

Protected Characteristics : Gender reassignment

Someone who is **transgender** or **transsexual** (sometimes known as **trans**), is an individual who feels they were born with the wrong gender. As a result they may choose to identify with a different gender or opt to undertake medical treatment - known as gender reassignment, to better reflect their gender identity.

Gender reassignment is one of the protected characteristics under the Equality Act. This means that an individual must not be treated less favourably than others because of their transgender status, and this protection applies throughout their gender transitioning journey.

Transgender employees are protected, whether they are undergoing gender reassignment to change their gender identity or have completed their gender transition and are now living in their new gender. They are also protected while they are still deciding whether or not to change the gender role in which they work and may express their gender differently on a part-time basis or in non-work situations.

An individual does not need to have completed any hormone or surgical treatment, or to have a Gender Recognition Certificate, in order to be treated as their preferred gender in the workplace, and they have a right to be treated with respect and dignity right from the start.

Despite their protection under the Equality Act many trans employees decide not to share their trans status in the workplace as they fear it will damage their continued work prospects. The statistics suggest that there is certainly more that organisations can do to support and protect trans employees. Most transgender employees report that ignorance of transgender issues is the biggest challenge they face in employment (Equalities Office Transgender survey, 2011)

Creating a positive and supportive culture, and well informed employees, will help anyone considering coming out as trans. To support this some organisations have support networks specifically for trans employees, others have combined support networks for Lesbian, Gay, Bisexual and Transgender (LGBT) employees. Organisations which champion diversity create inclusive cultures where individual differences are embraced and celebrated. Such cultures make it far easier for trans employees to come out as trans and feel accepted as part of the team and contribute fully.

So what is good practice?

- Changing an employee's name, title and gender on their work records, IT systems, and ID cards at the start of their transitioning process.
- Referring to the individual using their new name and the correct gender pronoun (i.e. he or she)
- Allowing the employee to use toilet facilities appropriate to the gender in which the person is living.
- Respecting the right of the individual to privacy – don't probe into their personal life and relationships, and keep any information you happen to come across about a person's trans status confidential.
- Once an individual has fully transitioned they may no longer view themselves as transgender and may consider gender reassignment surgery as purely part of their medical history. Privacy about

their trans background is a key human rights issue for individuals who have already undergone gender reassignment and the Gender Recognition Act 2004 makes it a criminal offence for anyone acquiring information about a person's gender history in an 'official capacity' to share this with other people without the consent of the individual involved.

Summary

It is illegal to treat anyone less favourably in the workplace as a result of their status as transgender. Trans employees transitioning to a new gender identity have the right to be treated with dignity and respect throughout their journey and should be addressed as their chosen gender; this includes access to gender specific sanitary facilities, use of personal pronouns and the use of their new name. Additionally, transgender individuals have a right to privacy around their previous gender identity which should be respected and protected.

Transgender terminology

Gender identity – An individual's perception of their own gender. A person may identify as a man, woman, or as androgyne or polygender.

Androgyne – An individual who does not fit into either a male or female gender classification and shares traits of both. Other terms used to avoid reference to the gender binary include multigender, gender fluid, polygender, intergender and pangender.

Gender binary – a fixed view of gender in which an individual can be male or female.

Gender expression – How an individual chooses to reflect their gender in their appearance (including clothing) and behaviours (including interests and mannerisms).

Biological sex – A person's gender-related biological structure including genitalia, internal reproductive systems, chromosomes, and secondary sexual characteristics such as breasts, facial and body hair, voice, and body shape. Most people's biological sex will be clearly and consistently male or female, however for a small but significant number of people their biological sex is not completely male or female. Such people may be referred to as **intersex** individuals.

Transgender people – people whose gender identify or gender expression differ from the gender assumptions made about them when they were born.

Gender dysphoria – the distress, unhappiness and discomfort experienced by a person whose biological sex does not match their gender identity.

Transsexual people – people who consistently self-identify as the opposite gender from the gender they were labelled at birth.

Gender reassignment – the process of transitioning to a new gender, often including the use of hormones and surgery to make a person's physical body and their gender identity match better.

Intersex people – a term used to describe people born with external genitalia, internal reproductive systems or chromosomes that are in-between what is considered clearly male or female. In such cases medical professions often make an educated guess about which gender to assign to the baby; this may or may not match the individual's view. In some cases an intersex person may self-identify as being neither a man nor a woman.

Cross-dressing people – a term used to describe individuals who dress in clothes associated with the opposite gender (as defined by socially accepted norms). Cross-dressing people are generally happy with the gender they were labelled at birth and do not want to permanently alter the physical characteristics of their bodies or change their legal gender.

Acquired gender – the gender role that a person has transitioned to live their life in and which matches their self-perceived gender identity.

LGBT – a widely used acronym for Lesbian, Gay, Bisexual and Transgender people.