

Transgender Policy

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1. Objectives and scope

- 1.1. This policy outlines the Council's commitment to ensuring that transgender employees are treated with dignity and respect and are not disadvantaged in the workplace. It also sets out the steps the Council takes to welcome and support transgender employees and prevent discrimination, including discrimination against employees who may be related to or friends with a transgender person.
- 1.2. The policy covers all employees, contractors, temporary workers and job applicants and applies to all stages of the employment relationship.
- 1.3. The policy accompanies the Council's [Equal Opportunity in Employment Policy](#).
- 1.4. The Council will ensure that transphobic abuse, harassment or bullying (e.g. name calling/derogatory jokes, unacceptable or unwarranted behaviour and intrusive questions) through any medium will be dealt with under the appropriate procedures and may result in disciplinary actions. Further information can be found in the Council's [Bullying and Harassment Policy](#).
- 1.5. The Council believes that diversity and inclusion bring benefits to the business and that people work better when they can be themselves.
- 1.6. The Council is committed to welcoming and supporting transgender employees and removing barriers to their recruitment, promotion and retention. Providing a working environment that is free from discrimination, harassment or victimisation because of [gender identity](#) is an important step in ensuring that transgender employees are respected and valued.

2. Definitions

- 2.1. Definitions and terminology regarding transgender people are evolving. The appendix to this policy provides guidance on some of the most commonly used terms. Individuals will self-identify and how they choose to describe themselves should be respected by their managers and colleagues. Rather than assume, it is best to ask someone how they wish to be addressed.
- 2.2. Using inappropriate language and terminology can cause offence and distress and undermines the Council's efforts to create an inclusive workplace for transgender people.
- 2.3. The Council recognises that [gender identity](#) and sexual orientation are not interchangeable terms. Transgender people can be bisexual, gay, heterosexual, lesbian, pan-sexual, asexual etc., and so employees should not assume that a transgender colleague has a particular sexual orientation.

- 2.4. The Council will seek to ensure that employees refer to customers and colleagues using their preferred title and pronoun. An e-learning module is available to help raise awareness of transgender issues which can be accessed here: <https://reading.learningpool.com/enrol/index.php?id=349>

3. The law

3.1 Equality Act 2010

- 3.1.1. [Gender reassignment](#) is one of the 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". There is no requirement for the person to be under medical supervision as gender reassignment is considered to be a personal rather than a medical process. Under the Act, 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.
- 3.1.2. 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.
- 3.1.3. An employee who treats a colleague less favourably because of gender reassignment, for example by refusing to work for them, may be held personally liable for discrimination and could face disciplinary action or legal action.

3.2. Gender Recognition Act 2004

- 3.2.1. The Gender Recognition Act 2004 allows [transsexual](#) people to apply for a [gender recognition certificate](#) (GRC), which will give them legal recognition in their [acquired gender](#) and enables them to obtain a new birth certificate. 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.
- 3.2.2. An application for a GRC will be made to the Gender Recognition Panel. Individuals are required to provide a medical diagnosis of [gender dysphoria](#) and evidence that they have lived in their [acquired gender](#) for two or more years and intend to do so permanently.
- 3.2.3. Transgender people are not required to apply for a GRC and many choose not to for various reasons. For example, the GRC is not required for passports, driving licences etc. The gender marker on many official documents can be

updated to reflect the gender as identified by the transgender person. A confirmation of [gender dysphoria](#) diagnosis may be required for the passport but not a GRC. An individual should never be asked if they have a GRC and to do so could be considered harassment.

- 3.2.4. The Gender Reform Act is currently the subject of a consultation seeking views as to how best government might make the existing process under the Act a better service for those trans and [non-binary](#) people who wish to use it.

4. How the Council supports transgender employees

The Council recognises that transgender job applicants and employees are not required to inform the Council of their gender status 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](#), i.e. they do not regard their [gender identity](#) as exclusively male or female or [gender fluid](#) where they may appear male one day and female the next.

To promote a workplace that is inclusive of transgender people, the Council adopts the following approach.

4.1. Recruitment

- 4.1.1. The Council wishes to attract applicants from as wide a talent pool as possible and the recruitment process is designed to be inclusive of transgender applicants. Except in exceptional defined circumstances, a job applicant's gender identity is irrelevant. In an exceptional circumstance where the nature of a specific role might lawfully prevent someone who is transitioning from applying, legal advice must always be sought in advance of advertising.
- 4.1.2. Job advertisements should make clear that opportunities are open to all suitably qualified applicants. If this statement makes explicit reference to not discriminating on particular grounds, those grounds should include [gender reassignment](#). Where an application form is used, this should not include a question about previous names.
- 4.1.3. Managers should not ask questions about an applicant's gender identity or gender history. If an individual chooses to mention this during the interview, they should be informed that the Council supports transgender employees and assured that the disclosure will have no bearing on the outcome of the interview and will not be revealed outside the interview room.
- 4.1.4. The requirement to provide proof of identity to confirm the right to work in the UK can be particularly sensitive for a transgender applicant whose identification documentation may be in their previous names. The Council will always ensure that an applicant is made aware of the full range of permissible

identification documents and that the process of checking is handled sensitively and with respect for privacy of the individual.

- 4.1.5. Where an individual's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the permission of the individual and in accordance with the Council's data protection policy. The same approach will apply where an applicant is required to present qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous name.

4.2. Monitoring

- 4.2.1. In line with its policy on equal opportunities in employment, the Council will monitor the **gender identity** and trans gender status of the existing workforce and of applicants for jobs (including promotion) and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the Council will implement them.
- 4.2.2. The disclosure of information by employees/job applicants is voluntary and any information disclosed will be treated in confidence, stored securely and used only to provide statistics for monitoring purposes. When communicating monitoring data, the Council will ensure that it is anonymised to avoid identifying individuals.

4.3. Employment

- 4.3.1. An employee who is transitioning may wish to be redeployed on a temporary or permanent basis or have temporary adjustments made to their duties. This may be because the individual is in a public-facing role and wishes to avoid having to answer questions from the public about gender status; or the role involves particular tasks, for example heavy lifting, that will be difficult to undertake if undergoing a particular type of treatment. Requests to be redeployed will be discussed with the employee and, where possible, the Council will seek to accommodate the employee's wishes. Managers must always seek advice from HR in such situations.
- 4.3.2. A manager should not put pressure on an individual to change jobs or make assumptions about their capability or wishes.
- 4.3.3. An employee's gender history or status will not have a bearing on any employment decisions or access to benefits, except where permitted by law. For example, an individual who has transitioned but does not have a GRC may be required to disclose their gender history for insurance and pension purposes. In such circumstances, the Council will handle such information in line with its data protection policy. Where pension and insurance providers request disclosure of an individual's gender status, the Council will ensure that this requirement has been checked with the underwriter and the requirement is made clear in any scheme information provided to employees. In such

circumstances, the employee's written consent will be obtained before disclosing their gender history and status.

4.3.4. The Equality Act 2010 contains an exception from unlawful discrimination in recruitment; opportunities for promotion, transfer or training; or dismissal where a requirement not to be a transsexual person applies. An occupational requirement will apply where, having regard to the nature or context of the work, the employer applying the requirement shows that:

- not being a transsexual person is an occupational requirement. For example, a female client may require a female carer, however, the Council will seek to ensure that the 'client' is not exercising prejudice based purely on gender;
- the application of the requirement is a proportionate means of achieving a legitimate aim; and
- either the person to whom the requirement is applied is a transsexual person or the employer has reasonable grounds for not being satisfied that the person is not a transsexual person.

4.4. Names and pronouns

4.4.1. The Council will take all necessary steps to ensure that an individual's change of name is respected. The Council is aware that a failure to change pronouns and names on records in respect of a transgender employee could constitute direct discrimination.

4.4.2. A GRC is not required to enable a transgender person to change their name and the Council will never ask an individual if they have a GRC to verify a name change, as to ask such a question would be inappropriate.

4.4.3. The Council will always respect an individual's chosen pronoun. Consistently addressing a transgender employee by their previous name and/or an inappropriate pronoun may be regarded as harassment and will be dealt with accordingly.

4.5. Changing employee records

4.5.1. Any records that hold personal details should be changed by the time the individual presents at work with their new identity. Records will include all of the systems that may contain names, titles, email addresses and other personal identifiers such as photographs on the Council's website and intranet. The Council will work with the employee to ensure that nothing is omitted.

4.6. Confidentiality

4.6.1. All records that include details of an employee's gender history will be destroyed in a secure manner, unless there is a specific reason for retaining them. Where other people in the Council need to be aware of the employee's

transition to make a change to a particular record, the Council will obtain the employee's consent, and restrict the information to those who need to know.

- 4.6.2. Where there is a need to retain documentation that shows someone's gender history, this information will be stored confidentially in line with the requirements of data protection legislation. The information will be held electronically in a secure environment (for example, password protected) that can be accessed only with the consent of the individual concerned. Only named individuals will be allowed to access this information and those individuals will be made aware that breaches of confidentiality could be unlawful and result in disciplinary action.
- 4.6.3. Care will be taken to ensure that any search of the Council's records by others will not inadvertently reveal an employee's gender history. However, if the employee has published documents which are in the public domain e.g. articles under their old name and the employee wishes to be credited with earlier works then inevitably the original name could be revealed.
- 4.6.4. It is an individual's decision whether or not to reveal their gender status and history and the Council will respect their right to privacy. For example, if someone is recruited into a team managed by a transgender employee, they must not be informed about the manager's gender history. The right to privacy will apply regardless of whether or not the individual has a GRC.
- 4.6.5. Where an employee discloses information about their gender history or status (verbally or in writing), this will be treated as confidential. This includes any information provided to the line manager or HR. Such information will not be shared with others, unless there is a specific reason and then not without the written consent of the individual concerned. Disclosure of the gender history of someone with a GRC without their specific permission would normally be a criminal offence.
- 4.6.6. Information relating to an employee's gender status or history will not be disclosed to a third party without the individual's consent, for example when responding to a reference request.

4.7. Communication

- 4.7.1. The Council will work with the employee to agree what information needs to be conveyed to work colleagues and when the information should be conveyed. While the whole workforce may not need to know about the employee's transition, people who work closely with the individual will normally need to know to ensure that a good working relationship is maintained.
- 4.7.2. The employee may wish to tell colleagues about their transition or may prefer if this is done by someone else on their behalf. The Council will encourage the individual to do what is best for them and, if the employee is not ready to tell anyone at the early stages, the Council will respect the employee's wishes.

The employee is entitled to privacy and the Council will seek to protect them from intrusive enquiries.

4.7.3. Where an employee has a public or client-facing role, the Council will discuss with the individual what third parties need to know and how this should be handled.

4.7.4. The Council will be mindful of possible media interest and establish a protocol for handling media interest to ensure that:

- a transgender employee is not left to deal with this; and
- their colleagues understand the importance of not compromising the individual's right to privacy.

4.8. Bullying and harassment

4.8.1. The Council adopts a zero-tolerance approach to harassment, bullying or victimisation and such behaviour may result in action being taken under the Council's Disciplinary Policy.

4.8.2. Examples of harassment against transgender people include, but are not limited to:

- verbal abuse such as name-calling, threats, derogatory remarks or belittling comments about transgender people;
- asking an individual if they have a GRC;
- jokes and banter about someone's [gender identity](#) or transgender people generally;
- refusing to use the pronoun appropriate to someone's [acquired gender](#) (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 transgender colleague from conversations or from social events;
- refusing to work with someone because they have transitioned; and
- displaying or circulating transphobic images and literature.

4.8.3. All employees are made aware of the Council's [Bullying and Harassment Procedure](#). The Council will also publicise its position on bullying and harassment to any third parties with which it engages.

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

4.9. Single-sex toilets and facilities

- 4.9.1. The Council will support a transgender employee's right to use the toilets and facilities appropriate to their gender. In some cases, the individual may wish to use a single-occupancy toilet during their transition, but they must not be pressurised to do so and this should not be seen as a long-term solution. A transgender person should not be expected to use an accessible toilet unless they have additional circumstances which means this is appropriate.
- 4.9.2. The Council will agree with the employee when they wish to start using the facilities appropriate to their **acquired gender** and how this should be communicated to colleagues. This will apply only if the colleagues already know of the transgender employee's status. If they do not know then raising awareness by a communication about use of the facilities will expose their gender history. Any concerns raised by others will be dealt with promptly and sensitively and harassment of the individual will not be tolerated.
- 4.9.3. Where possible, the Council will move from providing gender-specific toilets to gender-neutral toilets.

4.10. Dress codes

- 4.10.1 The Council will agree with the employee what flexibility in the Council's dress code (where applicable) may be permitted to accommodate the process of transition or where a gender-specific mode of dress would be uncomfortable for the individual.
- 4.10.2 If a transgender employee is required to wear a uniform, the Council will ensure that arrangements have been made to provide them with an appropriate uniform.

4.11 Training on transgender issues

- 4.11.1 Information on transgender issues is an integral part of the Council's equality-awareness training for its employees. The aim is to help our employees to understand what is and is not acceptable behaviour and to differentiate myth from reality, thereby minimising the potential for conflict arising from misunderstandings.
- 4.11.2 Discrimination because of **gender reassignment** is included in other training as appropriate, for example, induction, recruitment and selection, performance management and customer-care training.

4.12 Supporting an employee who is transitioning

- 4.12.1 The Council will be supportive of an employee who has made the decision to transition.
- 4.12.2 The Council acknowledges that the transition process and the time it takes will be unique to each individual and that it is not always a linear process.

4.12.3 Transitioning is a major decision and the individual may have taken years to come to this point. They may fear rejection or ridicule by their work colleagues. It is therefore vital that the Council supports the individual so that they can continue to work without fear of discrimination and harassment and those colleagues are helped to understand the process.

4.12.4 It is also important to realise that 'transition' does not always end up with GRS (Genital Reassignment Surgery). Every transgender person's journey is unique to the individual, goes at the pace they are comfortable with, and they do not all finish at the same destination.

4.12.5 Once the Council has been made aware by an employee that they will be starting, or have started, the process of transitioning, an appropriate point of contact will be agreed with the employee. That person will work with the employee to develop a confidential action plan to support the individual's transition at work.

4.12.6 The plan will consider what steps to take before, during and after the employee's transition. No action will be taken without the employee's consent.

4.12.7 It is important to develop a plan that is bespoke to the individual employee. Some of the key issues to address are likely to include:

- when and how an individual will present at work in their new gender status;
- 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.

4.12.8 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.

5 Further guidance and support

5.10 Internal support

Employee Assistance Programme (EAP)

The Council's Employee Assistance Programme (EAP) provides free, confidential telephone counselling and support and is available 24/7. They can be contacted on 0800 243 458 (you will be asked where you work and you should say 'Reading Borough Council'). Further information about the EAP is available [on the intranet](#).

Human Resources

Email: hrenquiries@reading.gov.uk

Occupational Health

Email: occupational.health@reading.gov.uk

5.11 External support

The Beaumont Society

Support network that promotes better understanding of the conditions of transgender, transvestism and [gender dysphoria](#).

Chrysalis

Chrysalis is a charity with meeting centres for transitioning and transgender adults. They provide counselling, support and life skills workshops. Meetings are held in the Portsmouth, Southampton and Bournemouth area.

Depend

Offers free, confidential and non-judgmental advice, information and support to family members, partners, spouses and friends of trans people.

GIRES

Gender Identity Research and Education Society is a UK wide organisation whose purpose is to improve the lives of trans and gender non-conforming people of all ages, including those who are non-binary and non-gender.

Mermaids

A national charity offering support to gender questioning and transgender children, young people and their families in the UK.

Mind

LGBTQ mental health gives information about mental health support for people who are lesbian, gay, bisexual, trans, queer or questioning (LGBTQ). It is important to note that being Transgender, or anywhere on the LGBTQ+ scale is NOT a mental health issue in itself. However many who are LGBTQ+ may suffer from other mental health issues such as stress and anxiety often due to the pressures and concerns they may have.

Support U

Providing specialist support and resources to LGBT+ people and those affected by LGBT+ issues.

5.12 Getting Support

Trade Union – members of a trade union can speak to their local representative if they have any concerns. You can find the contact details for trade union representatives on the Council's intranet or by following this [link](#).

HR and managers - You can also speak to your line manager or to a member of the HR team. You can find the contact details for HR on the Council's intranet or by following this [link](#).

ACAS (Advisory, Conciliation and Arbitration Service). You can contact the ACAS Helpline for free and impartial advice, whether you are an employer, employee or representative. The telephone number is 0300 123 1100. It is available Monday to Friday 8am to 6pm. You can also use the [ACAS Helpline Online](#) tool.

Samaritans - A charity who can provide emotional support for employees who are struggling to cope and need somebody to listen to them. They can be found at www.samaritans.org.

The Council has a **LGBT+ network** group which meets regularly for networking and social events and provides support for staff by providing a safe space for the discussion of LGBT+ issues

APPENDIX 1

Glossary

- **Acquired gender:** Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. As this is a legal term, many people now prefer to use the term "affirmed" gender.
- **Assigned gender:** The gender assigned to someone at birth, based on their physical characteristics.
- **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.
- **Gender:** The socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.
- **Gender dysphoria:** A recognised medical condition where the individual experiences severe discomfort and anxiety because their gender identity does not align with their biological sex.
- **Gender expression:** How someone manifests their gender identity in society, for example through their appearance and behaviour.
- **Gender fluid:** denoting or relating to a person who does not identify themselves as having a fixed gender.
- **Gender identity:** A person's internal perception of their gender, their sense of self. For transgender people, their gender identity does not match the gender they were assigned at birth.
- **Gender reassignment (or transitioning):** The process where an individual changes their expressed gender to live fully in the gender with which they identify. For example, a person who was born female decides to take steps to live the rest of their life as a man. Gender reassignment does not require medical treatment and is a protected characteristic under the Equality Act 2010.
- **Gender Recognition Panel:** The Gender Recognition Panel was set up by the Gender Recognition Act 2004 and consists of lawyers and doctors who assess whether an individual is able to satisfy the Act's evidence requirements for the issuing of a Gender Recognition Certificate (GRC). The holder of a full GRC is legally recognised in their [acquired gender](#) for all purposes.
- **Gender Recognition Act (2004):** Enables trans people to apply for legal recognition of their self-identified gender and receive a Gender Recognition Certificate (GRC) if they are successful with their application.
- **Gender Recognition Certificate (GRC):** A birth certificate which indicates the new legal sex and name of the trans individual. Granted by the Gender Recognition Panel once criteria are met. The majority of trans people who

transition do not apply for a GRC. Most see it as irrelevant to their lives or they do not agree with the process.

- **Intersex:** An intersex person is born with ambiguous genitalia and/or sex chromosomal variations, making it difficult to classify their biological sex. There are many different intersex conditions. An intersex person may self identify as a man or a woman or neither.
- **Non-binary:** An inclusive term to describe people whose gender identity is "fluid" and not exclusively male or female. A non-binary person may identify as neither male nor female or may feel that they embody elements of both genders, or that they are something different. The terms intersex and non-binary are not interchangeable.
- **Sex:** The biological and physiological differences that define men and women.
- **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. The term can encompass individuals who are transsexual, cross dressers or non-binary.
- **Transitioning:** The steps taken by individuals to live in the gender with which they identify. These steps will vary but may include choice of dress, changing names, medical procedures and telling other people.
- **Transsexual:** A transsexual person has the protected characteristic of gender reassignment and is defined in the Equality Act 2010 as someone who is "proposing to undergo, is undergoing or has undergone gender reassignment". Gender reassignment is a protected characteristic under the Act. It is not necessary for a transsexual person to have to be under medical supervision to be protected in law from discrimination.
- **Transphobia:** A fear of or a dislike of transgender people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.