

Valuing Diversity

Good Practice Guidance

Gender Reassignment



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Introduction

This good practice guide has been prepared by the Equality and Diversity Officer to support individuals who are considering, undergoing or have undergone a process to change their gender from that which they were assigned at birth.

Gender reassignment is a protected characteristic under the Equality Act 2010. A person who is considering, undergoing or has gone through a process to change their gender is protected from discrimination, harassment and victimisation by virtue of this Act. This protection is in place regardless of where a person is in the process and how long the process takes.

People who are undergoing or have undergone this process are often described as “Trans” – this broad term reflects the process of transitioning from one gender to the opposite gender.

The planning section provides a starting point for discussions between a manager and an employee or student who is considering or has started the process of changing gender. It provides a basic framework that can be adapted as agreed by both parties.

The purpose of this guide and planning tool is to support the individual before, during and after they have reassigned their gender and to provide some certainty. The type of support an individual will need will vary greatly, this guide provides a useful starting point and can be adapted to suit each case.

At any time, an individual may disclose that they are considering or are intending to undergo a process to change their gender. It is at this point that this good practice guide should be followed. It should be noted that changing gender is a very personal, private and social process (rather a purely medical one) and unique to each person. Many people transition without medical intervention. By the time a person gets to the point of disclosure it is likely that they will have been considering and preparing for a long time.

Planning for Transition

1. The first step following disclosure is to reassure the individual (who is likely to be anxious) that they will be supported as much as possible.
2. The next step is to confirm who will be the main point of contact, provide support and deal with any issues that may arise.
3. A meeting should be arranged promptly between this person and the individual to agree the transitioning action plan. At the meeting the following things are likely to need to be discussed and recorded:

- a) Whether the individual wishes to remain with existing colleagues where they feel supported and have established good relationships, or whether they wish to explore any opportunities for change.
 - b) The expected timescale and possible absences for any medical or surgical procedures – if known, and any how the impact of absence on study, funding or work-related timetables can be best managed.
 - c) The expected point personal details such a change of name will take place and what records, systems or other things (including name badge, office door-sign, email address etc.) will need to be amended and who will need to be informed
 - d) Procedures for adhering to dress codes or the degree of flexibility around similar protocols and at what point new uniform will be required.
 - e) Whether the individual wishes to inform other people or if they would prefer this to be done for them, as well as how they want this to be done
 - f) At what point the individual will commence using single-sex facilities in their new gender (such as toilets or changing facilities)
4. Further consideration should be given to other issues including:
- a) Whether a transsexual employee / student is adequately covered by existing policy on issues such as confidentiality, harassment and insurance and if not, how this will be amended
 - b) How colleagues or clients who are having difficulties understanding the situation will be supported and how any “Dignity at Work” issues will be addressed
 - c) How any media or other attention will be dealt with and any other queries, concerns or issues the employee wishes to raise.
 - d) Whether the individual holds a position that is subject to a Genuine Occupational Requirement.
 - e) Attitudes to gender reassignment vary across the world and this may also be a factor to consider in some cases.

Informing Colleagues, Students and Others

- 5. There is no obligation to inform other people that an individual is intending to undergo, is undergoing, or has undergone gender reassignment. Such information is necessary only where the relationship is with someone who knew the person prior to the change and this relationship is to continue in the future.
- 6. Always seek permission of the Trans person before disclosing any information to others. An individual's transgender status should be on a confidential, strictly 'need to know' only basis. It is unlawful for an employer or other person to disclose to any other party information about a person who is currently undergoing or has previously past undergone gender reassignment – this is a private matter and has no bearing on the person's ability to study or to carry out their job or complete their studies.
- 7. If a person is in possession of a Gender Recognition Certificate it is a criminal offence to disclose their transgendered status without their consent.
- 8. It is good practice for the employer to take responsibility for informing whoever needs to know, unless the individual would prefer to do it for themselves. This should not be done without the consent of the employee.

The Point of Transition

9. At the point of transition, the individual is likely to take a short time away from the workplace and return in their new gender with a new name, gender role and personal presentation.
10. If a plan is already in place this should be implemented immediately, if not a plan should be created as soon as possible.

Time Off

11. As far as possible this should be considered in the initial meeting – however the transitioning person may not be aware of how much time they will need at that point.
12. Whilst the individual is absent for medical appointments, treatments or surgery the normal sick pay and absence from work arrangements should apply. It should be noted that it would be unlawful discrimination if an individual undergoing gender reassignment were treated less favourably than other people absent for other medical reasons.

Use of Single Sex Facilities

13. Use of facilities such as changing rooms and toilets should be agreed in advance. This is likely to be at the point at which the individual begins to present permanently in their new gender and people become aware of the changes the individual is going through.
14. This is for the individual, not colleagues, not fellow students or any other party to stipulate. The transitioning person should not be forced to use the facilities of their former gender and should be given full access to single-sex areas and facilities in the gender that they permanently present in.
15. It is not acceptable to treat the person as if they have a third sex (neither male nor female) or expect them to use “disabled” facilities or office space for example.

Training and Support for Others

16. It is perfectly natural for other people to have questions about gender reassignment and how the process is going to affect any existing arrangements. Despite training and support for other people, there may still be some who find the situation difficult to understand or are unsympathetic, who raise concerns about facilities or occasionally forget what the transitioning person is going through. Reminding people about the need for dignity at work may help.
17. Any incidents of misconduct, harassment, bullying or victimisation should be dealt with promptly and in accordance with existing procedures as appropriate.

18. Even the most meticulous of plans may not cover all eventualities. The LSTM Equality and Diversity Officer can provide training and support as well as provide advice on specific issues.

19. Training takes place on three levels:

- general information about gender identity / transsexualism
- specific information to enable people to understand the needs of the individual involved
- information about legal responsibilities

Handling Media and Other Attention

20. Instances of gender reassignment can attract local and national media attention – both positive and negative, particularly when the person is a public figure. Staff should be advised to maintain strict confidentiality and not provide any personal information.

21. If the individual is being harassed by the media or by anyone else, or the subject of negative attention they should be protected and other strategies which minimise personal exposure and the need for the person to defend their situation should be deployed.

Post Transition

22. After a person has successfully transitioned into their new gender or obtained a Gender Recognition Certificate they can apply to have important documents including passport, birth certificate and professional registrations or awards changed to reflect their new gender.

23. Personnel or any other records relating to the persons transition process and their previous gender identity should be destroyed or retained securely to avoid risk of unwitting disclosure or discovery of the individuals trans status.

24. Post transition the individual must be treated in accordance with their acquired gender at all times.

Further Information

25. For further information, contact the Equality and Diversity Officer. Liverpool School of Tropical Medicine - telephone 0151 703 795 or email Cecilia.hart@lstm.ac.uk

- Trans staff and students in higher education - Equality Challenge Unit
<http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised>
- Press for Change <http://www.pfc.org.uk/>
- The Gender Trust www.gendertrust.org.uk
- The Female to Male Network <http://www.ftm.org.uk>