and supportive to people's needs.

Further information on dignity in the workplace can be found in the [Dignity at Work Principles](#).

2. Terminology Definitions:

We recognise that terminology around gender identity is evolving as awareness increases and more people choose to self define.

- **Transgender (or trans):** An umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender they were assigned at birth.

We acknowledge that gender identity and sexual orientation are not interchangeable concepts. Gender identity is about a person's internal conception of their gender. Sexual orientation, or sexuality, is about to whom someone is physically and/or emotionally attracted. This may be to someone of the same sex ("lesbian" or "gay"), a different sex ("heterosexual" or "straight") or more than one sex ("bisexual"). We will not assume that a trans colleague has a particular sexual orientation.

Managers and colleagues should respect how an individual chooses to describe themselves and, if in doubt, should ask rather than assume. Using inappropriate language and terminology can cause offence and distress and undermines our efforts to create an inclusive workplace.

The list below provides a glossary of some of the most commonly used terms:

- **Acquired gender:** Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. This is a legal term. The preferred term tends to be "affirmed" gender.
- **Affirmed gender:** Preferred term to describe a person's gender after transitioning.
- **Assigned gender:** The gender assigned to someone at birth, based on their physical characteristics.
- **Cisgender (or Cis):** Describes someone whose gender identity matches the sex that they were assigned at birth.

- **Cisnormative:** An assumption that gender is a binary concept and that being cisgender is the norm.
- **Cross dresser:** Someone who chooses to wear clothes not conventionally associated with their assigned gender. "Cross dresser" is now used in preference to the term "transvestite", which is considered to be outdated and can cause offence. Cross dressers are generally comfortable with their assigned gender and do not intend to transition.
- **Dead naming:** Referring to a person who identifies as trans or non-binary by their birth name and not their chosen name.
- **Gender dysphoria:** When a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the gender they were assigned at birth.
- **Gender expression:** How an individual presents their gender identity to others, for example through their appearance and behaviour.
- **Gender identity:** Describes a person's innate sense of themselves. They may identify as female, male, as having no gender, or as having a non-binary gender. A person's gender identity may not correspond with the sex that they were assigned at birth. Gender is increasingly recognised as not being a binary concept, but on a spectrum.
- **Gender reassignment (or transitioning):** The process whereby a person changes their expressed gender to live fully in the gender with which they identify. For example, a person whose assigned gender at birth is male decides to take steps to live the rest of their life as a woman. This may or may not involve medical treatment or supervision, such as hormonal and / or surgical treatment. Steps that a person takes will vary and therefore the amount of time it takes will vary. Gender reassignment / transitioning is a protected characteristic under the Equality Act 2010. For many trans people, the terms "gender confirmation" or "gender affirmation" are now preferred to "gender reassignment".
- **Intersex:** An individual who is biologically not of the male or female sex. The sex that an intersex person was assigned at birth may differ from their gender identity.
- **LGBT+:** Lesbian, gay, bisexual, trans is a commonly used acronym. The "plus" denotes inclusion of other identities such as intersex or asexual. The acronym is often expanded to LGBTQI with "Q" standing for Queer (or questioning) and "I" for intersex.
- **Misgendering:** When a trans person is referred to by the sex that they were assigned at birth.
- **Natal gender (or natal man/natal woman):** Used as an alternative by some people to Cisgender (or Cis).
- **Non-binary:** A term used by people who feel that their gender identity is not binary male or female. Some non-binary people may identify as having no gender or being genderless (Agender), while others may identify in between male and female, or as having a gender that is different to either male or female. Some people identify as "gender fluid" meaning that their gender identity moves between two or more gender identities in different circumstances.

- **Pronouns:** Terms people use to refer to others - often gendered "he/him", "she/her" - sometimes neutral/unisex "they/them". (This is not an exhaustive list.)
- **Sex:** The biological and physiological differences that define men and women.
- **Transitioning (or gender reassignment):** The process whereby a person changes their expressed gender to live fully in the gender with which they identify. For example, a person whose assigned gender at birth is female decides to take steps to live the rest of their life as a man. This may be social, psychological, legal and may sometimes involve medical procedures. Each person's experience of transitioning is unique to them. Transition is not about the individual "becoming" as it is about them "gender affirming". Transitioning / gender reassignment is a protected characteristic under the Equality Act 2010.
- **Trans man (female to male):** Used to describe a person who was assigned as female at birth but identifies as male and is transitioning, or has transitioned, from female to male.
- **Trans woman (male to female):** Used to describe a person who was assigned as male at birth but identifies as female and is transitioning, or has transitioned, from male to female.
- **Transsexual:** Under the Equality Act 2010, a transsexual person is someone who has the protected characteristic of gender reassignment (see above). A transsexual person does not have to be under medical supervision to be protected under the Act. The term is now considered to be out of date and the more inclusive term "trans" is preferred.
- **Transphobia:** A fear of or a dislike of trans people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.

3. Principles:

The Council supports all employees regarding their gender identity. This policy provides guidance for managers about what to consider and steps to take when people, within the recruitment process or during employment, identify themselves as transgender or trans, who are undergoing, wishing to undergo or have undergone gender reassignment (transitioning).

The Council aims to:

- Ensure trans people feel welcomed and supported as potential or existing employees of the Council.
- Ensure staff undergoing gender reassignment (transitioning) are treated fairly and offered support and understanding during all stages of their recruitment and employment.
- LBE believes that diversity and inclusion bring benefits to the organisation and that people work better when they can be themselves and feel that they belong.

4. Statutory and Legal Requirements:

The Equality Act (2010)

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects a person from discrimination, harassment and victimisation if they are "proposing to undergo, are undergoing, or have undergone a process (or part of a process) of gender reassignment". This process does not have to involve any form of medical treatment to be covered by the Act.

The Act also protects anyone who is perceived to have the characteristic of gender reassignment or is associated with someone who has the protected characteristic of gender reassignment, such as an individual's partner or a friend.

An employee who treats a colleague less favourably because of gender reassignment, for example by refusing to work with them, may be held personally liable for discrimination.

An individual's trans status may only be disclosed with the individual's permission. 'Outing' or identifying a person as trans to others without consent is classed as direct discrimination under the Equality Act 2010 and could result in criminal charges under the **Gender Recognition Act 2004**.

Staff must report any breaches of this policy, whether by colleagues, clients or other third parties, to their line manager immediately.

Time Off Work for Treatment

Under the Equality Act, it would be discriminatory to treat an employee, who is absent from work for reasons connected with gender reassignment (transitioning), less favourably than someone who is absent from work for reasons not connected with transitioning, such as sickness, injury, recuperation, having counselling or attending medical appointments. Furthermore, a person who takes time off work for gender reassignment must not be treated less favourably in respect of employment decisions, for example by being denied access to training or promotion opportunities.

Legal Recognition (Gender Recognition Act 2004) and the Gender Recognition Certificate (GRC)

The Gender Recognition Act permits an individual to seek full legal recognition of their affirmed gender along with a new birth certificate (if born in the UK). An application is made to the Gender Recognition Panel by providing evidence of a medical diagnosis of gender dysphoria and that the individual has lived in their affirmed gender for two or more years and intend to do so permanently.

The Act safeguards the privacy of an individual with a GRC by defining information relating to the gender recognition process as "protected information" and, except "in certain specific circumstances" (for example, for the purpose of preventing or investigating crime), it is a criminal offence to disclose such information without the individual's consent.

Employees will never be asked if they have a GRC, or be required to apply for one for employment purposes.

How We Support Transgender Equality

We recognise that job applicants and employees are not required to tell us their gender identity or gender history. The gender in which an individual chooses to present will always

be acknowledged and respected. This extends to individuals who identify as non-binary, ie they do not regard their gender identity as exclusively male or female.

To promote a workplace that is inclusive of people, regardless of their gender identity, we adopt a zero-tolerance approach to harassment, bullying or victimisation. Such behaviours may result in formal action being taken under our [Principles of Managing Misconduct](#).

Examples of harassment against trans people include:

- verbal abuse such as name-calling, derogatory remarks;
- asking an individual if they have a GRC;
- jokes and banter about someone's gender identity or trans people generally;
- refusing to use the appropriate pronoun (for example, calling a trans woman "he") or calling the person by the name they had before they transitioned;
- threatening behaviour or physical abuse;
- intrusive questioning about someone's gender identity or transition;
- excluding a trans colleague from conversations or from social events;
- refusing to work with someone because they have transitioned; and
- displaying or circulating transphobic images and literature.

Any complaints of bullying and harassment are taken seriously and dealt with promptly.

5. Gender Transition:

We will support an employee who is transitioning. The process of transitioning varies from individual to individual and will not be assumed.

The transition process may include medical interventions both physical and mental. However, an individual does not need to have undergone surgery or be under any kind of medical supervision to be classed and protected as trans under the Equality Act 2010. When an individual decides to live in their affirmed gender they have made a social transition.

We acknowledge that the transition process and the time it takes will be unique to each individual and that it is not always a single process. We will not make assumptions about the employee or what they need but will instead work with the individual to ensure that they have the support that is right for them.

Transitioning is a major decision and the individual may have taken a long time to come to this point. It is therefore vital that we support the individual so that they can continue to work without fear of discrimination and harassment.

Meetings

When an employee has formally made us aware of their transitioning, an appropriate contact (usually the line manager) will be agreed. An employee who decides to begin gender transitioning should inform their line manager. A meeting will take place between the line manager and employee to discuss what support the employee will need whilst transitioning and the stages that this will involve. It is recommended that, with the employee's agreement, the contact informs Human Resources so that there is an HR representative to provide advice throughout the transition process. Meetings will be documented and the content of the meetings kept confidential and treated with sensitivity. Actions will only take place with consent from all parties and may include:

- when and how an individual will present at work in their affirmed gender;
- handling a request by the employee to change their job temporarily during the transition process or to move to a new role permanently;
- the point at which colleagues, especially any direct reports, will be informed and how this will be done;
- if and how third parties, such as clients, should be informed;
- how absence from work for reasons associated with transitioning (for example, for medical appointments and/or medical treatment) will be handled;
- arrangements for changing the individual's name on their personnel records, email, security badges etc;
- confidentiality; and
- dress codes and/or uniforms.

Transitioning is a process that takes time, and, to help both parties, regular review meetings will be arranged to manage the process. This will ensure that the right support is in place and enable the plan to be amended as things change. Effective support for someone who is transitioning requires dialogue, agreed action and respect.

Communication

Both parties will need to agree an action plan around the transition process, including who will be told, by whom, what they will be told and when and how it will be communicated, e.g. other managers, work colleagues, customers.

The employee may wish to tell colleagues about their transition or may prefer for this to be done by someone else on their behalf. Individuals are encouraged to do what is best for them and, if the employee is not ready to tell anyone at the early stages, their wishes will be respected. The employee is entitled to privacy and we will seek to protect them from intrusive enquiries. Where an employee has a public or client-facing role, we will discuss with the individual what third parties need to know and how this should be informed.

When communicating to others (as agreed with the employee) that an employee is transitioning it should be made clear that the Council fully supports the employee in their transition and that that gender reassignment / transitioning is a legally protected process under the Equality Act 2010. It must also be made clear that the employee is entitled to be treated with the same respect as any other employee, including not to be discriminated against, being referred to by their trans name and their preferred designation (he or she) and the use of the appropriate trans related terms (him /her/ his/ hers) at all times. To intentionally do otherwise would be regarded as a serious disciplinary breach.

After the transition it would never be appropriate, unless the employee agrees to this, to inform other managers, work colleagues, clients or anyone else that an employee had in the past undergone gender transition. This is a private and confidential matter that should have no bearing on a person's ability to do their job. It is important to note that to do so, without the employee's consent, would be regarded as a serious disciplinary breach, a discriminatory act under the Equalities Act 2010 and, if the employee has obtained a gender recognition certificate, this could constitute a criminal offence under the Gender Recognition Act 2004.

Medical Appointments

Employees undergoing medical and surgical procedures related to transitioning may require reasonable time off work for various appointments, depending on their individual transition process.

The time taken to complete transitioning and the time off work required for appointments during the transition period will depend on factors such as what the employee's transition process entails, the times, frequency and location of medical consultations and treatments, and for any private treatments, the employee's funds. For example, the employee's transition may include consultations with medical staff, assessments with a psychiatrist, hormone treatment, removal of facial hair, a hair transplant, sessions to adjust the voice and surgery, with waits between these steps. As a matter of good practice, managers should offer flexibility to employees, who may need to take annual or flexi leave, or rearrange working hours to attend non-medical appointments, such as electrolysis. For time off for medical appointments refer to the Council's [Leave Policy](#). As explained, there isn't a set transition process so if you have any queries about time off work contact HR to discuss.

Sickness Absence

Any sickness absence arising from gender transitioning should, in the usual way, be reported to the manager by the employee and the manager should record the cause (e.g. recuperating after an operation) and period of absence under the [Principles of Managing Absence and Attendance](#). During the employee's absence, there should be keep in touch discussions and a Return to Work meeting upon the employee's return to work. The absence should be managed in a supportive way. A manager receiving a sickness absence trigger notification in respect of sickness absence arising from gender transitioning treatment should consult their HR representative to discuss.

Occupational Health / Reasonable Adjustments

Surgery and/or medication may have temporary side effects and for a while there may be a need to make reasonable adjustments to the employee's working pattern and/or hours and responsibilities. Initially, discuss what reasonable adjustments may be needed with the employee. With the employee's consent, advice can be sought from Occupational Health about the medical aspects of gender transitioning and any related sickness absence, e.g. support needed, prognosis for return to work and any reasonable adjustments that may be appropriate.

Support

The [Employee Assistance Programme \(EAP\)](#) provides free and confidential support and is available on a 24/7 basis.

Change in Social Gender

Employees will advise the point at which they would like to change their name and present at work in their affirmed gender. The manager will discuss with the employee the changes to records and systems that will need to be made. For example, changes to Human Resources, Payroll and Pension records, email address, log ins, the staff directory, name badge and building pass. The change of name and gender on all records is a central part of gender transitioning. An individual does not need to hold a Gender Recognition Certificate to have their details changed on a workplace system.

Updating Employee Records

An individual does not need a GRC to request that their details are updated on their employment records. The individual will be treated in the same way as other employees wishing to update their details. We will agree with the individual what paper and electronic records need to be updated. These will include those records that may contain names, titles and other personal identifiers such as photographs on the organisation's website and intranet.

Where an employee is absent while completing their transition, any records that hold personal details should be updated by the time the individual presents at work with their new identity.

Dress Code

We will agree with the employee what flexibility in our dress code may be permitted to accommodate the process of transition. If a trans employee is required to wear a uniform, we will ensure that arrangements have been made to provide them with a uniform appropriate to their affirmed gender. The uniform will be available from the point at which the individual presents in their affirmed gender

Names and Pronouns

We will take all necessary steps to ensure that an individual's change of name is respected. Whether intentional or not, consistently addressing a trans employee by their previous name (known as "dead naming") is distressing to the individual and impacts on the person's sense of belonging.

A GRC is not required to enable someone to change their name and we will never ask an individual if they have a GRC to verify a name change.

We will always respect an individual's chosen pronouns. Consistently addressing a trans employee by their previous name and/or an inappropriate pronoun may amount to harassment and will be dealt with accordingly.

Use of Facilities

We will support a trans employee's right to use the toilets and facilities appropriate to their gender from the point at which the individual declares that they are living their life fully in that gender. In some cases, the individual may wish to use a single-occupancy toilet during their transition, but they should not be pressurised to do so, and this should not be seen as a long-term solution. A trans person should not be expected to use an accessible toilet unless they prefer to do so.

We will agree with the employee when they wish to start using the facilities appropriate to their affirmed gender and how this should be communicated to colleagues. Any concerns raised by others will be dealt with promptly and sensitively and harassment of the individual will not be tolerated.

There are gender neutral toilet facilities at Edmonton, Thomas Hardy House & D Block First Floor at the Civic Centre.

Training on Trans Equality and Gender Reassignment

Information on trans equality and gender identity is an integral part of our equality-awareness training for our staff. The aim is to help our workforce to understand what is and is not acceptable behaviour and to differentiate myth from reality, thereby minimising the potential for conflict arising from misunderstandings.

Discrimination because of gender identity is included in other training as appropriate, for example, induction, recruitment and selection, performance management and customer-care training.

6. Recruitment Considerations:

In most cases, the gender of an employee has no bearing on their ability to do their job and there are therefore limited situations where the gender of the employee is directly relevant to their role. The Council is committed to ensuring that potential employees are not discriminated against at any stage of the recruitment process. Our recruitment systems and process support anonymised applications and shortlisting to ensure equalities data is restricted to HR use only.

Applicants and interviewees for employment are not expected to disclose their trans history.

Where there is a genuine occupational requirement for a job to be carried out by a particular sex, it will be necessary for the applicant to disclose their status to the panel, unless the individual has obtained a Gender Recognition Certificate. This is when a job involves personal searches pursuant to statutory powers or close physical/social contact in supported housing/care or a private home.

If an individual has transitioned prior to joining the Council and has disclosed this the information should not be disclosed without the individual's permission. See the References section below. This could constitute discrimination, be a serious disciplinary matter, and in the case of an individual who has obtained a Gender Recognition Certificate be a criminal offence.

Any documents relating to the applicant's status that are provided during the recruitment and selection process will be considered strictly confidential. Any such information and data will be treated with absolute discretion between the individual, interview panel and Human Resources.

There is no obligation for a trans person to disclose their status as a condition of employment. Therefore, non-disclosure or subsequent disclosure would not constitute potential grounds for dismissal.

Hiring managers and interview panel members should not ask questions about an applicant's gender identity or history. If an individual chooses to mention this during the interview, they should be informed that we support trans employees and assured that the disclosure will have no bearing on the outcome of the interview, will not be revealed outside the interview room or noted on the interview record.

Disclosure and Barring Service (DBS)

The DBS offers a confidential checking service for trans applicants in accordance with the Gender Recognition Act 2004. This is known as the sensitive applications route and is available for all levels of DBS check - basic, standard and enhanced. The sensitive applications route gives trans applicants the choice not to have any gender or name information disclosed on their DBS certificate, that could reveal their previous gender identity. Full details on making a sensitive DBS application can be found [here](#).

References

When providing references to a prospective new employer, the reference should be in the name which will be used in the new role. A reference must not disclose a former name. It may sometimes be necessary for a trans person to disclose a previous identity in order for references from past employers to be obtained. In these cases strict confidentiality and respect for dignity must be applied and information kept securely.

Work Permits

Employees working for the Council on a work permit are required to comply with any work permit/visa regulations which may relate specifically to name change or gender reassignment in order that the work permit/visa continues to be valid.

National Insurance

Employees who change their name will need to inform the Department of Works and Pension and HMRC to make appropriate changes to state pension and National Insurance contribution rates.

Pensions

A trans person who obtains a new birth certificate will be treated according to their affirmed gender for pension purposes. Trans people who do not obtain a new birth certificate retain their full pension rights in accordance with the sex that is recorded on their original birth certificate.

Professional Organisation Registration

Where an employee has professional registration, they should contact their professional body to establish if there are any specific requirements in terms of name change. Where the Council has to keep evidence of professional status or qualifications, this should be discussed with the employee.

Redeployment

If an employee requests a transfer to another team, location and/or role the employee, manager and HR contact should discuss the reasons for the request to determine whether this is reasonably practicable in the circumstances.

7. Dealing with the questions of staff, clients and the wider community:

There may be questions asked about gender transitioning.

The Gender Identity Research and Education Society (GIRES) have produced some helpful training tools which can be used. The resources can be found [here](#).

Media Interest

Strict confidentiality should be maintained and no information must be provided to the media. Any media queries must be addressed in line with corporate requirements.

8. Further Support:

Further support is also available from the following sites:

ELOP <http://elop.org/>

GIRES <http://www.gires.org.uk/>

Government Equalities Office
<https://www.gov.uk/government/organisations/government-equalities-office>

Stonewall <http://www.stonewall.org.uk/>

The Beaumont Society <http://www.beaumontsociety.org.uk/>

The Consortium of Lesbian, Gay, Bisexual and Transgendered Voluntary and
Community Organisations <http://www.lgbtconsortium.org.uk/>

The National LGB&T Partnership <https://nationallgbtpartnership.org/>

The Gender Trust is the largest registered charity assisting individuals with gender identity
issues in the UK. www.gendertrust.org.uk

Please note that Enfield Council is not responsible for the content of external websites.