



## Supporting trans staff in the workplace



## Contents

Introduction	4
Who do we include in the term 'trans'?	4
Supporting transition at work	4
What does good support at work look like?	5
Confidentiality	6
Time off	6
Practical arrangements	7
Recruitment	7
Name and title changes	8
Use of facilities	8
Dress codes	8
Use of pronouns	8
Harassment	9
Useful Information	10
Action plan	11

## Introduction

Trans employees 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 guide aims to support managers and colleagues of trans employees. Trans employees should also use it as an outline of UCL's responsibilities to them. It includes general good practice for trans employees and guidance relating to those who undertake transition at work.

## Who do we include in the term 'trans'?

'Trans' is an umbrella term used to describe someone whose gender identity differs, or does not sit comfortably with the sex they were assigned at birth. It can include people who have a binary gender identity (female or male) and also people who do not identify as solely male or female, e.g. as non-binary or intersex. Some, but not all, trans people undergo gender affirmation i.e. to transition from the sex they were assigned at birth to the gender they identify with. 'Trans' is an inclusive term preferred by many in the trans community. See 'useful information' later in this document.

## Supporting transition at work

For those that do undergo gender affirmation this may refer to social transition (changing name, title, clothes etc.), medical transition (hormones and/or surgery) or both. The Equality Act 2010 provides protection from discrimination for trans people who have undergone, are undergoing, or intend to undergo gender affirmation (described legally as gender reassignment). Trans harassment and discrimination would breach UCL's Dignity at Work Policy and could lead to disciplinary action.

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 have a significant impact on the employee who may have taken years to decide to take this step. It can compromise their ability to satisfy NHS protocols prior to medical intervention, or timescales for legal identity changes, where relevant. It can also lead to discrimination complaints.

## What does good support at work look like for those who undergo gender affirmation?

Managers of employees planning to transition should consider the following and refer to the Action Plan at the end of this document:

- \* Listen and show support. Let the employee lead the process as much as possible.
- \* Take advice from your HR Business Partner and the Equality, Diversity and Inclusion (EDI) Team or an organisation listed later in this guide.
- \* A member of HR and/or a trade union representative can be present at any meeting if required. Where the employee wishes to be accompanied by a member of UCL's LGBTQ+ Equality Advisory Group (LEAG) you should be accommodate this.
- \* Agree the date the employee will present in their affirmed gender.
- \* Discuss levels of confidentiality – is there anyone who needs to know, such as colleagues who will work alongside the employee before and after transition?
- \* Discuss how this communication will take place.
- \* Arrange for colleagues working closely with the employee to have trans awareness training before this date, if the employee would like this. See Action Plan below.
- \* Discuss whether to avoid duties within the role 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 appointments related to transition 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).
- \* Offer gender neutral toilets and changing facilities as this removes a real barrier for trans employees. However, some trans employees will expect to select the facilities they feel are most appropriate and it is reasonable to support this.
- \* Discuss whether they may benefit from some internal or external support such as the LGBTQ+ Equality Advisory Group (LEAG)/local Inclusion Leads or an external support group.
- \* Discuss 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. Keep any plan updated as needed; it should not be a static document.

Agree whether to keep the action plan and meeting notes and who has access. Read 'Rachel's story' <http://www.ecu.ac.uk/casestudiesfor/trans-staff-rachels-story/> to get more insight into the support that trans employees at UCL may value.

## Confidentiality

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

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

Always seek the employee's explicit permission to disclose any information to others. This must be on a confidential, strictly 'need to know' basis. If an employee 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.

Employees who have undergone gender affirmation may be eager to protect their privacy surrounding their trans history. Anyone with access to relevant information must maintain the trans employee's right to confidentiality. Current Human Resources records, or any other records/ letters/ documents, for employees should not refer to a previous name or title.

In a minority 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 strictly restricted.

## Time Off

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

Trans employees may undergo treatment, which can include hormone therapy and surgery. This may necessitate taking time off work, which may have an impact on workload and colleagues. Managers need to be accommodating during this time and may need to make temporary adjustments to job requirements.

During transition an employee may not be able to carry out the full scope of their role, for example following surgical treatment. Fluctuating mood due to hormone therapy may impact their performance and reduce their ability to handle workplace stressors. Managers should be accommodating during this period. However, not all trans people have these interventions.

Time off to attend hospital or doctor's appointments which last for part of a working day should not count 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 employees. It may constitute unlawful discrimination to treat an employee absent while undergoing the gender reassignment process, less favourably than those absent because of illness or other medical treatment. Discuss workload allocation with employees before the absence from work and on return. Discuss any adjustments that could be made to facilitate the return to work.

## Practical arrangements

It is really important to match good intentions with practical action. Consider arrangements about access to toilets, changing rooms etc. were necessary, for those that undergo gender affirmation. Some trans employees may prefer to use gender neutral toilets, while others will wish to use facilities that match their affirmed gender. We recognise that issues can sometimes arise over the use of single sex facilities when a person's gender differs from how others perceive their gender identity. For example, users of a female-only changing room may raise concerns about someone they perceive to be male. We ask all members of the UCL community to be sensitive and respectful to the dignity of colleagues. UCL will deal with any concerns raised on a case-by-case basis in a sensitive manner, carefully balancing the issues to make a reasoned decision.

Use of disability accessible toilets as an alternative is not acceptable, trans identity is not a disability and accessible toilets should be prioritised for those that need them.

There should be flexibility in dress codes, where they exist, to accommodate the process of transition: for example, supporting a move away from gendered clothing or a move to gendered clothing not previously worn by the employee.

## Recruitment

There is no obligation for an applicant to share their trans status or history in the recruitment process. This issue is not relevant so never ask this question 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 chooses to share this, it 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 title and not refer to a former name, title or gender identity.

## • General support and good practice •

### Name and title changes

Employees can change their formal name at UCL on production of a deed poll. More informally they can also request a 'preferred' name and or a change of title on their records, which will be visible on the staff directory, email address and updated ID badge. A Gender Recognition Certificate is unnecessary to change an employee's name.

### Use of facilities

Trans people who do not go through gender affirmation procedures, which may include non binary staff, may wish to use either gendered or gender neutral facilities or both. We recognise that issues can sometimes arise over the use of single sex facilities when a person has a non-binary identity. We ask all members of the UCL community to be sensitive and respectful to the dignity of colleagues. UCL will deal with any concerns raised on a case-by-case basis in a sensitive manner, carefully balancing the issues to make a reasoned decision.

### Dress codes

Choice of dress should not lead to employees being treated detrimentally. This is relevant for trans employees that identify as non-binary or intersex who may not conform to gender norms for dress. However, note that UCL does not have gender specific dress codes in place.

### Use of pronouns

Take your lead from the employee and use the pronouns they prefer. Those identifying as non-binary may not wish to use male or female pronouns and would prefer to use 'they' rather than 'he' or 'she' or other pronouns entirely [such as 'ze' or 'zir']. You may not know which pronouns someone uses based on their outward expression, so it is important to ask politely.

Some people like to show their preferred pronouns on their email signature - this can be helpful to raise awareness. Think about providing opportunities during introductions at meetings to share pronoun use to demonstrate inclusion.

## Harassment

Did you know half of trans and non-binary people (51 percent and 50 percent respectively) have hidden or disguised their identity at work because they were afraid of discrimination.<sup>1</sup>

UCL has a legal duty to protect all employees, including trans employees, from harassment. All personal questions or discussions that are voyeuristic and/or intrusive 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>

The following could be examples of unacceptable behaviour:

- \* speculating or gossiping about someone's gender identity
- \* refusing to use someone's gendered pronoun (e.g. using 'he' to refer to a trans woman)
- \* continuing to use their former name ('dead naming')
- \* objecting when a trans employee uses the toilet facilities of their affirmed gender

Make clear all UCL staff and students have a responsibility for challenging discrimination, promoting equality and ensuring no discrimination or harassment towards trans colleagues occurs. Emphasise that action will be taken swiftly against anyone who harasses or bully's trans employees, or anyone making inappropriate comments to, or about a trans 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 clear.

Periodically check in with the trans employee to ensure they are not receiving any negative reactions.

## Useful information

See UCL's LGBTQ+ webpage for a note on language and a glossary of terms: [www.ucl.ac.uk/equality-diversity-inclusion/equality-areas-and-support/lgbtq-equality/what-inclusion-language](http://www.ucl.ac.uk/equality-diversity-inclusion/equality-areas-and-support/lgbtq-equality/what-inclusion-language)

See webpage for UCL's LGBTQ+ Equality Advisory Group: [www.ucl.ac.uk/equality-diversity-inclusion/committees-and-social-networks/lgbtq-equality-advisory-group](http://www.ucl.ac.uk/equality-diversity-inclusion/committees-and-social-networks/lgbtq-equality-advisory-group)

Further guidance for the HE sector: [www.ecu.ac.uk/wp-content/uploads/external/supporting-a-student-or-member-of-staff-who-is-transitioning.pdf](http://www.ecu.ac.uk/wp-content/uploads/external/supporting-a-student-or-member-of-staff-who-is-transitioning.pdf)

Press for Change: [www.pfc.org.uk/](http://www.pfc.org.uk/)

The Gender Trust: [www.gendertrust.org.uk](http://www.gendertrust.org.uk)

Gendered Intelligence: [genderedintelligence.co.uk/](http://genderedintelligence.co.uk/)

Stonewall: [www.stonewall.org.uk](http://www.stonewall.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>

For further advice contact the Equalities, Diversity and Inclusion Team [equalities@ucl.ac.uk](mailto:equalities@ucl.ac.uk)

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<sup>1</sup>LGBT in Britain Trans Report 2018; Stonewall

## Action plan to support staff transitioning at work to be completed with line manager

Issue	Agree action	Agree who and when	Date completed
<p>Effective date: Agree the date you wish to start presenting in affirmed gender, (which could be a transition over days or weeks)</p>		Employee in discussion with line manager	
<p>Discuss levels of confidentiality you are comfortable with your line manager*</p> <p>Is there anyone who needs to be informed, such as colleagues who will work alongside you prior to and after transition?</p> <p>Consider how you want this communication to take place e.g. an email/face to face communication with the team. Do you want your manager to handle this or do you want to do it yourself?</p> <p>Agree what will be included in this communication e.g. informing colleagues of preferred pronouns and name or title; consider also circulating guidance on basic respect for trans people.</p> <p>*Your explicit consent should be given before any information is shared.</p> <p><b>Trans awareness training for the team, unless you do not wish this.</b></p> <p>Trans Awareness training can be booked via Moodle or direct with Gendered Intelligence.</p>			

Issue	Agree action	Agree who and when	Date completed
<p><b>Applicable to those undergoing medical/surgical procedures:</b> Discuss with manager if there are any duties that should be avoided temporarily such as lifting heavy items, strenuous physical work etc. Agree what reasonable adjustments</p>			
<p><b>Time off required?</b> Discuss how these will be managed and recorded within UCL's absence procedures</p>			
<p><b>Practical issues:</b> Discuss access to toilet facilities and if relevant location of gender neutral facilities. NB you have the right to access the facilities in line with your affirmed gender. Discuss dress code relevant to your job role and flexibility required</p>			
<p><b>Name or title change:</b> Arrange to meet with a member of the Equality Diversity and Inclusion Team who will liaise on your behalf with relevant teams and systems.</p>			

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