



FIRST STEPS TO TRANS INCLUSION

An introduction to
trans inclusion in
the workplace

SUPPORTING TRANS
STAFF IN THE WORKPLACE

In collaboration with

trans^{*}formation

 **Stonewall**
Acceptance without exception

FIRST STEPS: AN INTRODUCTION TO TRANS INCLUSION

Over the past 10 years Stonewall has worked with employers through the Diversity Champions programme, transforming workplaces for lesbian, gay and bi people. We know that organisations have a huge impact on the lives of their employees. We also know that making sure every staff member can be themselves results in improved performance and a more diverse and equal workplace.

Trans staff face distinct challenges in the workplace which differ significantly from lesbian, gay and bi experiences; these could include physical spaces, such as gendered facilities, to direct discrimination and harassment based on gender identity. Creating a trans inclusive work environment benefits all staff. It enables and supports your trans staff to be themselves in the workplace, ensuring your organisation benefits from the experience of this diverse community. It also promotes acceptance and knowledge among staff who do not identify as trans.

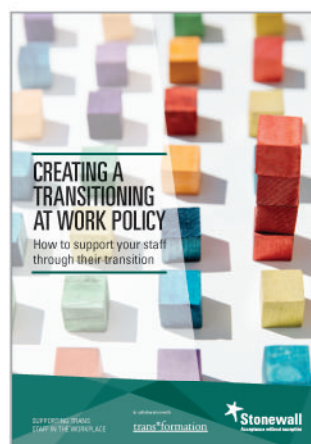
This resource series explores different key areas of practice around how you can support trans employees in your organisation and create an inclusive environment for all staff regardless of gender identity. Stonewall is grateful to the many trans people, Diversity Champion members and the trans*formation network group, all of whom shared their insights on how to improve workplaces across Britain. This series covers:



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.

EXPLORING SEX, GENDER AND SEXUAL ORIENTATION

We are all unique. There isn't anyone like you anywhere else on the planet. We all have our own likes and dislikes. Our thoughts and feelings are our own.

The traditional approach to gender and sex has been to classify people into strict categories of male or female. Doctors look at physical attributes of new born babies, make a decision about the sex of the baby and a birth certificate is created. We are more complex than just our physical bodies. Who we are attracted to (sexual orientation) and how we think about our gender (gender identity) can be independent from each other. How we wish to show the world who we are (gender expression) can also be different to our physical bodies (sex).

Imagine these four attributes (sexual orientation, gender identity, gender expression and sex) on separate scales. Where you identify on these scales can be fixed or fluid – you might be, on all four scales, in a similar position or not. For lots of people their physical bodies, their gender identity and gender expression all are aligned and remain fixed. For example, if you are assigned female at birth, identify as female and wish to express yourself as female, then you might describe yourself as 'cisgender'. Not everyone is aligned like this on all four scales – an increasing number of people are identifying at different points on these scales and this can help explain the spectrum of gender identity.

Gender expression – this refers to the ways in which people manifest their gender. For example through what they wear, how they speak and how they act.

Gender identity – a person's internal, deeply held sense of their own gender. For trans people, their own sense of who they are does not match the sex that society assigns to them when they are born.

Sex – the two main categories (male and female) assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions at birth.

Sexual orientation – a person's emotional, romantic and/or sexual attraction to another person.

WHO ARE THE TRANS COMMUNITY AND WHAT DOES IT MEAN TO BE TRANS?

There is no universal experience of being trans. The trans community is sometimes characterised as being individuals who wish to transition from one gender to another. In reality, the wide spectrum of gender identity is more complicated. Increasingly, people feel comfortable openly expressing and identifying themselves in other ways than simply male or female.

Within these guides trans is used as an umbrella term for people whose identity differs from what is typically associated with the sex they were assigned at birth. People under the trans umbrella may describe themselves using one or more of a wide variety of terms - including transgender. Some common terms you might hear are:

Transgender man – people who were assigned female at birth but identify and live as men may use this term to describe themselves. They may shorten it to trans man. Some may also use FTM, an abbreviation for female-to-male. Some may prefer to simply be called men, without any modifier. It is best to ask which term an individual prefers.

Transgender woman – people who were assigned male at birth but identify and live as women may use this term to describe themselves. They may shorten to trans woman. Some may also use MTF, an abbreviation for male-to-female. Some may prefer to simply be called women, without any modifier. It is best to ask which term an individual prefers.

Transsexual – an older term still preferred by some people who have transitioned to live as a different gender than the one society assigns them at birth. Many trans people do not identify as transsexual and prefer the word transgender. It is best to ask which term an individual prefers. If preferred, use as an adjective: transsexual woman or transsexual man.

Non-binary – 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'.

INTERSEX IDENTITIES

Intersex is a separate identity to trans but some feel there are areas of shared concern between trans people and intersex people. Intersex people are individuals whose anatomy or physiology differs from contemporary cultural assumptions about what constitutes male or female. Organisations such as Intersex UK and the UK Intersex Association campaign on a range of issues aimed at securing legal equality in the UK and abroad.

TRANS EXPERIENCE IN THE WORKPLACE

I applied for my job in the City as a trans man who was still very much in the early stages of transition and it's fair to say I was worried. But I needn't have been: I had a brilliant experience.

I decided to apply because I'd been to an LGBT lawyers' networking event and I'd met some amazing lawyers who identified across the LGBT spectrum. They were friendly, open, and while none of them were openly trans, I heard from a panellist at the event speak of how his employer was proud of their trans inclusive policies and had supported a prominent employee through transition.

From that point on I was no longer as sceptical that being LGBT in the city meant being a white, middle-class gay man. Sure, this group of people predominates what we might think of when we think of LGBT in the city – but the seeds of diversity have been sown and diversity is finally branching out as more than just a buzz-word. It's by no means perfect, but at least now not every prominent and successful LGBT person is a pioneer in their space.

However, this doesn't mean we are any less special. Especially those of us who are trans. Overcoming such a great personal challenge is evidence of your resilience, and I would encourage any trans person thinking of applying to a job in the city to put any worries aside and focus on their unique experience as one of their strengths (whether or not you decide to come out to your employer).

There are charities, laws and networks in place now specifically for trans people, and they are there for you to access for support. Working in an organisation that is committed to trans inclusion means the framework is beginning to be in place for you to succeed regardless of your gender identity.

ERIC

I worked as a frontline probation officer and then manager in Birmingham for seven years before I came out as a trans woman. I loved my job but was terrified of losing it if I transitioned as I would be the first. Having moved around offices I was well known and expected the worst from colleagues, but my experience turned out to be positive, successful and life affirming.

The Probation Service approach was exceptional; firstly, there was a transgender policy, so I knew that whatever happened, my job was secure. The organisation has a strong ethos around diversity and equality which was reassuring, so I arranged a meeting with the Diversity Manager. She offered support and explained that, although I was the first to transition, she was prepared to do research, seek external advice and let me set the pace. She arranged to sign off all my medical appointments, including counselling, so I wouldn't need to explain to my line managers and met with me regularly off site over a period of three years until I was ready to come out to colleagues.

Six months ahead of my coming out date, I told senior managers of my plan and they too offered support and kept confidentiality also. I suggested a temporary move to another role while I adjusted and this was agreed, so I decided to tell my 2,000 colleagues by email and attached an NHS leaflet on trans experiences, before taking three weeks leave and returning to my new role as Megan. In the meantime, my new team had some trans awareness training.

Colleagues were overwhelmingly supportive and by being open, honest and relaxed I was able to overcome any awkward moments in the early days. During those years, I had no sickness absence from work relating to my gender dysphoria because of the support I was given by my employer. Four years on, I have been promoted to a regional manager role and last year was a finalist in the national Probation Champion Awards, demonstrating the positive impact working for a trans inclusive employer will have.

MEGAN

In previous jobs I've had to pick and choose where and how to be open about being trans.

As someone who has been involved in trans community work for some years, I've had conversations with colleagues about my volunteering roles. If they're unaware they're talking to a trans person, this has often encouraged them to share their own experiences of trans people. The ensuing anecdotes are often prefixed (at worst) with statements like 'Oh I met a tranny once...' to less obviously transphobic discussions about how they had indeed met a trans person or two previously, and that either they felt the person 'passed' very well, or were surprisingly 'normal'. Either version of events left me feeling distinctly unsafe in the workplace.

AEDAN

TRANSPHOBIA AND TRANSPHOBIC LANGUAGE IN THE WORKPLACE

Many individuals encounter discrimination and transphobia as a direct result of their gender identity.

This can occur in numerous different contexts in a person's day-to-day life; according to the European Union Agency for Fundamental Rights (EU LGBT Survey, 2012) 86 per cent of trans people agree that trans discrimination is widespread in the UK. Transphobia also occurs in the workplace. Whether stemming from ignorance or a prejudiced attitude or belief, transphobic language and bullying creates a hostile environment for trans people, which is unproductive, harmful and most likely illegal. Staff at all levels within an organisation should be confident in calling out and confronting transphobia.

EXAMPLES OF TRANSPHOBIA:

Speculating about someone's gender –
“Is that a man or a woman?”

Speculating about someone's gender identity is inappropriate in any context. Speculation can lead to insulting gossip and bullying.

Purposefully ignoring someone's preferred pronoun – “He/She needs to...”

Purposefully using a different pronoun to the one a person prefers undermines their gender identity and sense of self. During formal situations such as meetings, or training, many facilitators and trainers will conduct an exercise which allows people within the group to state their preferred pronoun.

Disclosure of someone's trans history – “Yeah, he used to be a woman”

For some people, their trans history is part of their past and not their current identity following transition. It's an individual's choice as to whether they wish to disclose; no employee should be forced to disclose their trans history or have others disclose it without consent.

Consistently referring to someone's trans history – “Such a shame, she was such a beautiful woman”

Some trans people may be comfortable talking about their trans history, some may not. If someone is open about their trans history, it doesn't necessarily mean they are happy for colleagues to consistently refer to their pre-transition life. Staff should be respectful and avoid judgemental or inferential comments about 'how an individual was before'.

Inappropriate questioning about medical treatment –
“So have you had, you know, the surgery?”

Gender identity is someone's internal, deeply held sense of their own gender. Reducing this to whether an individual has certain physiological characteristics is offensive and invades their privacy. A trans person's body is their own and their gender identity is not validated by biology; not all trans people are able or want to have gender reassignment surgery. Regardless, their identity and privacy should be respected.

Questioning someone's ability to 'pass' – “She'd be more convincing if she used a bit more make-up”

'Passing' refers to when a trans person 'passes' for someone who isn't trans. People's gender identity should be respected regardless of whether they conform to standard notions of gendered beauty. Telling someone they could be more 'convincing' is both insulting and degrading.

The use of facilities –
“Why is he using the women's toilet? He must be a pervert”

The use of gendered facilities such as toilets and changing rooms provide an additional barrier to performing everyday acts. Trans people should be able to choose which facilities align with their gender identity and use them as such without fear of intimidation or harassment. This should be clearly communicated to all staff.

A NOTE ON PRONOUNS

If a staff member is unsure of a colleague's preferred pronoun, first and foremost they should listen, both to the member of staff themselves and any others close to the individual who may use the correct pronoun. If in doubt, the staff member should respectfully ask which pronoun the person uses. Staff should be re-assured that if they accidentally use an incorrect pronoun, they should apologise in a sincere way and carry on. Repeated and purposefully using an incorrect pronoun however, constitutes bullying and harassment.

Pronouns non-binary people may use are they/them/their. People will be familiar using these words to refer to groups, but they can be used to refer to a singular person instead of he/him/his and she/her/hers. For example:

“They [meaning just Lee] emailed over all the information you need”

“Lee needs that report, can you print it off for them?”

“Lee sent their notes around before the meeting”

ACTION POINT

Do your anti-discrimination and bullying and harassment policies include specific examples of what transphobia can look like in the workplace?

TRANS STAFF, EMPLOYERS AND THE LAW

Many individuals encounter discrimination and transphobia as a direct result of their gender identity.

There is still a long way to go until UK legislation fully protects the trans community in all aspects of life. There are however, various laws which protect trans people in the workplace.

A person does not have to hold a Gender Recognition Certificate (GRC), or be at any particular stage of transition in order to be treated with dignity and respect. The law currently protects those who propose to undergo, are undergoing or have undergone gender reassignment within a very specific framework. In order to obtain a GRC, an individual must have been diagnosed with gender dysphoria, lived in their acquired gender for at least 2 years and intend to live in their acquired gender for the rest of their life. This is an incredibly costly and time consuming process. Trans experiences differ and many people do not wish to follow this path. In order to be truly inclusive of all gender expressions and identities, organisations need to go above and beyond what legislation recognises.

SOME OF THE PROTECTIONS TRANS STAFF ARE GUARANTEED UNDER LAW IN THE WORKPLACE ARE:

Protection from direct discrimination (Equality Act, 2010) – a member of staff is treated less favourably because they identify as trans, e.g. an employee refusing to associate with or ignoring someone because of their gender identity.

Protection from indirect discrimination (Equality Act, 2010) – a policy or rule put in place by an employer which applies to all staff, but disadvantages trans employees, e.g. a policy or rule which requires employees to disclose their trans history.

Protection from harassment (Equality Act, 2010) – unwanted conduct which violates a trans persons' sense of dignity or serves to create a hostile, degrading or humiliating environment for trans staff, e.g. spreading malicious gossip or rumours about a person's gender identity.

Protection from victimisation (Equality Act, 2010) – unfair treatment triggered by a staff member making a complaint of trans discrimination in the workplace, e.g. a manager doesn't promote an employee because they believe they have made a complaint.

Protection in taking time off work to transition (Equality Act, 2010) – a member of staff is treated less favourably due to absence from work in order to transition, e.g. giving a trans member of staff less time off for medical treatment than they would receive for illness or sickness.

Protection from misuse of trans history information (Data Protection Act, 1998) – information surrounding a staff member's gender history is processed in an unlawful manner, e.g. analysing data such as staff satisfaction results which may allow for the identification of individual responses from trans employees.

Advancing trans equality in the workplace (Equality Act, 2010 – Public Sector Equality Duty) – as part of the Public Sector Equality Duty, public sector organisations must have due regard to eliminating discrimination and harassment. Organisations are required to publish information, objectives and outcomes that promote trans equality.

Protection from non-consenting disclosure of trans history (Gender Recognition Act, 2004) – it is a criminal offence (both at an individual and organisational level) to disclose someone's gender history if they hold a Gender Recognition Certificate, e.g. a HR manager telling colleagues a trans person's previous name and gender. Regardless as to whether or not a member of staff holds a GRC, their trans history should not be disclosed without consent. In addition they do not need to hold a GRC in order to change their work details (for example, I.D. cards or I.T. systems)

CURRENT LEGISLATION

1. The Data Protection Act, 1998:

controls how personal information can be processed and used.

2. The Gender Recognition Act, 2004:

a system which allows people to change their legal gender if they wish to.

3. The Equality Act, 2010:

a single legal framework which protects individuals against discrimination and promotes equality of opportunity.

a. This covers all aspects of employment, including recruitment and selection processes, employment-related benefits, training, career development and references.

b. It also covers the delivery of goods, facilities and services.

NON-BINARY IDENTITIES AND THE LAW

Please note that there is a lack of clarity around non-binary identities within the current legal framework. 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 non-binary staff, 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.

YOUR RESPONSIBILITY AS AN EMPLOYER:

As an employer, you have a legal obligation to ensure that all your staff, regardless as to whether they propose to undergo, are undergoing or have undergone gender reassignment, do not suffer discriminatory treatment at work, and it's best practice to ensure that all trans staff are able to reach their full potential. For more information around the law and your duties as an employer, visit legislation.gov.uk

TRANS TERMINOLOGY

The words and terminology used to describe the trans community and gender identities can sometimes be complex and develop quickly. People identify in different ways and all staff should both be confident and comfortable in understanding what these identities mean. Please note, this list is not exhaustive.

TERMS THAT PEOPLE MIGHT USE TO DESCRIBE THEIR GENDER IDENTITY:

Cisgender refers to a person whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

Non-binary is an umbrella term for a person who identifies outside of the 'gender binary', (in other words, outside of 'male' or 'female').

Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, non-binary and gender queer.

Transgender man is a term used to describe someone who is assigned female at birth but identifies as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

Transgender woman is a term used to describe someone who is assigned male at birth but identifies as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

Transsexual was used in the past as a more medical term (similarly to homosexual) to refer to someone who transitioned to live in the 'opposite' gender to the one assigned at birth. This term is still used by some although many people prefer the term trans or transgender.

OTHER TERMS:

Gender dysphoria is used to describe 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. Many trans people reject the idea that gender dysphoria is a pre-requisite for being trans.

Gender reassignment is another way of describing a person's transition. For some individuals, undergoing gender reassignment involves medical intervention, but this is not required for a person to identify as trans. It can also mean changing names, pronouns, dressing differently and living in your self-identified gender. Gender reassignment is a characteristic that is protected in the Equality Act 2010.

A Gender Recognition Certificate enables trans people to be legally recognised in their self-identified gender and to be issued with a new birth certificate. Not all trans people will or want to apply for a GRC and you have to be over 18. An employer or service provider does not need to see a GRC in order to recognise an employee's or customers gender.

Gender variant is a term used for someone who does not conform to the gender roles and behaviours assigned to them at birth. This is usually used in relation to children or young people.

Pronouns are words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people such as those with non-binary identities may prefer others to refer to them in gender-neutral language and use pronouns such as they / their and ze / zir.

Transitioning is a term used to describe the steps a trans person may take to live in the gender they identify as. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. A medical intervention is not a pre-requisite and necessary step for transition. Transitioning also might involve things like telling friends and family, dressing differently and changing official documents.

FURTHER RESOURCES AND TRANS ORGANISATIONS:

All About Trans allabouttrans.org.uk

The All About Trans project engages media professionals to encourage a greater understanding of Trans* people in the media and representation.

Gendered Intelligence genderedintelligence.co.uk

Gendered Intelligence specialises in supporting trans young people aged 8-25 and work with the trans community.

Gender Identity Research and Education Society (GIRES) gires.org.uk

GIRES produces resources and training with the overall aim to improve the lives of gender non-conforming people.

Mermaids mermaidsuk.org.uk

Mermaids provides support for families and children with gender identity issues.

trans*formation transformationuk.com

A network of trans business professionals who seek to raise trans visibility and equality at work.

Scottish Transgender Alliance scottishtrans.org

The Scottish Transgender Alliance works to improve equality and inclusion for trans people in Scotland.

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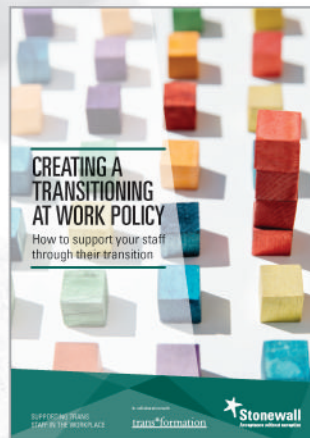
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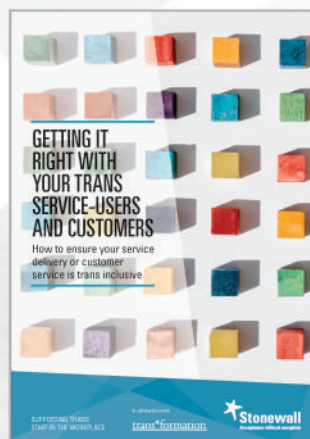
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