Transgender Equality & Transitioning at Work Guidance
1. Introduction
So, why come out at work? You may be comfortable enough to be out and open in your personal life, but not at work, or not see the need to be out, if you don’t think it’s relevant to your work.

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

Trans and gender non-conforming people are protected by the characteristic of ‘gender reassignment’. Although this term is now considered to be outdated, with calls being made to replace this with ‘gender identity’, this provides protection against discrimination for anyone whose gender identity is not the same as they were ascribed at birth, based on a perceived physical sex.

2.2. Gender Recognition Act 2004
The Gender Recognition Act 2004 puts in place the measures for a trans person to formally change their legal sex as written on their birth certificate. This is called a Gender Recognition Certificate (GRC). Over 4000 certificates have been produced since the Act was passed, but fewer and fewer trans* people are seeking out formal certification or see it as a crucial part of their transition, or even undergoing a ‘transition’ process at all.

Since the Act was passed, trans 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 and gender non-conforming experiences vary greatly, and the transition process, or absence of any such formal process, is unique for each individual.

A GRC can be administered by the Gender Recognition Panel once the following has occurred:

- The trans applicant has been diagnosed with gender dysphoria, a condition in which one experiences significant discomfort and distress owing to their gender identity not matching their biological sex (this does not apply to all trans* people and not all trans* people would say that this represents their situation)
- They have committed to living in their chosen gender for the rest of their lives
- They have been living in their chosen gender for at least the previous two years

These requirements will not work for all trans* people. Gender non-conforming people may not identify into a recognisable gender, some trans*

people have gender fluid identities, meaning they could not commit to living in their chosen gender for the rest of their lives, and not all trans* people experience gender dysphoria, or anything remotely like it.

If a trans or gender non-conforming 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 such a certificate, as they would not specifically ask for a birth certificate from any other employee or service user. An updated birth certificate will allow GRC holders to update their other documentation (such as their driving licence or passport), and so this should be accepted as suitable identification.

For more information regarding GRCs, head to the Government website, here: www.gov.uk/apply-gender-recognition-certificate/overview

2.3. Data Protection Act 1988

The Data Protection Act 1988 requires that any digital records of an individual’s personal life and medical history (referred to as ‘sensitive personal data’), must be secured under password protection, and kept only for as long as is absolutely necessary. In order to access these files, written consent should be obtained from the person to whom they refer (eg. a trans or gender non-conforming employee 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 (the trans employee) is entitled to compensation from the data controller.

2. Gender Identity Research & Education Society, Trans Mental Health Study 2012 (September 2012)
Wherever possible, files containing the previous name and information of a trans or gender non-conforming person should be destroyed once the request has been made to update these. If they do need to be stored, however, it is important for these files to be stored separately from other documents relating to this individual, in a lockable storage point. Access to these should only be granted on receipt of written consent from the person to whom they pertain (the trans or gender non-conforming staff member).

2.4. Going beyond Compliance
The College believes that equality and inclusion are about going beyond our Public Sector Duty, and about more than simple compliance 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 reductive and outdated, and no longer used by the trans* communities, and so we have opted to take their lead on our understanding of trans and gender non-conforming issues. Therefore, we want to recognise, protect and empower trans and gender non-conforming staff in whatever way they might identify, and in whatever ways they might need our support as an employer and as an organisation. We support a Social Model of transition, and will look to our trans and gender non-conforming colleagues, as well as external experts, to shape and develop our ongoing commitment to trans* equality.

3. Background to Transgender Issues
It is estimated by the Gender Identity Research & Education Society (GIRES) that there are 650,000 trans and gender non-conforming people living in the UK. This estimate was made in 2012, and the absence of an updated figure is testament to the currently insufficient statistical data we have regarding trans* identities.

Trans and gender non-conforming people can experience lots of slights and challenges to their identity on a daily basis, and especially in a working environment. Mis-gendering, especially when a colleague has transitioned while in their current place of work, can often occur and, if not managed appropriately, can have a real negative impact on the self-esteem of a trans or gender non-conforming member of staff.

Misgendering can be a simple mistake, a result of expectations our society has of men and women, and of a trans* person not necessarily matching these expectations. If a trans or gender non-conforming person is misgendered, whether by a colleague or service-user, and they make you aware of this, the best thing to do is to apologise and ask them how they would like to be referred

Good practice would be to avoid gendered terminology in all interactions where you do not already have a relationship with the person you’re speaking to, so removing he/him, she/her, sir/madam, ladies/gentlemen, etc.

Intentional misgendering (referring to a trans or gender non-conforming person by the incorrect gendered terms repeatedly and after having been made aware of their chosen gender definition) equates to bullying and harassment, and should be dealt with according to the ‘Dignity at Work: Bullying and Harassment’ policy (https://www.royalholloway.ac.uk/iquad/documents/pdf/humanresourcespdf/dignityatworkanti-bullyingandharassmentpolicyapril2016.pdf).

Transphobia (fear, prejudice, or otherwise negative attitudes towards all people under the trans* umbrella) takes multiple different forms and goes beyond simple misgendering. Stonewall, a leading UK-based LGBT charity, have found that “38% of trans people have experienced physical intimidation and threats, and 81% have experienced silent harassment (e.g. being stared at/whispered about).” At work, 42% of trans employees in the UK do not live in their chosen gender full-time because they fear it might impact on their employment status, and 10% have experienced verbal abuse at work, with a further 6% experiencing physical abuse.

These statistics reflect the profoundly negative experiences which, unfortunately, ring true for many trans and gender non-conforming people. The College is committed to ensuring the best possible quality of working life for our trans and gender non-conforming staff, ensuring that they have equal access to development and progression, have a work experience free of bullying and harassment, and feel comfortable and empowered to be themselves in the workplace.

If you have any questions or concerns relating to the statistics and terms mapped out in this section, you can contact the Equality & Diversity team in Human Resources.

4. Social vs Medical Model of Transitioning

Previously, when we have talked about coming out as trans, or transitioning, we have used a purely medical understanding for this process, and have completely ignored the social aspects of it. It is now recognised to be important to acknowledge that everyone’s transitioning process will be completely unique, and that there is no one-size-fits-all approach.

The use of medical terminology, or periods of time off required for medical interventions, or even the discussion of hormone therapies, are
all now potentially outdated ways of thinking about a transition. Not every trans* person will require or desire any of these things, many may simple adjust their clothes, their style and their mannerisms. This is especially important to acknowledge in light of the fact that, due to prejudice and discrimination, many trans* people who might wish to access such surgeries or treatments are unable to, often for financial reasons.

It’s important to treat all of these people with the same levels of dignity and respect, and to acknowledge that any transitioning process can be daunting and draining, and so staff may need support or time away from work, no matter what the details of their process are.

Possibly the most important point regarding this, is that the details of a trans or gender non-conforming colleague’s transition are personal and private to them, and staff should not be asked invasive questions regarding any procedures they may or may not have had.

5. Your Responsibilities as a Manager
As a manager, it is your responsibility to support your staff members at every stage of their employment. That means that whether you’re recruiting a trans or gender non-conforming member of staff, or a member of your team is transitioning at work, you should make sure to be engaged in honest and open dialogues with this member of staff, in order to best ascertain their needs and expectations.

With the staff member’s consent, it is also important for you to be in contact with your HR Business Partner and with the Equality & Diversity team, in order to have the best possible understanding of what the College can do to support you and your staff member.

More information about supporting trans and gender non-conforming staff through the recruitment process, through their transition in the workplace, and through any bullying and harassment claims, can be found in the separate ‘Transitioning at Work: Line Manager’s Guide’.

6. Your Responsibilities as a Staff Member
As a new recruit or a member of staff who is intending to transition while working for the College, we absolutely welcome this and are here to support you and celebrate with you at this life-changing time.

We do, however, encourage that you inform us of your transition, so that we can take appropriate measures to support you, such as time away from work or clear signposting of facilities, and also manage relationships with colleagues in your team, Department and external stakeholders who you might engage with.

7. Transitioning at Work
7.1. Name Change & Data Protection
In order to change the name of a trans* employee on official staff records, the only evidence required should be a signed request from the trans* member of staff, and a copy of their driving licence or passport as evidence of a legal name change.

Following such a request, all files should be updated accordingly. Any records of prior names or gender identities should be kept confidential, and should only be accessible to the small group who have been given permission to view these by the trans* employee. This information should be password protected, and kept to as small-a-group as possible, for example, the member of staff, their line manager, the relevant HR Business Partner and the Director of Human Resources.

7.2. Photo ID

Photo ID, for staff cards or profiles on Department pages of the Royal Holloway website, should be updated easily at the request of the trans* employee. In order to update images on a staff card, the member of staff can email up-to-date photos of themselves to Access Control (AccessControl@rhul.ac.uk), who will issue them with a new card.

For online Department pages, the trans* staff member, 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* staff members are given the option to update their picture as many times as they feel is necessary. Some members of staff will transition over a period, and so will want their picture to reflect this process, some may identify as gender-fluid and wish to change their picture at different points across their employment, depending on their gender definition at that time, and some will only want to change their picture once. This should be agreed with their line manager, but does not need to be formalised beyond this.

7.3. Dress Code

If a member of staff is required to wear a particular uniform, this should reflect their chosen gender identity as much as possible. At the College, very few Departments require staff to wear a specific uniform, and in those that do, this clothing is largely gender neutral. If any issues do arise, however, the member of staff should contact their HR Officer.

Where there is no specific uniform, and staff are required to dress either ‘smart’ or ‘smart-casual’, the clothing of staff should not necessarily be policed. A trans or gender non-conforming
member of staff is entitled to wear traditionally masculine clothing (a shirt, tie and trousers), traditionally feminine clothing (a blouse and skirt), or some combination of the two, depending on what best suits them and their gender identity.

7.4. Facilities
Facilities such as toilets and changing rooms should be accessible to a trans or gender non-conforming based on their gender definition, and not on their legal or previous sex. It is not appropriate to suggest that trans and gender non-conforming people use disability-accessible toilets as an alternative so that other, non-trans staff do not feel uncomfortable. Any staff who express any disquiet with sharing a facility with a trans or gender non-conforming staff member should first of all have the situation and the importance of being able to live authentically explained to them. For support with this, or if the individual is still not comfortable with the situation, contact the Equality & Diversity team, ask the staff member themselves if they are happy to explain, or reach out to your HR Officer.

It is, however, good practice to provide gender neutral toilet and changing facilities, for gender non-conforming staff, or those who are going through a process of transitioning, or present as gender fluid. The College has gender-neutral toilet facilities in the following locations:

- The Library and Student Services Centre
- The Boilerhouse
- The International Building
- The Bourne Building
- The Students’ Union Building

If your trans or gender non-conforming member of staff is a new recruit, it might be useful to include pointing these out as part of any campus tour they are given at induction.

In terms of changing facilities, the same rule applies. Trans and gender non-conforming people are not the problem, and should be able to use the facilities which best match their gender identity, the same as every other member of staff.

7.5. Absence from Work
Under the Equality Act 2010, time off for treatment is reasonable under the protected characteristic of ‘gender reassignment’. What this means is that any time off taken by a trans or gender non-conforming member of staff as part of their transition process should not be held against them as part of an appraisal, or when considering them for promotion.

Be aware that some medical procedures which might make up part of a person’s transition can be quite lengthy and have a long recovery time. These procedures, when administered on the NHS, can have quite long wait times, can be offered at relatively short notice, and might require entire days away from work. These may be crucial to the individual’s transition, however, and so should be respected.

Although the Equality Act is specifically referring to time off for medical procedures, it is good practice to allow a short period of leave for a
member of staff between any announcement of their trans status and their first day of presentation in their chosen gender at work. This time can be used to make cosmetic changes and for the staff member to ready themselves for this big change in their life. This follows the principle that, purely because there are no medical connotations to a person living in their chosen gender presentation, this does not mean that this will not be a lengthy process which might require time away from work.

8. Support within the College
There are many colleagues and support services within the College who can support trans and gender non-conforming members of staff, whether new recruits, or those who have transitioned while working for the College.

8.1. HR Business Partner
Your HR Business Partner can help to guide both you and your staff member through any transitioning process, or can help employees to access support services, such as Occupational Health. They are also there to offer support, so reach out to them if you feel as though you are not best placed, or do not have sufficient knowledge or understanding of the area, to appropriately integrate and advise your staff member.

8.2. Employee Assistance Programme
The Employee Assistance Programme (EAP) is a benefit provided free of charge to staff at Royal Holloway, and delivered by Workplace Options. They offer impartial and confidential advice and support on personal, professional and family issues. Their services are available 24/7 and there is no limit to how many separate instances or issues a staff member can contact them regarding. The EAP offers both face-to-face and over-the-phone counselling services, as well as a range of online resources, and professional consultations.

You should encourage your staff member to contact them directly, or to access their online resources, through the following link: www.royalholloway.ac.uk/iquad/campuslife/eap/home
8.3. Equality & Diversity team
The Equality & Diversity team within Human Resources can assist managers with guidance, best practice and a greater understanding of trans and gender non-conforming issues, and can also offer support and context with using the manager guidelines, or accessing other trans*-friendly resources.

They can also support you with communicating a transition to your wider team, or offer training workshops to develop and support team members who will be working alongside a trans or gender non-conforming colleague.

8.4. LGBT Staff Network
There is a staff network for LGB&T people which holds socials and events throughout the year, and is led by a self-defining staff committee, supported by the Equality & Diversity team. To find out about some of their events (which have included evening socials, attendance at the Brighton Equality Walk and film screenings alongside the Students’ Union in LGBT History Month), or to sign up to their mailing list, email LGBT.Staff@rhul.ac.uk.

8.5. Student Support & Advisory Services
The Support & Advisory Services, although predominantly for the support of students, offer a free counselling service which is accessible for staff. Many of the Support & Advisory Service staff have been trained in introductory trans* awareness training by the charity Gendered Intelligence, in February 2016, and so have a good background to understanding issues which may be experience by trans and gender non-conforming individuals.
9. Appendices
9.1. Glossary of Terms

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<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Transgender</td>
<td>Transgender is a term used to describe people whose gender identity differs from the sex the doctor marked on their birth certificate. For transgender people, the sex they were assigned at birth and their own internal gender identity do not match.</td>
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<tr>
<td>Cisgender</td>
<td>Someone who identifies as cisgender has a gender identity and expression which is in line with their physical sex, and with the gender identity that they were assumed to have at birth.</td>
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<tr>
<td>Non-binary/Gender Non-Conforming</td>
<td>Someone who identifies as non-binary identifies somewhere along the spectrum of possible genders, or identifies as having no gender at all, rather than using the binary terms of ‘man’ and ‘woman’. Non-binary people may prefer to use the pronouns ‘they’/‘them’, but it is always best to take the lead of each non-binary person on an individual basis, and to ask if uncertain.</td>
</tr>
<tr>
<td>Gender Identity/Expression</td>
<td>Gender identity is a person’s internal, personal sense of being a man or a woman (or someone outside of that gender binary). This is not linked in any way to your sexual physiology, but is about your presentation and your sense of self.</td>
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<tr>
<td>Gender Presentation</td>
<td>The way in which one presents is how they outwardly project their gender identity, be that in terms of physical mannerisms, voice, clothing, make-up, hairstyle, or any other physical or social attributes</td>
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</table>
| Gender Fluidity               | Gender Fluidity refers to someone’s gender not being in a permanent or fixed state. Someone who identifies as Gender Fluid may have a varying gender identity, which changes over time. There is no fixed model for this:  
• for some people, they might feel masculine at one stage in their life, feminine at another, and genderless at others  
• some people may move rapidly between genders, expressing themselves in a feminine way one day or masculine the next  
• some may identify with a combination of genders at all times, which fluctuates, meaning they might be more dominantly feminine one day, and more dominantly feminine another, though still with combinations of other presentations. |
| Misgendering                  | To misgender someone is to refer to them by an incorrect gender, either by placing someone within the gender binary, or failing to acknowledge their presentation against your own assumptions e.g. referring to a trans man early on in their transition as ‘she’. |
| Sexual Orientation            | Your sexual orientation is who you are sexually attracted to, based upon their gender. This can encompass attraction to men, attraction to women, attraction to both, or attraction to other genders, or even no attraction at all. This is different from, but may interact with, your gender identity. |
9.2. Frequently Asked Questions

What does trans* mean?

Trans* is an umbrella term for people who identify as transgender (trans), transsexual, gender non-conforming, non-binary or intersex. Sometimes these communities might also be referred to as gender variant. The ‘*’ denotes that, while transgender (trans) is the largest and most widely recognised group within this umbrella, there are many other identities and definitions to be mindful of.

Largely, these are communities of people whose physical sex, as designated at birth, does not match up with their gender expression or their gender identity. Some may take medical measures to bring these attributes into closer alignment, but many will not and will develop their own way of presenting and defining their gender.

How do I talk about a trans* person?

As they would talk about themselves. You should follow the lead of a trans or gender non-conforming person. If they introduce themselves using a traditionally masculine name, then that’s their name, no matter whether or not they appear masculine to you. If they refer to themselves with a gender-neutral pronoun, such as “they/them”, then that is how they would like to be described, and you should do your best to replicate this, even if it sounds strange or grammatically incorrect to you.

It’s really important to make this effort, as ignoring someone’s pronouns or chosen gender can undermine the great amount of personal development and adversity that they may have gone through in order to present in this chosen gender. It’s also important to make this effort even when they are not in the room; it’s a
really good habit for you and others to refer to someone in their chosen gender and by their chosen name whether they can hear you or not, as it is respectful to them, and also means you’re less likely to make mistakes in the long run.

**How do I know if someone is trans*?**

Is it okay to ask?

No. If you meet someone and suspect that they may be trans*, but they have not brought it up themselves, then you should not. Again, following their lead will make the person more comfortable and feel more in control. For many, being trans is a part of their life, but not the way they will define for the rest of their lives. Asking someone if they’re trans/used to be a man/woman tells them that they don’t fit with society’s expectations of gender, and this can be incredibly damaging.

If someone has a gender non-conforming or non-binary definition, and present in a way which clearly does not match either gender profile (either combining aspects of masculinity and femininity, or shirking both altogether), then it might be okay to ask them, ‘how would you like to be referred to?’ This way, they don’t have to reveal anything about their trans” history to you, but you can avoid making mistakes around their pronouns (he/she/they) and gender identity.

**What’s the difference between sex and gender?**

Sex describes your physiology: your hormones, your physical body, and often, your genitals. Gender describes you as a person: your mannerisms, the way you dress and the way you feel about yourself. Someone who is transgender might make changes to their gender presentation, without making any refinements to their sex.
What’s the difference between sexuality/sexual orientation and gender?

Sexuality, sexual orientation and gender are all different aspects of an individual, although they’re often conflated and seen as the same thing. This does not mean, however, that they are without overlap, which may be where much of the confusion arises from.

Your sexual orientation is who you are attracted to: either people of the same gender, people of a different gender, or both.

Your gender is the way you see yourself, the way you might act, the way you might dress, the spaces you feel comfortable in, and the kind of gendered role you may play within society, and within your relationships.

Your sexuality is what you do and do not enjoy sexually, and who you enjoy doing it with.

Sexuality is not a fixed position, just like gender, and so grows and develops with you across your life. For some people, this may be that they don’t enjoy sex at all, while for others, sex is integral to a relationship. Your sexuality is also gendered; the way you describe yourself is partly reliant on how you identify your gender and that of your partner(s). For example, a lesbian woman defining as such is reliant on her defining herself as a woman, and on her partner(s) also defining their gender as women. Your sexual orientation and your gender are both a part of what makes up your sexuality.

Why does this matter to the College?

UK-based trans activist, Fox Fisher, said that ‘I found my resting place in the fluidity of gender. When I found self-acceptance, the rest of the world aligned with me.’ This sense of self-acceptance, of belonging and engagement in society is why an awareness of trans and gender non-conforming issues matters to the College.

We believe in recruiting and retaining the best talent, and that creating a workplace where all members of staff feel free and supported to be their authentic selves is the best and most proactive step towards that.
Useful resources and contacts

gires.org.uk/the-wiki

genderedintelligence.co.uk
0207 832 5848

gendertrust.org.uk
Helpline - 0845 231 0505

stonewall.org.uk/

nhs.uk/livewell/transhealth/pages/transhealthhome.aspx