



Supporting trans staff in the workplace



Trans staff are welcome within the UCL community and should be treated with dignity and respect. We value their contribution to the life of the university. This guidance aims to support managers and colleagues of trans staff. Trans staff should also use it as an outline of UCL's responsibilities to them.

Who do we include in the term 'trans'?

A transgender person is someone whose identity differs from what is typically associated with the sex they were assigned at birth. 'Trans' is the preferred inclusive term for all transgender people.

'Non-binary' people may also identify as trans. Non-binary refers to gender identities that are not exclusively male or female. Many non-binary people wish to appear androgynous and adopt unisex names, gender-neutral titles such as Mx. and/or gender-neutral pronouns, but others prefer to express themselves in ways which are traditionally seen as masculine or feminine, or to mix aspects of the two.

Transition at work

Many, but not all, trans people decide to undergo gender affirmation i.e. to transition from the gender they were assigned at birth, to become the gender they identify with. This may refer to social transition (changing name, clothes etc.), medical transition (hormones and/or surgery) or both. The Equality Act protects all people in transition from discrimination, whether they have undergone, are undergoing, or intend to undergo gender affirmation. Protection extends to those who live as another gender without undergoing medical procedures.

One of the most important factors in successfully supporting an employee's transition is planning and agreeing with them how to manage the process. Lack of support at this stage could be a significant deterrent for an employee who may have taken years to decide to take this step. It can compromise their ability to satisfy NHS protocols prior to surgical/medical intervention. It can, of course, also lead to discrimination complaints.

What does good support at work look like?

Managers of staff planning to transition should consider the following:

- * Listen and show support. The process should be led by the employee as much as possible.
- * Take advice from your HR Business Partner and the Equality, Diversity and Inclusion (EDI) Team or one of the organisations listed later in this guide.
- * A member of HR and/or a trade union representative can be present at any meeting if required.
- * Agree the date the employee will present in their affirmed gender;
- * Arrange for staff working closely with the individual to have trans awareness training before this date, if the member of staff would like this;
- * Discuss whether there are duties within the role that should be avoided at specific times during the process e.g. lifting heavy items, strenuous physical work (for those who are undergoing surgery/medical intervention).
- * Assess the expected timescale of medical and surgical procedures and what time off is likely to be required (where relevant);
- * Be supportive of the employee if their style of dress changes during the process (where relevant).
- * Offering gender neutral toilets and changing facilities removes a real barrier for trans colleagues – so should be encouraged. Where these are not yet available – be aware of the right for the employee to select the facilities they feel are most appropriate.
- * Discuss whether they may benefit from some internal or external support such as the LGBTQ+ Equality Advisory Group (LEAG) or an external support group;
- * How to handle any harassment, hostile reactions or unwanted media interest.

Take a note of the discussions and draw up an action plan with the employee. Any plan should be updated, developed and not fixed.

Agree where the action plans and any meeting notes are kept and who has access. Read 'Rachel's story' <http://www.ecu.ac.uk/casestudies/trans-staff-rachels-story/> to get more insight into the kind of support that is valued by trans staff at UCL.

Disclosure – who should be told what and when?

It would only be necessary (and appropriate) to inform colleagues or students about a person's trans status or history where the relationship existed previously and will continue in the future.

Where this is the case always confirm with the trans person how they would like this done. You could offer to be with them or inform others on their behalf.

Always seek the trans person's explicit permission to disclose any information to others. This must be on a confidential, strictly 'need to know' only basis. If a person has applied for their gender to be legally recognised under the Gender Recognition Act, they have additional legal protection. It is a criminal offence to reveal a person's trans history or identity without their express permission.

Time-off

The employee may wish take a period of leave at the time of the transition, and return to work in their affirmed gender.

Trans people may undergo treatment, which can include hormone therapy and surgery. This will probably necessitate taking time off work and may have an impact on workload and colleagues. Such procedures could take up to two years to be completed. Managers need to be accommodating during this time and may need to make temporary adjustments to job requirements.

It may be that during transition that an employee cannot carry out the full scope of their role, for example following surgical treatment. Their performance may also be affected by mood swings due to hormone therapy. Managers should be accommodating during this period.

Time off to attend hospital or doctor's appointments which last for part of a working day should not be counted as sick leave. Time taken during working hours for the above appointments must be paid and the dates and times of the appointments should be recorded but not classified as sick leave. Time away from work for surgery and to recover from surgery will be recorded as sickness absence, but should not trigger the formal Sickness Absence Procedure.

Managers should endeavour to be flexible and supportive to trans staff. It may constitute unlawful discrimination if an individual absent while undergoing the gender reassignment process is treated less favourably than those absent because of illness or other medical treatment. Discuss workload allocation with the trans employee before the absence from work and on return. Discuss any adjustments that might need to be made to facilitate the return to work.

Name change, records and confidentiality

Trans staff who have undergone transition may be anxious to protect their privacy surrounding their trans history. The right to confidentiality must be maintained. Current human resources, or any other records/ letters/ documents for trans staff should not refer to a previous name.

In a small number of cases, it may be necessary for some records (e.g. with regard to pensions; insurance and asylum and immigration documentation) to retain a reference to sex assigned to the employee at birth. Access to such records should be restricted to staff who require such details to perform their specific duties.

A trans person will be able to change their name at UCL on production of a formal change of name. They do not need a Gender Recognition Certificate¹ to do this.

Practical arrangements

It's really important that good intentions are matched with practical action. Consider what arrangements need to be made in the interim regarding toilets, changing rooms etc. Access to toilet facilities should be in line with the persons affirmed gender. Gender neutral facilities would be an advantage. Use of disability accessible toilets as an alternative is not acceptable. A trans person should have access to gender specific facilities according to their affirmed gender. Managers should reach agreement with the individual regarding the point at which they move to using the facilities of their affirmed gender.

Some areas of UCL may need to show some flexibility in dress codes, where they exist, to accommodate the process of transition.

Recruitment

There is no obligation for an applicant to disclose their trans status or history in the recruitment process. This issue is not relevant and this question should never be asked at interview. Many applicants/interviewees will consider it a very private matter; or may be fearful as they have experienced prejudice and harassment previously. If the applicant does choose to disclose, this cannot be a reason for not offering employment.

If giving a reference for someone moving to a new job, the referee must use the employee's current name and do not refer to a former name or gender identity.

¹ To acquire a Gender Recognition Certificate, the person has to present evidence to a Gender Recognition Panel that they have lived permanently in their new gender role, at all times, for two years prior to the application. A Gender Recognition Certificate enables the person to have a new birth certificate, if their birth was registered in the UK, and to be legally recognised for all purposes in their new gender role, including marriage and civil partnership.

Use of pronouns

Where the employee has transitioned while in our employ, make every effort to refer to them by their new name and to use the pronouns appropriate to their affirmed gender.

Take your lead from the employee. Those identifying as non-binary may not wish to be confined by male or female pronouns and be referred to as 'they' rather than 'he' or 'she'. Others may prefer pronouns that may seem counter to their visible identity.

Harassment

Did you know that 42% of trans people are not living permanently in their affirmed gender because of fear of discrimination in employment?²

UCL has a legal duty to protect all staff including trans staff from harassment. All voyeuristic, intrusive and personal questions or discussions are unacceptable and probably unlawful. Take the lead and make this clear to staff and students, and ensure they know that they may face a discrimination complaint against them if they ignore this direction. Also make clear no harassment, bullying, or victimisation of any kind will be tolerated, that such behaviour is unlawful under the Equality Act 2010 and would also be contrary to UCL's Dignity at Work statement <http://www.ucl.ac.uk/hr/docs/dignity-at-work.php>

Make clear all UCL staff and students have a responsibility for challenging discrimination, promoting equality and ensuring no discrimination or harassment towards trans staff. Emphasise that action will be taken swiftly against anyone harassing or bullying the trans member of staff, or anyone making inappropriate comments to, or about the person.

Teams will take their cues from managers in determining how to respond to a trans colleague. Managers should endeavour to establish a culture of respect where adherence to UCL's Equal Opportunities and Dignity at Work Policies are evident.

Check periodically with the trans member of staff to ensure they are not receiving any negative reactions.

² Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination 2007; Stephen Whittle, Lewis Turner and Maryam Al-Alami

Glossary of terms

Acquired gender: a legal term used to refer to the gender in which a trans person lives and presents to the world. Not the gender they were assigned at birth but the gender in which they should be treated. Affirmed gender is a term preferred by the trans community.

Affirmed gender: the process of bringing the gender role and appearance into alignment with the gender identity, 'affirms' that identity. The term 'affirmed' gender, is now becoming more common in describing the post-transition gender status. 'Affirmed' should be used in preference to 'acquired'; the latter is the language of the Gender Recognition Act, and is more appropriately used to describe the acquisition of a Gender Recognition Certificate and new Birth Certificate

Gender identity: a person's sense of self as a man or woman, non-binary person or other sense of gender. A person's gender identity is typically expected to follow directly from the sex they were assigned at birth (based on physical attributes), but this is not always the case.

Gender dysphoria: describes a medical diagnosis used in the context of people seeking medical intervention. It describes the sense of a strong, persistent discomfort or distress caused by the contradiction between a person's self – identified gender and the gender they were assigned at birth.

Non-binary: refers to gender identities that are not exclusively male or female, may identify as both genders, neither gender, or something else entirely.

Transgender (or trans) person: a broad inclusive term referring to anyone whose personal experience of gender extends beyond the typical experience of those of their assigned sex.

Transition: Taking the journey from your assigned gender to the one you know yourself to be. This may refer to social transition (changing name, clothes etc.), medical transition (hormones and/or surgery) or both.

Transsexual person: A person who was assigned one gender at birth and has transitioned or is transitioning to live as another gender. A person is not required to undergo a medical procedure to be recognised as a transsexual person, under the law. Some people now regard this term as slightly pejorative.

Trans(gender) woman: is a male-to-female trans person who was assigned male at birth but has a female gender identity.

Trans(gender) man: is a female-to-male trans person who was assigned female at birth but has a male gender identity.

Real life experience (RLE) – is relevant in the context of a person planning medical intervention through hormone replacement therapy or surgery. It can be a requirement of some doctors prior to undertaking these interventions. It is the period of time in which a trans person lives full-time in the gender role in which they identify.

Further information

For further advice contact the Equality, Diversity and Inclusion Team
equalities@ucl.ac.uk

Useful information:

Press for Change
<http://www.pfc.org.uk/>

The Gender Trust
<http://www.gendertrust.org.uk>

Trans staff and students in higher education - Equality challenge Unit 2010
<http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised>

The Female to Male Network
<http://www.ftm.org.uk>

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www.ucl.ac.uk/hr/equalities