

Appendix 1 -Trans Equality Policy

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1. Purpose

We believe that everyone who works for, or with, the council has the right to be treated with dignity, courtesy and respect at all times and to have their rights and characteristics under the Equality Act respected and protected. The council aims to act in a sensitive and supportive way by having helpful policies and practices in place to support trans and non-binary staff.

The Public Sector Equality Duty requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.

We are working to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not.

The Trans Equality Policy sets out our commitment, intent and principles for trans equality within the council. This policy sets out the rights of trans staff, these include but are not limited to:

- Changing of personal data
- Taking time off for medical appointments
- Applying for redeployment and other reasonable adjustments
- Using toilets and changing facilities that align with their gender identity

2. Terminology

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, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

Trans covers, but is not limited to, people who:

- Are intending to undergo, are undergoing, or have undergone gender reassignment at any stage;
- Identify as having a gender which is different to, or not the same as, or does not sit comfortably with, the sex they were assigned at birth.

- Are planning to have or have had medical interventions which can include interventions such as hormones or surgery.
- Identify as having a gender which is different to, or not the same as, or does not sit comfortably with, the sex they were assigned at birth, but who aren't planning to undergo any medical intervention, or social transition.
- Are non-binary – that is, they are not solely male or female. They may define themselves as both, neither or something entirely different. They may or may not have or plan to undertake any medical interventions.

3. Scope

This policy applies to all staff, in particular trans staff and their line-managers.

This policy should be read alongside the Trans Equality Practice Notes and Dignity at Work Policy.

4. General Principles

4.1 Demonstrating a sensitive approach

It is important to provide support to everyone, whether trans or not, to express their gender in the way they are most comfortable. Staff must think of, and refer to, people as being the gender that they self-identify as, listen to staff and politely ask how someone wishes to be referred to. This might mean using a different name for someone or using a different pronoun e.g. she, her, hers or they, them, theirs. A person might use different names and pronouns for different people or in different contexts or environments e.g. outside of work.

4.2 Respect

It is important to respect people's privacy and personal boundaries – they may not want to reveal information about their past and anything to do with their gender identity (past, present or future) and other personal questions. This is especially important in the context of someone's medical history.

4.3 Challenge

Staff are reminded that if you hear, or see transphobic abuse, harassment or bullying, such as derogatory jokes, name-calling, mis-pronouncing, intrusive questions, or unacceptable and/or unwanted behaviour, to challenge it and/or bring it to the attention of your manager or to a member of HR as soon as possible. This may need to be addressed through the Dignity at Work Policy.

4.4 Confidentiality

Staff must not tell others about a person's trans status unless permission has been obtained from them. It is a criminal offence to disclose this information without their consent. The council assures staff that as far as is practically possible any documents kept that have a person's previous name and gender will be kept confidential.

5. Legislation

Gender reassignment is one of the nine 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.

Information relating to the gender recognition process is regarded as protected, and it is a criminal offence to disclose such information without an individual's consent. An individual should never be asked if they have a gender recognition certificate (GRC) as it could be regarded as harassment.

6. Support for Trans staff

Staff may require support in order to express their gender in the way they are most comfortable with, this may include socially, culturally or medically transitioning.

Transitioning is the process people may go through to align their physical identity to their gender identity.

Staff can seek support from their line-manager or a member of HR and together they should agree an action plan for any changes needed while at work. This is likely to include (but not be limited to) a plan to change any employee records that will need updating, time off work that will be required for treatment; and the strategy for communicating with colleagues and others (if appropriate). Staff can also seek support from the Employee Assistance Program.

7. Employee Personal Data and Information

Employees can change their personal data and information at any point in their employment.

Records that hold personal details should be changed at a time agreed with the individual. Records will include all of the systems that may contain names, titles and other personal identifiers such as photographs on the organisation's website and Intranet.

The council will take all necessary steps to ensure that an individual's change of name, chosen pronoun and title is respected. Referring to a trans employee, directly or otherwise, by their previous name or an inappropriate pronoun or title may be considered as harassment and would be dealt with accordingly.

8. Time off for Medical Appointments

The Equality Act (2010) states it is discrimination to treat a trans person less favourably at work because they need time for any medical processes connected with gender reassignment, for example, due to recuperation, counselling or medical appointments. This includes all related treatments (e.g. hormone therapies, surgical procedures), and also extends to any rectification of related surgical procedures if these are required.

Planned time off for medical appointments should be arranged outside of working time wherever possible. If this is not possible, annual leave or flexi leave should be booked or with the prior agreement of the manager, the time can be taken and made up at a later stage.

9. Re-deployment

Trans employees can request to be redeployed on a temporary or permanent basis.

Requests to be re-deployed should be discussed with the employee and the employee should be referred to Occupational Health for assessment and formal referral.

10. Pensions

Employees with a full Gender Recognition Certificate (GRC) can have their pension records changed by HMRC. Where this is the case, the employee will need to inform the local Department of Work and Pensions.

State pension age equalised at 65 in 2018, and transitioning should not have any impact on your pension. If you have any queries about pensions, you can contact the pensions manager for further information.

11. Links to Other Policies

Dignity at Work

If a trans employee experiences harassment based on their gender identity (transphobia) this would constitute gross misconduct and should be dealt with under the Dignity at Work Policy.

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