

Trans & Gender Identity Policy

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1 Introduction

Here at Unite Students we want all our employees to feel included, so that everyone can add value and fulfil their potential without fear of discrimination. This includes colleagues whose gender identity doesn't match the sex they were assigned at birth and who may identify themselves as trans (or transgender) and also those who identify as non-binary (who do not identify as only male or only female, or who may identify as both).

1.1 Purpose

Unite Students recognise that there are some instances in which the law does not protect trans and non-binary employees and appreciate that law is limited in its framework and language.

1.2 Scope

We will endeavour to go beyond and above the existing legislation to support all employees. This policy outlines how we will support our trans and non-binary colleagues

1.3 Responsibilities

Employee

- Take accountability for their actions and to commit to the principles detailed in this policy
- Demonstrate behaviour and actions that do not discriminate unlawfully or contravene this policy
- To respect, follow and work in line with Company policy
- Raise any concerns about transphobic bullying or harassment, or any behaviours of bullying and harassment on the grounds of gender identity, with their Line Manager
- Co-operate with measures introduced to ensure the elimination of bullying and harassment

Manager

- Take action and follow the procedure if any breach of the policy is reported
- Be vigilant for signs of harassment or bullying and take action before problems escalate
- Demonstrate behaviour and actions that do not discriminate unlawfully or contravene this policy
- Ensure individuals are aware of their responsibilities, understand and know how to apply this policy
- Ensure any appointed Agency Workers or Contractors are aware of this policy
- Monitor and follow up on the situation after a complaint has been dealt with to avoid future occurrences
- Being a good role model by promoting diversity, equality and inclusion through their actions
- Provide guidance on policy and procedural matters
- Communicate and ensure effective application of this policy

2 Policy

2.1.1 Intent

The organisation will take a zero tolerance stance to discrimination against trans and non-binary employees and is committed to ensuring that they are treated with respect. This commitment is an important aspect of its overall responsibility to providing equal opportunities in employment.

2.1.2 Principles

This policy is intended to assist Unite Students to put this commitment into practice and help the organisation and employees deal with any practical issues that may arise. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination. We are committed to taking all reasonable steps to make sure that we:

- Work in a way that we treat all of our colleagues as individuals, without needing to reference their gender identity where this isn't necessary
- Support any colleagues in relation to their gender identity, including transitioning at work
- Help all our colleagues to be more aware of Diversity, Equality & Inclusion – see our e-learning module on the Intranet
- Take action if any issues of bullying and harassment in relation to gender identity, gender transition or gender expression arise – see our Prevention of Bullying & Harassment Policy for more information

2.1.3 Recruitment

A job applicant's gender identity status is irrelevant to the recruitment process, except in the rare circumstances where an occupational requirement applies to the job. If the organisation is relying on an occupational requirement, it will need to make this clear in the recruitment material. The organisation will not ask questions about gender identity status and job applicants are not required to volunteer information about it, unless an occupational requirement makes this relevant. Unite Students will act reasonably in applying an occupational requirement, demonstrating that it is a proportionate means of achieving a legitimate aim. Trans employees should not be asked questions about whether they have a Gender Reassignment Certificate (GRC) or not. Not having a GRC should not be used to

disadvantage a transgender employee. If during the recruitment process information is disclosed about a job applicant's gender history, for example because certain documents are in a previous name, the organisation will keep the applicant's gender history confidential and will not take this into account in the selection process, unless an occupational requirement makes this relevant, as outlined above. In accordance with the Diversity, Equality & Inclusion Policy, the organisation will assess candidates for employment objectively against the requirements that are necessary for the effective performance of the job.

2.1.4 DBS

If disclosure from the Disclosure and Barring Service (DBS) is required as part of the recruitment process or during employment, applicants must disclose any previous names and/or gender to the DBS. Trans applicants may make use of the special application procedure established by the DBS so that their previous name is not disclosed to the organisation.

2.1.5 Trans and Non-Binary Transitioning

Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. There are many ways to transition which may or may not include any medical treatment including hormone treatment or surgery. For some non-binary employees, transition may involve changing their name and/or pronoun and/or gender expression etc, without any medical treatment. Transitioning is a unique and personal process and there are no right or wrong ways for an employee to transition. If an employee is transitioning, Unite Students will do what it can to support an employee in making their transition at work as smooth as possible.

2.1.6 Telling Us

We know it can be a difficult step for employees to tell people that they're planning to transition, or are already in the process of transitioning if they've recently joined Unite Students, but we encourage employees to talk to their Line Manager openly about the situation as early as possible, so they can give the right support. Line Managers can listen to any concerns employees might have and handle the situation in a supportive and sensitive way. A trans person will agree an action plan with their Line Manager, detailing all the steps that need to be taken before, during and after an employee's transition, which will be reviewed and discussed regularly. A trans employee will lead both their own transition and their action plan.

If an employee feels as though they can't talk to their Line Manager or that they need additional support, they should contact their line manager's manager who can provide help and guidance. If an employee tells their line manager about their trans status, this would not be disclosed to anyone without expressed agreement to do so; it would be illegal to do so under the Gender Recognition Act 2004.

If anyone were to discuss a colleague's trans status without their permission or spread rumours about someone's gender, the organisation will deal with such matters under the Prevention of Bullying & Harassment Toolkit and Disciplinary Policy, as it would be illegal for an employee to do so under the Gender Recognition Act 2004.

2.1.7 Personal Data

If an employee wants to change their name or remove or change their title (Mr/Mrs/Miss/Ms/Mx) from our records, you don't need to provide a Gender Recognition Certificate to do this. If you want to amend these details, then just write to or email People Services to let them know. If an employee changes their legal gender identity, Unite Students will update all of the personal data we have about that employee. Alongside employment records, this would include Payroll, National Insurance and pension data. In order for us to make these changes, an employee will need to provide a copy of their Gender Recognition Certificate. Line Managers should send this document to People Services. An employee who has transitioned but does not have a gender recognition certificate may be required to disclose their gender history for insurance or pension purposes. This information will be passed only to those people who require it for these purposes and will be kept confidential. A Line Manager should agree when an employee starts using a new name, and will ensure a new name badge and/or employee pass is ready for that time if one is required for the role. This should be discussed during a meeting with the employee and led by the transitioning employee.

2.1.8 Facilities

A trans or non-binary employee should use the facilities they feel most comfortable in. Under no circumstances will it be acceptable for a trans employee to be asked to use any other facilities, such as disabled bathrooms, unless required on the basis of a disability like everyone else. If other employees object to this, managers should consider steps to raise general awareness and/or ask the employees who object to use alternative facilities.

2.1.9 Uniforms

If an employee works in a role that has a uniform, they should discuss with their Line Manager whether they will need any new items ordered; an individual can wear clothing/uniform most comfortable with their gender identity and gender expression.

2.1.10 Short-term or permanent job changes

If it is identified by either an employee or Line Manager that any changes are needed to a job or working conditions, either in the short-term as an employee goes through the transitioning process or in the long-term, Unite Students will do our best to accommodate these changes.

2.1.11 Time Off

The employee may require time off for medical or other treatment. In line with the Equality Act 2010, time off for these purposes will be treated no less favourably than time off for illness or other medical appointments, as outlined in both the Special Leave Policy and the Sickness Absence Policy. Any time off should be decided and discussed on a case by case basis; a Line Manager will consult with the individual and decide how this should be managed.

2.1.12 Telling other people

An employee might not want to tell anyone other than their Line Manager at the early stages, and that's okay. When developing an action plan with their Line Manager, it should be agreed who will need to be told further down the line – such as colleagues, managers, external contacts/suppliers – and how, when and what the employee is happy for them to be told and who will tell them. In line with Section 4.4 paragraph 2, all key milestones in the transition are led and decided by transitioning employee.

3 References

3.1 Other Policies

Prevention of Bullying & Harassment Policy

Disciplinary Policy

Special Leave Policy

Sickness Absence Policy

3.2 Further Support & Information

3.2.1 Legal Frameworks

This policy is compliant with the following legal frameworks:

- Equality Act 2010
- Gender Recognition Act 2004
- Human Rights Act 1998
- Data Protection Act 1998

3.2.2 The Employee Assistance Programme (LifeWorks)

Unite Students' understands that balancing everyday life together with the requirements of work and home can create pressures for all of us. To assist our employees in achieving this balance, Unite Students' have put an Employee Assistance Programme (EAP) in place. Our EAP is provided by LifeWorks, an independent external organisation, who works to a robust professional code of strict confidentiality.

LifeWorks provide a 24/7, 365 days a year telephone support line to help all employees who need support.

The 24/7 telephone support line from LifeWorks provides access to a range of information and services including (but not exhaustive):

- Childcare
- Eldercare
- Legal advice (the EAP will not provide employment law advice)
- Tax advice
- Medical information
- Stress management
- Referral to serious illness and accident support
- Structured telephone counselling
- Face to face counselling

The support telephone line is also available to an employee's partner and any dependents in full time education between the ages of 18-24 can also access some parts of the support line. In addition to the telephone support line, all employees have access to a range of engaging and useful online tools aimed at promoting general health and wellbeing.

These include:

- Emotional support
- Fitness advice (including video demonstrations)
- Personal coaching tools
- Health assessment
- Medical information
- Weight loss advice
- How to deal with aches and pains particularly back pain

How do I access it?

- Employees can call: 0800 169 1920 - 24 hours a day, 7 days a week, 365 days a year.

Outside of UK employees can call: +44 141 533 8293 (calls from abroad will be charged).

Employees can access online via an employees LifeWorks account at <https://unite.lifeworks.com/feed>.

You will need your individual LifeWorks username and password to log in. You can also download the LifeWorks app, just search 'LifeWorks' Health Assured provide an additional service for employees that are absent from work due to stress, anxiety or depression. In these instances, an immediate referral can be made for a 30-minute consultation with an Occupational Health Nurse who can signpost the employee to any further useful resources. The aim of this is to provide support to the employee and enable the employee to have access to useful information at the earliest possible stage. If you need more information about this policy or need support in using it, please contact your line manager

3.2.3 Other Sources of Support

Stonewall is a lesbian, gay, bisexual and transgender rights charity in the United Kingdom. www.stonewall.org.uk For local events and information, having a look at Stonewall's 'what's in my area' page. <https://www.stonewall.org.uk/help-advice/whats-myarea>

LGBT Foundation contains information for lesbian, gay, bisexual, transsexual and transvestite communities. www.lgbt.foundation Gendered Intelligence – their mission is to increase understandings of gender diversity. www.genderedintelligence.co.uk

The Gender Trust supports all those affected by gender identity issues. www.gendertrust.org.uk Scottish Transgender Alliance works to improve gender identity equality, rights and inclusion in Scotland. www.scottishtrans.org

TransLondon is a discussion/support group for all members of the trans community, whatever their gender identity (or identities). www.translondon.org.uk TransPALS is a social / support group for trans people across London South. www.transpals.org.uk

The Beaumont Society is a national self help body run by and for the transgender community. www.beaumontsociety.org.uk

Gender Identity Research and Education Society (GIRES) - seeks to improve the circumstances in which trans people live by changing the way society treats them. www.gires.org.uk Press for Change is a political, lobbying and educational organisation, which campaigns to achieve equal

rights for trans people. Its website is a useful source of information on the law and research into trans issues. www.pfc.org.uk

4 Definitions

GLOSSARY OF TERMS

- **Ally** A (typically) straight and/or cis person who supports members of the LGBT community.
- **Asexual (or ace)** Someone who does not experience sexual attraction.
- **Bi** Bi is an umbrella term used to describe an emotional, romantic and/or sexual orientation towards more than one gender. Bi people may describe themselves using one or more of a wide variety of terms, including, but not limited to, bisexual, pansexual, bi-curious, queer, and other non-monosexual identities.
- **Biphobia** The fear or dislike of someone who identifies as bi based on prejudice or negative attitudes, beliefs or views about bi people. Biphobic bullying may be targeted at people who are, or who are perceived to be, bi.
- **Cisgender or Cis** Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people. Coming out When a person first tells someone/others about their identity as lesbian, gay, bi or trans
- **Deadnaming** Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.
- **Gay** Refers to a man who has an emotional, romantic and/or sexual orientation towards men. Also a generic term for lesbian and gay sexuality - some women define themselves as gay rather than lesbian.
- **Gender** Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.
- **Gender dysphoria** Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the gender they were assigned at birth.
- **Gender expression** How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not confirm to societal expectations of gender may not, however, identify as trans.
- **Gender identity** A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

- **Gender reassignment** Another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice.
- **Gender Recognition Certificate (GRC)** This enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.
- **Gillick competence** A term used in medical law to decide whether a child (under 16 years of age) is able to consent to his or her own medical treatment, without the need for parental permission or knowledge.
- **Heterosexual / straight** Refers to a person who has an emotional, romantic and/or sexual orientation towards people of the opposite gender.
- **Homosexual** This might be considered a more medical term used to describe someone who has an emotional romantic and/or sexual orientation towards someone of the same gender. The term 'gay' is now more generally used.
- **Homophobia** The fear or dislike of someone, based on prejudice or negative attitudes, beliefs or views about lesbian, gay or bi people. Homophobic bullying may be targeted at people who are, or who are perceived to be, lesbian, gay or bi.
- **Intersex** A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non binary.
- **LGBT** The acronym for lesbian, gay, bi and trans.
- **Lesbian** Refers to a woman who has an emotional, romantic and/or sexual orientation towards women.
- **Neurodiverse** A concept where neurological differences are recognised and respected in the same way as any other human difference.
- **Non-binary** An umbrella term for a person who does not identify as only male or only female, or who may identify as both.
- **Outed** When a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.

- **Person with a trans history** Someone who identifies as male or female or a man or woman, but was assigned differently at birth. This is increasingly used by people to acknowledge a trans past.
- **Pansexual** Refers to a person whose emotional, romantic and/or sexual attraction towards others is not limited by biological sex, gender or gender identity
- **Passing** If someone is regarded, at a glance, to be a cisgender man or cisgender woman. Cisgender refers to someone whose gender identity matches the sex they were 'assigned' at birth. This might include physical gender cues (hair or clothing) and/or behaviour which is historically or culturally associated with a particular gender.
- **Pronoun** Words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.
- **Queer** In the past a derogatory term for LGBT individuals. The term has now been reclaimed by LGBT young people in particular who don't identify with traditional categories around gender identity and sexual orientation but is still viewed to be derogatory by some
- **Questioning** The process of exploring your own sexual orientation and/or gender identity.
- **Sex** Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.
- **Sexual orientation** A person's emotional, romantic and/or sexual attraction to another person.
- **Trans** An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, two-spirit, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.
- **Transgender man** A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.
- **Transgender woman** A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

- **Transitioning** The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.
- **Transphobia** The fear or dislike of someone based on the fact they are trans, including the denial/refusal to accept their gender identity.
- **Transsexual** This was used in the past as a more medical term (similarly to homosexual) to refer to someone who transitioned to live in the 'opposite' gender to the one assigned at birth. This term is still used by some although many people prefer the term trans or transgender