

# Transgender Equality & Transitioning at work

Guidance for Colleagues and Managers



Royal Holloway's vision is to cultivate a fair and inclusive environment that supports excellence in employment, teaching, research, and student experience. A space where barriers are removed, and everyone feels welcome and supported to thrive.

#### 1. Introduction

Why is this guide important? It's estimated that around 1% of the UK population might identify as transgender, including people who identify as non-binary<sup>1</sup>. This means that you are highly likely to meet trans colleagues, students, and visitors at work. Trans people have the right to live authentically and be open about their identity in their workplace as well as in their personal life if they wish to, so it is important that the College community has an awareness of trans issues. This guide should help you to support trans people and those who are in the process of transitioning, to foster an inclusive community where everyone feels like they belong. As you read this guide, please refer to the Glossary in the Appendices for the definitions of any words presented in bold.

#### 2. Relevant Laws

#### 2.1. Equality Act 2010

The Equality Act 2010 places a Public Sector Duty upon organisations like the College to protect colleagues who possess one or more of the nine protected characteristics from bullying, harassment, and victimisation.

**Trans** people are protected by the characteristic of 'gender reassignment'. Although this term is now considered to be outdated<sup>2</sup>, this provides protection against discrimination for people whose **gender** 

**identity** does not align with the **sex** they were assigned at birth, based on physical characteristics. People are protected at any stage in their **transition** process, including proposing to transition. Transitioning does not require any medical procedures.

The Act does not explicitly provide protection for people who identify as **non-binary**, although recent UK employment tribunals have ruled in favour of non-binary people who have faced discrimination.<sup>3</sup> In line with this, the College seeks to provide protection and support for all trans colleagues and students, regardless of their identity.

#### 2.2. Gender Recognition Act 2004

The Gender Recognition Act 2004 introduced measures for trans people in the UK to formally change their legal sex as written on their birth certificate, by obtaining a Gender Recognition Certificate (GRC). However, a GRC only permits the person to change the sex on their birth certificate to either 'male' (man) or 'female' (woman), so this is less relevant for non-binary trans people.

The process of applying for a GRC is also often considered invasive, costly, and timeconsuming. For example, it requires the applicant to evidence that they have lived in their gender identity for two years, and to have a medical diagnosis of **gender dysphoria**, which is not experienced by all trans people. Therefore, in 2018 it was estimated that only 4,910 trans people in the UK have successfully been issued a GRC<sup>4</sup>.

It is possible for trans people to change their legal name by deed poll, and from there change many other forms of documentation apart from their birth certificate (e.g. passport, driving licence). However, it is not necessary for trans people to seek this formal transition, or to undergo any form of visible 'transition' at all.

Since this Act was passed, trans, non-binary, intersex and gender non-conforming communities have become much more visible and widely acknowledged. With this development has come an increased understanding, not present in the Act, that trans experiences vary greatly. The transition process, or absence of any such formal process, is unique to each individual. Realisation about gender identity does not necessitate any change of name, pronouns, or gender expression.

If a trans person is to apply for a GRC in order to update their birth certificate, then public sector bodies such as the College may not ask to see the certificate, as they would not specifically ask for a birth certificate from any other colleague or service user. GRC holders and/or those with a deed poll are able to update other forms of documentation, which should be accepted as suitable identification.

For more information regarding GRCs, please see this <u>Government website.</u>



### 2.3. Data Protection Act 2018

The Data Protection Act 2018 requires that all 'personal data' (any information relating to an identifiable living individual, including name changes and medical history) must be kept by the College in a password-protected format, or locked away securely. This data must be kept only for as long as is absolutely necessary. Wherever possible, files containing the previous name and information of a trans person should be destroyed once the request made to update these has been processed.

If they do need to be kept, it is important that these files are stored separately from other documents relating to this individual, in a protected format. Access to this information should only be granted on receipt of written consent from the person to whom they relate (e.g. a trans colleague may give written consent for the Director of Human Resources to be able to access these files if necessary). Any breach of this policy would mean that the individual who has suffered due to the policy being broken is entitled to compensation from the data controller.

#### 2.4. Going beyond compliance

The College believes that equality and inclusion are about going beyond our Public Sector Duty, and beyond simple compliance with and awareness of the law. We recognise that the Equality Act 2010 refers specifically to the protected characteristic of 'gender reassignment', and makes reference to individuals who are 'transsexual'.

This terminology is considered reductive, outdated and offensive by many members of the trans community, and so we have opted to take their lead on our understanding of trans issues. We want to recognise, protect and empower trans colleagues and students in whatever ways they identify, and in whatever ways they need our support as an employer and educator. We will look to trans members of our College community, as well as external experts, to shape and develop our ongoing commitment to trans equality.

### 3. Experiences of Trans People

It is estimated that approximately 1% of people living in the UK identify as gender diverse in some way. There are no recent official statistics on this, owing to insufficient statistical data available about people with trans identities.

Trans people can experience lots of barriers and challenges relating to their identity on a daily basis, especially in a working environment. In 2018, Stonewall (a leading UK-based LGBT+ charity) found that 51% of trans people hide their identity at work for fear of discrimination<sup>5</sup>. Our College strives to create a working environment where this is not the case.

**Misgendering** and **deadnaming** can often occur, especially when a colleague has transitioned whilst in their current place of work. If not managed appropriately to prevent repeated incidents, this can have a hugely detrimental impact on the wellbeing of trans colleagues.

It is best not to make assumptions about someone's gender identity and pronouns from their name and/or appearance, and to question **cisgender** privilege and **cisnormativity**. If someone makes you aware you have misgendered them, the best thing to do is to apologise briefly, ask them how they



would like to be referred to, and move on using the correct gendered terms. Best practice would be to avoid gendered terminology in all interactions with people you haven't met before (e.g. not using he/him, she/her, Sir/ Madam, ladies/gentlemen, etc.).

However, **transphobia** takes multiple forms beyond misgendering. Stonewall's 2018 report also found that, in the last 12 months, 41% of trans people and 31% of non-binary people have experienced a hate crime or incident because of their gender identity. 12% of trans employees have been physically attacked by colleagues or customers at work, and 36% of trans university students have experienced negative comments or behaviour from staff. These statistics reflect the profoundly negative experiences which unfortunately ring true for many trans people. A more recent YouGov survey in 2022 also found that there has been an erosion in support for trans rights in Britain since 2018<sup>6</sup>. The College is committed to ensuring the best possible quality of working life for our trans, non-binary and intersex colleagues – ensuring that they have a work experience free of bullying and harassment, have equal access to development and progression, and feel comfortable and empowered to be themselves in the workplace.

Transphobia, including instances of intentional and repeated misgendering or deadnaming, equate to bullying and harassment. This should be dealt with according to the College's Dignity at Work Policy and the <u>Grievance</u> <u>Policy and Procedure</u>. If you have any questions or concerns relating to this section, please contact the <u>Equality, Diversity and</u> <u>Inclusion Team</u> in Human Resources.

#### 4. Social and Medical Transitioning

As previously mentioned, the process of transitioning is completely unique to every individual trans person. Many people assume that it must involve medical procedures such as surgery or hormones, but this is not a necessary step on everyone's journey.

The use of medical terminology such as 'gender reassignment', 'male-to-female' and 'female-to-male' are all now outdated ways of thinking about every transition. Not every trans person will require or desire surgery or hormones – many may simply adjust their clothing style and mannerisms, and some people will not change their gender expression at all. Even if trans people do seek medical procedures, it is important to remember that these are often not possible or are much delayed due to current waiting lists to access NHS Gender Identity Clinics<sup>7</sup>, and the expensive costs of private options.

It is important to treat all people transitioning with the same levels of dignity and respect. Whilst some colleagues will happily transition without the need for much support, for some the process may be daunting and draining. Colleagues may need support or time away from work, no matter what the details of their transition are.

It is also crucial to remember that the details of a trans colleague's transition are personal and private to them. It is therefore inappropriate to ask any questions about procedures they may have had, or may plan to have in the future, unless the colleague expressly states that they wish to discuss it with you.

#### 5. Your Responsibilities as a Manager

As a manager, it is your responsibility to support your colleagues at every stage of their employment. That means whether you're recruiting a trans colleague, or a member of your team is transitioning at work, you should feel ready to engage in honest and open dialogues with them, in order to best meet their needs and expectations.

With the colleague's consent, it is also important for you to be in contact with your HR Business Partner and with the <u>Equality</u>, <u>Diversity and Inclusion Team</u>, in order to have the best possible understanding of what the College can do to support you and your colleague.

**6. Your Responsibilities as a Staff Member** As a new colleague, or existing colleague who

is intending to transition whilst working for



the College, we absolutely welcome this and are here to support you in whatever ways you require.

If you feel comfortable to do so, we encourage you to inform us of your transition, so that we can best support you. This may include time away from work, signposting to gender neutral College facilities, or supporting you to come out to colleagues and external stakeholders, if you wish to do so. You can discuss this with your manager, or request to discuss it confidentially with your HR Business Partner or the Equality, Diversity and Inclusion Team.

### 7. Transitioning at Work

#### 7.1. Name Change & Data Protection

In order to change the name of a trans colleague on College records, the only evidence required is a signed request from the colleague, and a copy of their passport or driving licence as evidence of a legal name change. If the colleague does not wish to legally change their name, their 'Known As' name can be updated on College systems instead. In both instances, and with consent of the colleague, this name can then be updated for their email address, Microsoft Teams account, College card, etc.

Following such a request, all files should be updated accordingly. Any records of prior names or gender identities should be deleted, or at least kept confidential. If stored, this information must be password-protected, and access only given to a small group of people who the trans colleague has given permission to. For example, this could include the colleague, their line manager, the relevant HR Business Partner, and the Director of Human Resources.



### 7.2. Photo ID

Photo ID, for College cards or profiles on Department pages of the Royal Holloway website, must be updated quickly and easily at the request of a trans colleague. In order to update images on a College card, the colleague can email a headshot photo of themselves to <u>Access Control</u>, who will issue them with a new card. For online Department pages, the colleague, or their line manager, should contact the relevant administrator for that portion of the website, who will usually sit within their Department.

It is important that trans colleagues are given the option to update their picture as many times as they wish. Some colleagues will transition over a period, and so will want their picture to reflect this process. Some may identify as **genderfluid**, and may wish to change their picture at different points during their employment. Some may only wish to change their photo once, or not at all. This should be discussed with their line manager, but does not need to be formalised beyond this.

### 7.3. Dress Code

If a colleague is required to wear a particular uniform, they must be able to choose the uniform items of their preference. They may require more than one version of the uniform, so they can dress to suit their fluid gender identity on different days. Very few College Departments require colleagues to wear a specific uniform, and in those that do, this clothing is largely gender neutral. However, if any issues arise, the colleague should contact their HR Business Partner.

Where there is no specific uniform, and colleagues are required to dress either 'smart' or 'smart-casual', they may wear whatever items they wish within this broad dress code.

### 7.4. Facilities

At the College, trans people are welcome to use the gendered facilities (e.g. toilets, changing rooms) which are appropriate for their gender, at any stage of their transition. There are also several gender neutral facilities at the College, outlined on the updated campus map, which may be preferred by



non-binary colleagues. Managers should be prepared to direct new recruits to these facilities on their induction campus tour, if the person requests this.

It is never appropriate to request that a trans person only uses gender neutral or disabled toilets or changing facilities, as this may not be their preference. If colleagues are ever made to feel uncomfortable using the facilities of their choice, they should inform their manager, HR Business Partner or the Equality, Diversity and Inclusion Team, so that follow up action can be taken.

#### 7.5. Absence from Work

Under the Equality Act 2010, time off for medical transition processes is reasonable under the protected characteristic of 'gender reassignment'. Therefore, any time off taken by a trans colleague as part of their transition process should never be held against them during their appraisal, or when considering them for promotion.

If an individual has chosen to undergo medical procedures as part of their transition, these are likely to be of utmost importance to their wellbeing, so the time off required must be respected. Some medical procedures can be lengthy and have long recovery times. They may also require multiple appointments. These dates are likely to be provided far in advance, but may be cancelled and rebooked at short notice.

Although the Equality Act only specifically refers to time off for medical procedures, the College recognises that it is good practice to ask colleagues who wish to transition at work whether they would like to take a short period of unpaid or annual leave beforehand. Even if there is no medical component, some colleagues may require time off to prepare for this transition. It could also be discussed with the colleague if, during this time, they would like any trans awareness training or discussions to be facilitated in their team. If this is the case, please contact the <u>Equality, Diversity and</u> <u>Inclusion Team</u> to arrange this.

## 8. Support within the College

There are many colleagues and services within the College who can support trans, non-binary and intersex colleagues, whether they are new to the College or have transitioned whilst working here.

#### 8.1. HR Business Partner

To help promote an inclusive environment, your HR Business Partner can guide colleagues and their manager through any transition process. They can also help colleagues access support services, such as Occupational Health, if they wish. If managers need any support to ensure they have sufficient knowledge to correctly advise their colleague, they can reach out to their HR Business Partner at any time.

# 8.2. Equality, Diversity and Inclusion (EDI) Team

The <u>EDI Team</u> within Human Resources can assist managers with guidance, best practice, and a greater understanding of trans issues. They can also offer online or face-to-face trans awareness training workshops, and have developed a <u>Moodle course in Trans Awareness</u> which colleagues can complete individually.

If you would like their support with any of the above, to help communicate a colleague's transition to the wider team, to provide further context to this guidance, or to assist you to access any other resources, please email equality@rhul.ac.uk.

### 8.3. LGBT+ Staff Network

There is an <u>LGBT+ Network</u> for staff and PhD students who identify as LGBT+ or allies. They are led by a committee and supported by the Equality, Diversity and Inclusion Team. They hold socials and events throughout the year, including Rainbow Lunches and events for LGBT+ History Month and Pride Month. To sign up to their mailing list and hear about their events, please email LGBT.Staff@rhul.ac.uk.

#### 8.4. Unions

The College works with <u>three trade unions</u>, who can also act as a point of contact and support for trans colleagues. Please see more information on the <u>GMB</u>, <u>UCU</u> and <u>Unite</u> websites.

#### 8.5. Employee Wellbeing Programme

<u>The Employee Wellbeing Programme</u> is a benefit provided free of charge to colleagues

at Royal Holloway, delivered by CiC. They offer independent and confidential advice and support on personal and professional issues, for colleagues and family members who live in the same household. Their services are available 24/7, and there is no limit to how many separate issues a colleague can contact them about. They offer both face-to-face and over-the-phone counselling services, as well as a range of online resources.

### 8.6. Student Services Centre

The <u>Student Services Centre</u> provides a central and accessible point of contact for all student enquiries. Students with any queries about transitioning or updating their name on College systems are welcome to ask here. If needed, students can also access counselling, support and guidance via the College's <u>Wellbeing Team</u>.



#### 9. Appendices

#### 9.1. Glossary

**Cis/Cisgender** - The term cisgender describes people whose gender identity aligns with the sex they were assigned at birth, as registered on their birth certificate (e.g. someone born biologically male, who identifies as a man). 'Cis' is an acceptable shortening of this term.

**Cisnormativity** - The assumption, mostly prevalent in Western society, that all people are cis or that being cis is the norm. This assumption privileges being cis over any other form of gender identity, and can lead to bias and behaviours which harm trans people.

**Deadnaming** - Referring to a trans person by a name they used before their transition, which they no longer go by.

**Gender Dysphoria** - The sense of unease that a person may experience because of a mismatch between their gender identity and assigned sex (e.g. because their biological features do not correlate to their gender identity). Some trans people experience gender dysphoria, but some do not; it is not necessary to experience dysphoria to identify as trans.

**Gender Expression** - An individual's choice of how they present themselves and their gender identity in terms of physical or social attributes (e.g. behaviour, clothing, hairstyle, voice, etc.) This can alter day-to-day, and may not always be consistent with the person's gender identity.

**Genderfluid** - One example of a nonbinary trans identity, characterised by an individual having a gender identity which is not permanent or fixed, but changes over time. This fluidity could be experienced over lengths of time spanning years, weeks, or days, or it could be felt moment to moment (e.g. fluctuating between multiple gender identities at all times). An individual's internal gender identity at any one time may or may not be outwardly expressed.

**Gender Identity** - How an individual internally identifies themself as man, woman, non-binary, or any other gender. Gender identity is psychological, and so does not relate to biology. Therefore, someone's gender may not align with their sex assigned at birth.

Gender Non-Conforming - Relating to people whose gender expression or behaviour does not conform to cultural and social cisnormative expectations about masculinity and femininity.

Intersex - Intersex people have genetic variations of sex characteristics that differ from 'male' or 'female'. Intersex is an umbrella term for a diverse range of traits that can be determined prenatally, at birth, during puberty or at other times (e.g. ambiguous genitalia, different chromosome expression or hormone levels). It is estimated that about 1.7% of the population has intersex traits, although people may not know or may not personally identify as intersex and/or trans. In the UK, intersex newborns may undergo surgery with parental consent, to make their body align more to the societal/medical norm of 'male' or 'female'. This is problematic as the child is not able to consent for themselves.

**Misgendering** - Referring to someone by the incorrect gendered terms for their identity (e.g. using the wrong pronouns, referring to them as 'Sir'/'Madam' when they do not identify as a man/woman, etc.). This usually stems from cisnormative assumptions about the person's gender identity based on their appearance.

Non-Binary - People whose gender identity doesn't fit comfortably with 'man' or 'woman', and exists on or outside of the spectrum between the two. They may have a fixed identity on the spectrum, move fluidly on it, hold multiple gender identities simultaneously, or not identify with the concept of gender at all. Non-binary identities fall under the trans umbrella. Non-binary people may use the pronouns they/them, or neopronouns, but this is not always the case – it is best to take their lead or ask.

Sex - An individual's biological characteristics (e.g. genitalia, chromosomes, hormones). In the UK, sex is always assigned 'female' or 'male' at birth, based on observable characteristics, although genetic variation occurs (see 'Intersex'). Sex is distinct from gender identity, which is a psychological concept.

**Sexuality** - An individual's attraction to other people, or lack thereof. The attraction felt may be emotional, romantic, physical, and/ or sexual. This may interact with your gender identity (e.g. you may only feel attracted to people with a different gender identity to your own). However, sexuality is a distinct concept from gender identity.

**Trans/Transgender** - The term transgender describes any person whose gender identity does not align with the sex they were assigned at birth. 'Trans' is an acceptable shortening of this word, frequently used throughout this guide. Trans(gender) is an umbrella term, which encompasses all binary trans identities (i.e. men or women), non-binary trans identities, and other types of gender nonconformity. Some trans people may strongly identify with being trans, whilst others may not see it as an important part of their identity. For example, trans women may simply identify as women, and trans men as men.

**Transition ('Gender Reassignment')** - Any manner by which an individual transitions from one gender to another, including non-binary gender identities (e.g. changing their name/ pronouns, altering their gender expression, etc). This can firstly represent an individual transitioning away from the gender which aligns with their assigned sex, but people can transition multiple times throughout their life. Transitions do not necessarily need to involve any surgical/hormonal interventions. Gender transition is considered a more inclusive term today, but 'gender reassignment' is the term used in the Equality Act 2010 as one of the nine protected characteristics.

**Transphobia** - Fear and prejudice of, negative attitudes towards, and harmful behaviour inflicted against people who identify as trans.

### 9.2. Frequently Asked Questions

#### How do I talk about a trans person?

You should always follow the lead of every individual trans person. Some people may prefer that their trans identity or history is not discussed at all. If they are happy for you to discuss this, most people within the community will prefer the terms 'trans' or 'transgender'. Most will find terms like 'transsexual' or 'transvestite' highly offensive and outdated, so these must not be used unless the person explicitly identifies in that way.

A trans person's name or pronouns may not align with the gender you perceive them to

have based on their appearance, but that perception is often based in cisnormative assumptions about gender identity, which you must challenge when they arise. It is very important to the wellbeing of trans people that their names and pronouns are respected.

It is equally important to keep this up when trans people are not in the room. Try to correct yourself and others if a trans person's deadname or incorrect pronouns are used. Not only does it show basic respect and allyship, but it will help yourself and your colleagues to remember the person's name, will help prevent further mistakes in future, and will create a safer and more inclusive environment for everyone.

#### How can I find out someone's pronouns?

Some people do not mind being asked directly what their pronouns are. However, if you would like to do this, it's important that you replicate the question for every other person in the room you are meeting for the first time, not just the person whose gender identity is unclear to you. No-one's identity should be assumed from their appearance alone, and singling one person out to ask their pronouns can make them feel isolated.

Additionally, some trans and non-binary people may not feel fully comfortable to 'out' themselves in certain situations. Therefore, it is preferable to introduce a practice where the person leading a discussion provides their own pronouns in their introduction, and asks everyone else to do the same if they wish. This creates a safe space, and an opportunity for people to share without the pressure of being asked directly.

You could also put your pronouns next to your name in your email signature, presentation slides, written documents, etc. This is another opportunity for colleagues and external stakeholders to learn your pronouns.



# Is it grammatically correct to use the 'they/them' pronoun in the singular?

Imagine seeing a phone left on a table in a campus meeting room, with no-one around. Your first thought is very unlikely to be "someone has left his or her phone here" – it comes much more naturally to say 'their'. This demonstrates that it is grammatically correct to use 'they/them' in the singular. It is possible that you have never used this pronoun to refer to a named individual before, and it can take some getting used to. However, it is very important to respect these pronouns and practice using them, so that non-binary people feel included.

# What if someone uses a neopronoun I haven't heard before?

Neopronouns are a category of non-binary pronouns which people may use instead of 'he/him', 'she/her' or 'they/them'. Some examples include 'ze/zir' (pronounced zee/ zere) and 'xe/xem' (pronounced zay/zair), but there are many others. If someone has shared these pronouns with you and you are not sure how to pronounce them, it is better to ask the person rather than to get it wrong, or to ignore them. Some neopronouns may have multiple pronunciations, so you could ask the person how they pronounce them.

# What should I do if I accidentally deadname/misgender a trans person?

It is very natural that you may feel guilty for doing this, but it is best not to apologise profusely and draw lots of attention to the situation. This can make it even more awkward or upsetting for the trans person, and will put them in a position of having to alleviate your guilt and bring an end to the situation by saying it's okay – when it may not be okay for them at all. Therefore, the best thing to do when you make a mistake is to apologise briefly, say the correct name or pronouns, and move on. You may find it useful to repeat the person's name and pronouns in your head a few times, to help you remember. If someone else corrects you whilst you're speaking, again it is best to thank them, correct yourself, and move on. It is important that you also take the step to being an ally by correcting other people when they deadname or misgender a trans person.

# Is it okay to ask someone if they are trans?

In daily workplace conversations, it is very unlikely that it will be necessary for you to know someone's gender identity or trans history. Therefore, it is not appropriate to ask someone if they're trans. For some people, being trans is an important part of their identity, and they may bring it up themselves. If so, they are probably comfortable to engage in a discussion with you about it. However, it is best to let them lead the discussion, and not raise a topic which they have not mentioned themselves.

Some other things it is inappropriate to say to a trans person include:

- Asking what their name 'used to be', or to see photos from before their transition.
- Asking about any medical transition routes they have taken, or plan to take (e.g. hormones, surgery).
- Telling them that it must be 'difficult' or 'brave' to be trans.
- Giving 'compliments' or 'advice' (e.g. "I didn't know you were trans, you look like a real man", "You'd pass better if you wore different makeup").

• Asking them lots of questions about trans issues, thereby putting the weight of your education on them.

# What's the difference between sexuality and gender identity?

Sexuality and gender identity are different aspects of an individual, although they're often conflated and seen as the same thing. They do correlate with each other, and 'LGBT+' is a commonly used acronym which includes lesbian, gay, bisexual, trans, and other minoritised sexualities and gender identities, so this topic can be confusing.

Put simply, your sexuality is who you are attracted to, and your gender is who you identify as. Your gender identity plays into your sexuality, in terms of the gender(s) you are attracted to and how they compare to your own. For example, heterosexual people are attracted to one gender other than their own, and bisexual people are attracted to the same and different genders to their own. However, they are not one and the same. Neither of them are fixed, and both can grow and develop throughout your life.

#### 10. Resources

#### **College Moodle course:**

Introduction to Trans Awareness (includes additional resources)

#### College policies/guidance:

- Dignity at Work Policy
- Trans Ally at Work Guidance
- Coming Out at Work Guidance

#### External sources:

- <u>Stonewall</u>
  - LGBT in Britain Trans Report
  - The truth about trans
  - Being non-binary in the UK today
  - <u>10 ways to step up as an ally to non-binary</u> <u>people</u>
- <u>Gendered Intelligence</u>
- <u>MyPronouns</u>
- TransActual
- <u>Mermaids</u>
- Global Butterflies
- <u>MindOut</u> and <u>Switchboard LGBT+</u> (LGBT+ mental health services).



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