



## Supporting Employees with Gender Reassignment Policy

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“Learning together, to be the best we can be”

# 1. Introduction

- 1.1. The purpose of this policy is to explain the support that the Trust will give to employees who are undergoing, or have undergone, gender reassignment.

# 2. The law

- 2.1. Discrimination on the grounds of gender reassignment is unlawful under the Equality Act 2010. It is unlawful to discriminate against those who are undergoing gender reassignment, or have completed gender reassignment. The Act also protects those who have undergone or are undergoing gender reassignment from harassment. The individual does not have to be under medical supervision to be covered by the Act.

- 2.2. The Gender Recognition Act 2004 sets out the process of changing gender.

- 2.3. If a transsexual person undergoes gender reassignment and is not married (or is married and the spouse consents to the marriage continuing), they will get a full gender recognition certificate (GRC). If their birth was registered in the UK, they will automatically be entered on the Gender Recognition Register held by the Registrar General. Their original birth register entry will be marked, confidentially, to indicate that they have become recognised in their acquired gender. If their birth has been registered in the UK they will receive a new birth certificate in their acquired name and gender.

- 2.4. An interim GRC may be d [(Au1.a02 </MCID 47 >>BDC1 (c)3 (h )1 ( (a)-3 (t)6 d)5 004 Tw . h1 ( )Tj 0 y ( )1 Tw ( (t)6,MC /6 (he)0.9 (b6Td [(A) ( )1 (a)-3 ( )1 (n)101-1ha)-3(2 <0i)p(t)6 (1

- 3.2. It must be noted that whilst the process of gender reassignment is in many ways a relief to the individual concerned, it is also a traumatic period.
- 3.3. It should also be noted that transvestism is a separate situation – this is where individuals wear clothing which is generally deemed as culturally appropriate to the opposite gender. This is not covered by this policy.

## 4. Discriminatory action

- 4.1. Making a decision relating to employment on the basis of gender reassignment is unlawful. For example, making a decision to recruit, to promote, to train, to reward or to dismiss will all be unlawful if based on gender reassignment.
- 4.2. It is also unlawful to discriminate on the perception that someone has or is undergoing gender reassignment, or because someone associates with an individual who is transgender.
- 4.3. Applicants to the Trust are not expected to disclose their gender reassignment, and should not be asked any questions relating to this during the selection process.

## 5. Occupational requirements

- 5.1. There are a limited range of situations in which an applicant should make the employer aware of their gender reassignment. These are:

- where the nature of the work is such that it should be carried out by a member of one gender
- where the job involves personal searches
- where the job involves close intimate care with individuals of a particular gender.

## 6. Harassment

- 6.1. Harassment is defined as “unwanted conduct related to gender reassignment which takes place with the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive environment.”

6.2. Harassment of any individual who has undergone or is undergoing gender reassignment will not be tolerated by the Trust. This includes harassment of employees, customers, suppliers or any other individuals that come into contact with the Trust.

6.3. Harassment from a third party will also not be tole

8.2. Although the confidentiality of the employee will be respected, it is noted that the reassignment will soon become apparent and it is important that communication is appropriate, timely and effective.

8.3. It should be noted that if an employee joins the Trust having previously completed gender reassignment this is a private matter and there should not be any communication in relation to this.

## 9. The use of toilet facilities and changing rooms

9.1. It is appreciated that some employees might feel uncomfortable in sharing toilet facilities and changing rooms in the early stages of a colleague's gender

- 11.1. An employee undergoing gender reassignment will require time off for medical treatment and for counselling. Any time off required will be treated in accordance with the sickness absence policy.

## 12. Employee records

- 12.1. When an employee has completed the gender reassignment process they should inform the Trust's HR Team who will alter the personnel records accordingly.

## 13. Media interest

- 13.1. On some occasions, there might be interest from the media in an individual who has undergone gender reassignment. No employees are to discuss the gender reassignment of any colleague with the media. Any enquiries should be directed to the central Trust team.