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Equal Opportunities Commission

# **Meeting the gender duty for transsexual staff**

**Guidance for GB public authorities**

**gender**  
equality duty

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# 1. MEETING THE GENDER DUTY FOR TRANSEXUAL STAFF

## Introduction

The gender equality duty means that from April 2007 public authorities will be required to have due regard to the need to eliminate discrimination and harassment on grounds of gender reassignment in the fields of employment, vocational training (including further and higher education).<sup>1</sup>

This guidance has been produced to help public sector managers to fulfil the requirements of this new duty. It is designed to be a toolkit to guide you in your implementation of the duty; it is not legally binding. The Gender Equality Code of Practice is the key document on how to meet the legal requirements of the Duty. A court or tribunal may draw an adverse inference that a breach of the law has occurred if a public authority has failed to follow relevant provisions under the Code. Since the duty applies initially only in the areas of employment and vocational training (including further and higher education) these are the areas covered by this guidance document.

The scope of the legal protection against discrimination and harassment on the grounds of gender reassignment will, however, be extended within the Sex Discrimination Act (by the Goods and Services Directive). From the date of implementation of the Directive<sup>2</sup> public authorities will be under a duty to have due regard to the need to eliminate unlawful discrimination and harassment on grounds of gender reassignment in the provision of goods, facilities and services and in the disposal and management of premises<sup>3</sup>.

This document will, therefore, be extended in due course to cover the provision of goods, facilities and services and disposal and management of premises in addition to employment and vocational training.

## Background

Transgender people are those people who identify their gender to be different from the physical sex at birth. Transgenderism, sometimes known as gender dysphoria, is recognised as a medical condition. It is accompanied by a sense of discomfort with one's physical body and a wish to go through a process known as gender reassignment or transition.

Some transgender people undergo medical treatment - gender reassignment - which can include cosmetic treatment, such as electrolysis for hair removal, hormone therapy and/or reconstructive surgery. Some people elect not to undergo medical treatment and simply live their life in their new gender role. It is very much an individual decision.

The term transsexual is usually used to describe a person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery) is transsexual. This group of people is currently offered legal protection by UK law sex discrimination law, and so is covered by the provisions of the gender equality duty. Throughout this guide the term "transsexual person" is used to indicate those who are

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<sup>1</sup> For an explanation of the terms used in this guidance, please see the glossary

<sup>2</sup> Domestic legislation implementing the Directive will be in place by 21 December 2007 at the latest

<sup>3</sup> For example, a local authority managing or selling off council housing.

specifically covered by the legislation. As a matter of good practice the EOC recommends that public authorities should ensure that their policies and procedures cover transgender people as well as those who are transsexual.

Trans people often experience harassment - including verbal abuse and physical violence by other employees, customers, clients or suppliers - and discrimination in recruitment, promotion, remuneration, benefits and other aspects of employment.<sup>4</sup>

Transsexual staff, like any other employees, have valuable skills to offer. As an employer, you have a legal obligation law to ensure that all your staff, regardless of whether they intend to undergo, are undergoing or have undergone gender reassignment, do not suffer discriminatory treatment at work and it is best practice to ensure that they are able to reach their full potential.

It is recommended that public authorities ensure that their policies and practices provide protection and support to all individuals who define as transgender or gender variant, not only those who fit the narrower definition of transsexual.

### **The process of gender reassignment or transition**

The term gender reassignment or transition refers to the process that a person goes through to present themselves permanently in their new gender. This usually includes a regime of specialist psychiatric evaluation, hormone treatment, real-life experiences and sometimes reconstructive surgery.

The process of diagnosis and treatment can take anything from a matter of months to a period of years. The initial diagnosis is usually followed by hormone therapy, after which an individual may proceed to one or more reassignment surgeries. If the individual opts to undertake any irreversible surgical intervention, he or she may live and work in their new gender for a period prior to the surgery – this is referred to as a real life test. A real life test is a prerequisite to obtaining a gender recognition certificate and to obtaining gender reassignment surgery in the UK.

At some point in this process the individual will start to live and work full-time in their chosen gender and at this point their name and other records will be changed. A person may choose to live full-time in their new name and gender without having previously undergone any surgical intervention. Surgical intervention is not a requirement and some people may choose not to undergo surgery due to age or other health factors.

It is important to remember that both the precise content and timescale for this process will be different in each individual case and could vary quite significantly. It will depend on the circumstances of the individual, waiting times for treatment and, to a certain extent, on whether treatment is being privately funded or carried out by the NHS.

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<sup>4</sup> Employment and Discrimination for trans people, S Whittle, Manchester Metropolitan University, 2000

## Summary of the law

### Sex Discrimination Act 1975

The Sex Discrimination Act (SDA) provides legal protection on many grounds, including:

- On the grounds of sex (i.e. male or female) and;
- On the grounds of gender reassignment.

People who intend to undergo, are undergoing or have undergone gender reassignment are protected against discrimination and harassment, on the grounds of gender reassignment, in employment and related areas and vocational training (including further and higher education). This covers all aspects of employment, including recruitment and selection processes, employment-related benefits, and facilities, including training, career development and references.

Individuals who take a claim for sex discrimination under the SDA are considered to be their birth sex unless they have received a gender recognition certificate. A transsexual person with a gender recognition certificate has protection in all areas covered by the SDA in his or her recognised gender and will also have protection for gender reassignment.

Some examples of discrimination on the grounds of gender reassignment may include:

- Refusing to associate with or ignoring someone because they are transsexual
- Refusing to address the person in their acquired gender or to use their new name
- Probing into the person's private life and relationships
- Spreading malicious gossip about that person
- Failing to keep confidential information about that person's transsexual status
- Indefinite refusal to allow use of sanitary facilities appropriate to their gender after a reasonable transition period
- Treating that person less favourably than others in regard to sickness or other absences

### Gender Recognition Act 2004

The Gender Recognition Act (GRA) gives legal recognition in their acquired gender to transsexual people. They must satisfy the Gender Recognition Panel that they:

- Have or have had gender dysphoria, and
- Have lived in the acquired gender for a period of two years prior to the application, and
- Intend to live permanently in the acquired gender
- Have provided medical reports containing specified information.

If their application is successful, the transsexual person's gender becomes for all purposes the acquired gender and they will receive a full gender recognition certificate (GRC). The GRA allows for the creation of a modified birth certificate reflecting the holder's new gender.

In specified circumstances the GRA prohibits disclosure of the fact that someone has applied for a GRC or disclosure of someone's gender prior to the acquisition of the GRC. Such disclosure constitutes a criminal offence liable to a fine.

## Equality Act 2006

The Equality Act 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need:

- To eliminate unlawful discrimination and harassment
- To promote equality of opportunity between men and women

As part of the duty, public authorities are required to have regard to the need to eliminate discrimination and harassment in employment and related fields and vocational training (including further and higher education), for people who intend to undergo, are undergoing or have undergone gender reassignment.

## Data Protection Act 1988

Under the Data Protection Act 1988, transsexual identity and gender reassignment would constitute 'sensitive data' for the purposes of the legislation and must be processed as such. For more information on data protection, please consult the Information Commissioner's website.

## Goods and Services Directive 2004/13

The scope of the legal protection against discrimination on grounds of gender reassignment will be extended within the SDA by the implementation of the Goods and Services Directive. This will be implemented by 21<sup>st</sup> December 2007 at the latest. From the date of implementation public authorities will be under a duty to have due regard to the need to eliminate unlawful discrimination and harassment on grounds of gender reassignment in the provision of goods, facilities and services and the disposal and management of premises.

## The gender equality duty and transsexual people

The gender equality duty places on public authorities, when carrying out their functions, to have due regard to the need:

- to eliminate unlawful discrimination and harassment
- to promote equality of opportunity between men and women.

Known as the general duty, this places on public bodies an obligation to pay due regard to the need to address and eliminate the unlawful discrimination and harassment of transsexual people in employment, related fields and vocational training (including further and higher education). As a matter of good practice, however, the EOC recommends that public authorities consider applying this obligation to the provision of goods, facilities and services and disposal and management of premises as well. As stated above, the gender duty will be extended to cover these areas in any event when the Goods and Services Directive is implemented by December 2007.

The definition of "transsexual" used in the gender equality duty is the same as that in the SDA, but it is recommended as good practice that you apply any provisions for transsexual people to those who define as transgender as well.

Those public bodies listed in the Code of Practice are further required to comply with the specific duties. In summary, these duties are:

- To prepare and publish a gender equality scheme, setting out gender equality objectives.
- In formulating overall gender equality objectives, to consider the need to include objectives to address the causes of any gender pay gap.
- To gather and use information on how the public authority's policies and practices affect gender.
- To consult stakeholders and take account of relevant information in order to determine its gender equality objectives.
- To assess the impact of current and proposed policies and practices on gender equality.
- To implement the actions set out in the scheme within three years, unless it is unreasonable or impracticable to do so.
- To report against the scheme every year and review the scheme at least every three years.

Public authorities will need to consider having an equality scheme objective relating to transsexual employees (and from December 2007, transsexual service users) to comply with the specific duties. When consulting with stakeholders, the EOC recommends that public authorities specifically target trans advocacy groups to ensure that the needs of the trans community are taken into account when developing policy and gender objectives. Public authorities will need to assess the impact of their policies and practices on trans people in order to determine whether they have a discriminatory effect – you may not realise that your policies may be indirectly discriminating unless you conduct an impact assessment.

## Meeting the gender equality duty in employment

Outcomes to aim for

From April 2007 when the gender equality duty comes into force, public authorities will have a statutory duty to pay due regard to the need to eliminate discrimination and harassment of transsexual staff and potential staff and, in vocational training (including further and higher education), of transsexual trainees.

The following are suggested indicators of whether a public authority has been successful:

- Transsexual people feel supported and valued as employees/trainees.
- Transsexual employees, trainees and apprentices undergoing transition are retained as valued members of staff.
- Transsexual trainees undergoing transition on training courses complete the training.
- Barriers to the recruitment and retention of transsexual staff have been identified and removed.
- A clear and workable policy for dealing with harassment of transsexual staff/trainees.
- Support mechanisms to protect the health and welfare of transsexual people in the workplace, and in vocational training.
- There is evidence that the public authority promotes and maintains a culture of respect for the dignity of individuals and difference.
- There are appropriate protocols for management of sensitive and confidential information about a person's transsexual status.
- Practical matters related to transition such as access to changing and toilet facilities are resolved quickly and respectfully.

Due regard and transsexual people

Transsexual people are a small percentage of the population and so statistically, you may deal with transsexual staff or trainees very rarely. Despite the small numbers, however, public authorities are under a duty to have regard to the need to eliminate discrimination and harassment on the grounds of gender reassignment. Having due regard means that the weight given to the need to eliminate discrimination and harassment is proportionate to its relevance to a particular function.

Public authorities will need to take into account the seriousness or extent of the discrimination or harassment, even if the number of people affected is small. This would often be the case where, for example, transsexual people were affected, as the seriousness or extent of discrimination and harassment might be significant.

The following steps will assist public authorities to ensure that they have due regard in this area:

- Ensure that equal opportunities policies, employment policies and practices do not discriminate against transsexual people – especially in terms of dignity at

work and harassment policies, recruitment and monitoring. Larger organisations may wish to develop specific policies on gender identity.

- Keep up-to-date on the current legislation in this area and where more information and advice is available.
- Provide training for staff on how the gender duty applies to transsexual people.
- Larger organisations may want to set up a support network for staff or trainees.
- Produce effective guidance for managers on dealing with the process of transition.

### Revising policies and practices

Under the gender equality duty, existing equalities and other policies which refer to discrimination on the grounds of sex should be amended to ensure that they take into account the needs of trans people and do not discriminate against them.

Public authorities will need to ensure any employment policies and practice adequately cover transsexual employees, particularly those dealing with confidentiality, harassment, access to development (such as training, secondment, internal job vacancies and promotion), pensions, and other benefits in kind such as insurance.

It may be helpful, especially for larger organisations, to develop a specific policy on transsexual staff.

### Keeping informed

Public authorities will find it helpful to develop sources of information and advice; there is a list of further sources of information at the end of this document.

#### Home Office and a:gender

a:gender is a Civil Service-wide trans support network which was the initiative of a group of trans Civil Servants. The Home Office-based Chair was allocated time and funding in order to facilitate its development. A comprehensive document 'The Workplace & Gender Reassignment', compiled by the Chair, was adopted as official Home Office policy and is available across the Civil Service. Home Office HR management have worked closely with a:gender to effectively embed 'gender identity' within existing policies and procedures and instigate the concept of co-working to guarantee incorporation of the 'trans perspective'.

Drawing on its pool of inter-departmental trans expertise, a:gender have worked to raise awareness and understanding through presentations and training and have also developed guidance on a variety of issues such as: gender transition related workplace absence and on securing privacy of trans personnel records.

They also won the 2006 Civil Service Diversity and Equality Award for Inspiration, recognising the "passion, personal risk, courage and inspiring way in which the network has conducted itself over the last few years in lobbying persistently for trans-rights and equality in the workplace. For the leadership of a:gender, this has meant forsaking the privacy they sought and volunteering to face potential discrimination, as they challenged entrenched prejudice and misconceptions regarding transsexual or transgender people."

## Training

Public authorities will need to consider providing specific training to ensure that all employees are aware of the gender equality duty, including the duty to eliminate discrimination and harassment on the grounds of gender reassignment, and how the duty impacts upon their jobs.

Training should be conducted in such a way so as to ensure that all staff are able to raise issues and concerns of their own, and it is paramount to ensure that they know what is expected of them. Training may be particularly important if any members of staff are transitioning.

When developing training programmes for staff, especially doing so in response to a member of staff or trainee transitioning, it is good practice to involve any transsexual staff/trainees in the planning and design phases, should they choose to be involved. Keep in mind that some transsexual staff/trainees may choose not to be publicly identified as such; when consulting, confidentiality is paramount, until they indicate that they are comfortable being “out”.

## Particular issues in employment

### Recruitment

There is no obligation for a trans person to disclose their status as a condition of employment. In particular it should not be expected that applicants and interviewees will want to disclose their trans status – some people consider it a very private matter and may have experienced prejudice and harassment in the past. Questioning an applicant about their transgender status may actually amount to unlawful discrimination.

The interviewee may choose to disclose their trans status, however, especially if relevant references or publications that they have published are listed under a different name. In the event that an individual does disclose, the issue should be dealt with the same sensitivity as any other personal disclosure.

If you use recruitment agencies you should also inform them of the requirements of the gender duty and of the authority's policies and procedures. Further, public authorities will need to have due regard to the need to eliminate discrimination and harassment in its contractual arrangements with its recruitment agencies.

### Genuine Occupational Qualifications

A Genuine Occupational Qualification (GOQ) exists when the specific nature of a job, or duties attached to it require it to be undertaken by members of one sex. The SDA, in very limited circumstances, makes discrimination lawful in, for example, recruitment, training, promotion and transfer in a job where a GOQ is applicable.

The SDA allows for two kinds of GOQ:

- On the basis of sex (the job requires either a man or a woman). For more guidance on GOQs of this nature, please consult the Gender Equality Duty Code of Practice.
- On the basis of transition (where an individual is intending to undergo, is undergoing or has undergone gender reassignment but has not obtained a GRC). For more guidance

on GOQs of this nature, please consult "Gender Reassignment – a Guide for Employers", available from the Women and Equality Unit (WEU) or the EOC guide "Transgender at Work: your rights as an employee".

If a public authority is considering applying a GOQ based on sex, then they should keep in mind that it not be available when filling a vacancy if the authority already has sufficient male (or female) employees who are capable of fulfilling the duties in question, whom it would be reasonable to employ on those duties, to meet their requirements without undue inconvenience. It is also important to remember that these GOQs may only be applied on a post-by-post basis and not on a blanket basis

If a public authority is considering applying a GOQ when filling a vacancy, denying opportunities for promotion, transfer or training to specified posts or dismissing the employee or otherwise not allowing them to continue in such employment, based on the employee's transitioning, before it could do so, it would have to consider its staffing situation overall in order for the GOQ to be lawful. If there are already sufficient male (or female) employees who are capable of fulfilling the duties in question and whom it would be reasonable to employ on those duties to meet its requirements without undue inconvenience, a GOQ could not be applied to filling a vacancy for such a post. These GOQs may also only be applied on a post-by-post basis and not on a blanket basis

Once a person has obtained a full GRC they are deemed in law to be of the gender to which they have transitioned and must be treated in that gender with respect to jobs where a GOQ applies.

#### Record keeping and confidentiality

If an employee discloses their status as a transsexual person or they transition during their employment, public authorities will need to identify the point at which the employee's new gender is changed in personnel records, and public references e.g. web directories, security passes etc. The EOC recommends that public authorities should agree at what point these changes are made with the individual concerned.

Once a person has obtained a Gender Recognition Certificate it is recommended that public authorities replace all records with new details.

In specified circumstances the GRA prohibits disclosure of the fact that someone has applied for a GRC or disclosure of someone's gender prior to the acquisition of the GRC. Such disclosure constitutes a criminal offence liable to a fine.

Regardless of the legal status of the individual concerned, the EOC recommends that public authorities maintain confidentiality regarding their previous gender identity – including the provision of references for ex-employees. It is recommended that access to records regarding the change of status is restricted to a 'need to know' basis.

An employee may also choose to disclose information informally to their line manager, other colleagues etc in which case strict confidentiality should also be observed as it should for the disclosure of any other personal information.

## Criminal Records Bureau

Criminal Records checks are a pre-requisite for a large range of public sector jobs. Conventional CRB application forms require details to be completed that would automatically reveal the birth sex of a trans applicant, for example, some mandatory details such as previous names would easily be spotted by prospective employers checking the applicant's form before sending it off to the bureau.

In response to the concerns of a number of trans organisations the CBR created a process specially for trans applicants, enabling them to leave such sensitive details off their application form provided they are sent straight away to a special secure address within the bureau. Trained CRB staff then join up the missing information so that the employer has no reason to see or know this aspect of the prospective recruit's medical background.

<http://www.crb.gov.uk/default.aspx?page=2319>

## Monitoring

Monitoring numbers of transsexual staff is a very sensitive area and opinion continues to be divided on this issue. Many trans staff have been bullied, harassed and marginalised, and could be very negatively affected by disclosure of their trans status. As an employer, public authorities have a duty to protect an individual's right to privacy. However, without gathering some form of evidence, it may be difficult to monitor the impact of policies and procedures on trans people or employment patterns such as recruitment, training, promotion or leaving rates.

However, because many trans people have had negative experiences in the workplace, many may be reluctant to disclose or may not trust their employers fully. If possible, it is recommended that monitoring is conducted through a neutral organisation under a guarantee of anonymity. If this is not possible, monitoring should take place within your usual monitoring arrangements, though it is essential that public authorities ensure that trans staff are not identifiable. For example, diversity statistics should not be linked to IT-based personnel records that indicate grade or job title, as the small number of transsexual employees in the organisation may be identified by these or other variables, compromising confidentiality.

When monitoring, it is important to recognise that transsexual people will identify as men or women, as well as transsexual people, and therefore it is not appropriate to offer a choice between identifying as male, female OR transsexual. Confidentiality is paramount, and public authorities should guarantee that the responses given are not disclosed or linked to any other identifying feature.

The EOC recommends that public authorities, especially larger public authorities, should try and carry out some form of monitoring, otherwise they will be unable to identify where discrimination may be occurring or to identify any appropriate action to take. In small public authorities, however, it may be difficult to protect an individual's right to privacy and so small public authorities may for this reason feel that monitoring is not appropriate.

Public authorities need to think this decision through carefully, as they would with other forms of monitoring, such as race, disability, or sexual orientation, and may find it helpful to discuss their approach with staff, including trans staff networks, and trade unions.

The EOC recommends that public authorities take the following steps when monitoring:

- Ensure that any equal opportunities policy expressly covers transsexual staff so that staff are confident about the framework within which they are operating.
- Be clear about how the information will be used and only collect information that will be used.
- Be clear that all monitoring questions related to gender identity are optional.
- Ensure that the data is anonymous - build in additional safeguards where necessary.

## Transitioning

For public authority employers, and in particular, line managers, dealing with an existing employee who is transitioning can be the most difficult situation to arise in relation to gender reassignment.

Public authorities can get more information and advice on this both in the EOC guidance developed specifically for line managers (see resources) and from "Gender Reassignment – a Guide for Employers" available from the Women and Equality Unit (WEU). In all decisions, the EOC recommends that public authorities act in close engagement and agreement with the employee.

It is also important to remember that an individual's medical decision and transition process are highly personal – as an employer, public authorities will need to be kept informed of the transition process, but intimate and detailed medical questions should remain private. You should not question a transsexual person on their biology or anatomy, or about the method that they take to undergo transition.

Public authorities will need to consider the following issues:

- the expected point of change of social gender, including change of name and personal details and what amendments will be required to records and systems
- the expected timescale of medical and surgical procedures and what time off will be required. The EOC recommends that public authorities take reasonable steps to accommodate trans employees' requests for sick leave/leave for medical treatment. Public authorities may be able to agree periods of unpaid leave, where contractual and statutory sick leave is no longer available, or a change in working hours or patterns to help manage absence. At a minimum, sick leave policies/practices should not treat transsexual employees less favourably than they would treat a person absent due to illness or some other reason where it would be reasonable to allow a similar amount of time off work ; to do so, may amount to discrimination on the ground of gender reassignment. Also, individual rights under the Disability Discrimination Act must be considered where the individual has been diagnosed as having 'gender dysphoria' or 'gender identity disorder' and the condition is likely to last more than twelve months, has lasted for more than 12 months or will remain with the individual for the rest of their life.
- when colleagues and clients should be informed and whether any training or education will be needed – managing the response of other colleagues can be problematic and training can help to address this. The EOC recommends that the employee is involved in this decision and they are given the opportunity to contribute to the planning of training;

- flexibility in dress codes;
- resolution of any issue relating to the use of toilets and any other single sex facilities, such as changing rooms, by the transsexual person
- handling any harassment, hostile reaction or unwanted media interest.
- whether or not the employee wishes to stay in their current post or be redeployed, either for their own comfort or due to access to facilities. If redeployment does take place, it is imperative that it does not disadvantage the employee in terms of pay, conditions or promotion prospects or result from negative attitudes of colleagues or clients.
- discussing and agreeing reintegration and support strategy for the trans person.

Having an internal policy or guidelines on gender identity which is widely publicised amongst staff will help all employees to be clear on their responsibilities and should also give more confidence for staff who are preparing to transition to initiate discussions with their public authority employer.

## Harassment

As an employer, you have a legal responsibility to ensure that any transsexual employee is protected from harassment in the workplace. Harassment on grounds of gender reassignment is prohibited in employment and vocational training (including further and higher education). Further, the Gender Equality Duty places an obligation on public authorities to have due regard to the need to eliminate harassment, including harassment on the grounds of gender reassignment. Public authorities will need to manage the reactions of colleagues and customers who may have little or no understanding of the issue particularly during transition.

The EOC has produced comprehensive guidance on how to deal with harassment when it does occur and steps you can take to prevent it occurring [available from [www.eoc.org.uk](http://www.eoc.org.uk)]. These include:

- Have an effective and well communicated policy that covers gender identity
- Train all staff and managers on the policy and their responsibilities under it
- Make harassment of colleagues a disciplinary offence.
- Monitor your policy and its success regularly
- Develop clear procedures for investigating complaints
- Train staff involved in investigating complaints

## **Conclusion**

This guidance is designed to assist you with fulfilling your obligations under the duty. It recommends good practice and illustrates different ways that you can use the GED to support transsexual staff and potential staff. It is not a comprehensive statement of the law, and does not replace the Code of Practice or the Equality Act. By taking the steps outlined in this guide you may be able to make positive progress towards treating all staff, regardless of their gender identity, with decency and respect and by so doing enable them to reach their full potential as employees.

## **Glossary**

Language can be an emotive issue in the trans community, with different people feeling comfortable with different descriptions and nouns. This glossary captures some of the more commonly used words and provides a guide to acceptable language.

The best way that a public authority can ensure it is using respectful language is to ask any trans employees what they consider appropriate.

### Acquired gender

The new gender of a person who has had their gender reassigned and/or legally recognised. It is possible for an individual to transition fully without surgical intervention.

### Employment and related fields

The SDA sets out particular provisions relating to the employment field covering: employers, contract workers, office holders, partnerships, trade unions, qualifying bodies, vocational training providers, employment agencies, training commissions, police, midwives and ministers of religion.

### FtM

Female to male transsexual person. A person who is changing, or has changed, gender role from female to male.

### Gender

Gender consists of two related aspects: gender identity, which is a person's internal perception and experience of their gender; and gender role, which is the way that the person lives in society and interacts with others, based on their gender identity.

Gender is less clearly defined than anatomical sex, and does not necessarily represent a simple 'one or the other' choice. Some people have a gender identity that is neither clearly female nor clearly male. For the purpose of the law, however, people can only be male or female. The overwhelming majority of people have a gender that accords with their anatomical sex.

### Gender dysphoria / gender identity disorder

Gender dysphoria or gender identity disorder is the medical term for the condition with which a person who has been assigned one gender (usually at birth on the basis of their sex), but identifies as belonging to another gender, or does not conform with the gender role their respective society prescribes to them. It is a psychiatric term for what is widely termed 'transsexuality'. Many trans people consider the very term 'gender identity disorder' to be discriminatory as it suggests a mental illness, which it is not. Gender dysphoria is not a form of sexual deviancy or a sexual orientation.

This feeling is usually reported as "having always been there", although in some cases, it seems to appear in adolescence or even in adulthood, and it has been reported by some as intensifying over time. Since many cultures strongly disapprove of cross-gender behaviour, it often results in significant problems for those affected, and sometimes for their close friends and

family members as well. In many cases, discomfort is also reported as stemming from the feeling that one's body is "wrong" or meant to be different.

### Gender presentation /gender expression

While gender identity is subjective and internal to the individual, the presentation of one's self either through personality or clothing is what is perceived by others. Typically, transsexual people seek to make their gender expression or presentation match their gender identity, rather than their birth sex.

### Gender reassignment / transitioning

Altering one's birth sex is not a one-step procedure — it is a complex process that takes place over a long period of time. Gender reassignment or transition includes some or all of the following cultural, legal, and medical adjustments: telling one's family, friends, and/or co-workers; changing one's name and/or sex on legal documents; hormone therapy; and possibly (though not always) some form of chest and/or genital alteration.

### Gender Recognition Certificate

A full Gender Recognition Certificate shows that a person has satisfied the criteria for legal recognition in the acquired gender. It makes the recipient of the certificate, for all intents and purposes, the sex listed on the certificate from that moment onward, not their birth sex. The legal basis for creating a Gender Recognition Certificate is found in the Gender Recognition Act 2004

### MtF

Male to female transsexual person. A person who is changing, or has changed, gender role from male to female.

### Real Life Experience

Refers to the phase during gender reassignment in which the individual must live and work in their acquired gender before certain medical procedures will be carried out.

### Sex vs Gender

The term 'sex' refers to the biological difference between men and women. The term 'gender' refers to a person's self-perception and role in society which is socially constructed by environment and experiences.

### Sexual preference (or sexual orientation)

This refers to a person's preference for the same or opposite gender partners. It can include: an orientation towards persons of the same gender (lesbians or gay men) or an orientation towards a person of the opposite gender (heterosexual) or an orientation towards persons of the same gender and the opposite gender (bisexual). Sexual orientation is different from gender identity and the two are not related. Transsexual people, like any other people, can be gay, lesbian, bisexual or heterosexual.

## Trans

A generic term generally used by those who identify themselves as transgender, transsexual or transvestite. The term should only be used as an adjective.

## Transgender

An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. The term may include but is not limited to: transsexual people and others who define as gender-variant. Many transgender people can identify as female-to-male (FtM) or male-to-female (MtF). Transgender people may or may not choose to alter their bodies hormonally and/or surgically. Some people have not, and do not intend to, undergo gender reassignment, and are not covered by the gender reassignment provisions in the SDA. However, they are still protected from discrimination on the basis of their birth sex by the SDA. This term should only be used as an adjective; individuals should be referred to as "transgender people", not "transgendereds".

## Transsexual

In this guidance, this term is used to describe a person who intends to undergo, is undergoing or has in the past undergone gender reassignment (which may or may not involve hormone therapy or surgery).

Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the acquired gender. Some take hormones and cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their acquired gender. This term should only be used as an adjective; individuals should be referred to as "transsexual people", not "transsexuals".

## Transvestite

The term used to describe a person who dresses in the clothing of the opposite sex. Generally, transvestites do not wish to alter their body and do not necessarily experience gender dysphoria.

## Language

- The words transgender and transsexual should be used as adjectives, not as nouns, i.e. it is appropriate to say 'Bill is a transgender person' but not to say 'Bill is a transgender'. Likewise, 'Sally is a transsexual woman', but not 'Sally is a transsexual'.
- It is not appropriate to add "ed" at the end of the word transgender – the word transgender is an adjective, not a verb.
- It is not appropriate to use the terms "sex change" or "pre/post-operative". These imply that the process of transition must involve some form of surgery, which is not the case.

It is good practice and respectful to use a transgender person's chosen name, not their birth name. They should be afforded the same respect for their chosen name as anyone else who lives by a name other than their birth name.

The EOC recommends public authorities to ask transgender people which pronoun they would like you to use. A person who identifies as a certain gender, whether or not they have taken hormones or had surgery, should be referred to using the pronouns appropriate for that gender.

If it is not possible to ask the person which pronoun he or she prefers, use the pronoun that is consistent with the person's appearance and gender expression. For example, if the person wears a dress and uses the name "Susan," feminine pronouns are appropriate.

It is never appropriate to put quotation marks around either the transgender person's chosen name or the pronoun that reflects their gender identity. Some terms are also considered discriminatory and offensive and should not be used. These include: "she-male", "he-she", "it", "trannie", "tranny", and "gender-bender".

## Further sources of information

Equal Opportunities Commission

- Checklists for line managers: <http://www.eoc.org.uk/Default.aspx?page=15374>

Women and Equality Unit

- Gender Reassignment – A Guide for Employers:  
[http://www.womenandequalityunit.gov.uk/publications/gender\\_reassignment\\_guide05.pdf](http://www.womenandequalityunit.gov.uk/publications/gender_reassignment_guide05.pdf)

a:gender

<http://www.csag.org.uk/>

a:gender is the support network for staff in government departments / agencies who have changed or need to change permanently their perceived gender, or who identify as intersex.

Beaumont Society

<http://www.beaumontsociety.org.uk/>

As well as being a support network, the society keenly promotes the better understanding of the conditions of transgender, transvestitism and gender dysphoria.

Beaumont Trust

<http://www.beaumont-trust.org.uk>

This organisation is a charitable educational resource for medical, voluntary and lay people who wish to increase their knowledge on the subjects of Transsexualism and Transvestitism.

FTM Network

<http://www.ftm.org.uk/>

The FTM network is an informal and ad hoc self help group, open to all female to male transgender and transsexual people, or those exploring this aspect of their gender. Currently it has over 750 members in Britain and Europe, and contact with F to M groups in America, Belgium, France, Russia, China, Japan and Australia.

GIRES

<http://www.gires.org.uk/>

The aim of this website is to inform a wide public of the issues surrounding gender identity and transsexualism. It is also a resource for gender dysphoric people and their families; the medical and other professionals that provide their care; Health Authorities; Members of Parliament and other policy makers.

Gender Trust

<http://www.gendertrust.org.uk/>

The mission of the Gender Trust is to improve the quality of life of trans people and their families by supporting them and working with anyone who is affected by gender identity issues, and their vision is that everyone will accept and support the right of trans people to be valued members of society.

Harry Benjamin International Gender Dysphoria Association

<http://www.hbigda.org/>

The Harry Benjamin International Gender Dysphoria Association, Inc. (HBIAGDA) is a professional organization devoted to the understanding and treatment of gender identity disorders.

The International Journal of Transgenderism (IJT)

<http://www.symposion.com/ijt/index.htm>

Looking Glass Society

<http://www.looking-glass.greenend.org.uk/>

The Looking Glass Society is a non-profit organisation dedicated to promoting understanding and acceptance of Transsexual/Gender Dysphoric people. It publishes a range of booklets concerning the condition and engages in education work, particularly aimed at people involved in caring for or working with those with Gender Dysphoria.

Press For Change

<http://www.pfc.org.uk/>

Press for Change is a political lobbying and educational organisation, which campaigns to achieve equal civil rights and liberties for all trans people in the United Kingdom, through legislation and social change.

Trade Union Congress

<http://www.tuc.org.uk/equality/tuc-11663-f0.pdf>

The TUC has developed a comprehensive guide to addressing LGBT issues in a trade union context.