



Cl<sup>☘</sup>ver HR

EMPLOYER GUIDE

**SUPPORTING TRANSGENDER  
EMPLOYEES IN THE WORKPLACE**



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## WHAT IS THE DEFINITION OF TRANSGENDER?

Transgender often shortened to trans is an umbrella term used to describe individuals whose gender, gender identity is not the same as the sex they were assigned at birth. For example, a transgender-women describes an individual who was assigned male sex at birth however identifies and lives as a female.

The term Transitioning describes the steps a transgender individual can take to support them in living as the gender they identify as. Examples of these steps can include changing of official documentation, dressing differently and medical intervention such as surgery and hormone therapy.

It is important to remember that each transition process is different and will involve different steps.



## LEGAL OBLIGATIONS - EQUALITY ACT 2010

**The 2010 Equality Act states, that it is illegal to discriminate against an individual because they are transgender/transsexual.** This includes direct discrimination towards an individual who is openly transgender, as well as discrimination by perception - for example as a result of perceived cross-dressing and discrimination by association - for example if an individual is in a relationship with a transgender individual.



# LEGAL OBLIGATIONS - EQUALITY ACT 2010

## ACTIONS

- 1** Work with your LGBTQ+ staff in a positive, proactive manner, committing to having a two-way communication stream that support the utilisation of their insights and personal expertise, with the aim of altering your HR policies and practices and therefore the company culture.
- 2** Educate and re-educate your managers and other level employees on LGBTQ+ terminology and how best they can support their LGBTQ+ colleagues, this will help your managers to make sure they are implementing all HR practices on equal grounds.
  - a. Encourage use of pronouns by all staff members on internal communication signoffs and name badges*
  - b. Educate employees on Key legislations, this could include:*
    - Equality Act 2010
    - Gender Recognition Act 2004
- 3** Actively champion LGBTQ+ inclusion and diversity from top management, create relationships with supporting organisations and have top level managerial allies. This can be done through

mentoring, networking groups and seminar style sessions that all support open discussion and communication regarding improvements to inclusions and diversity within your workplace.

- 4** If your employee is going through any form of transition process, ensure you construct an appropriate timeline with your employee that supports what they would like to happen. This timeline may include aspects such as changing their name and/or pronouns at work and any time off requirements needed.
  - a. This may require you to review your absence policy, ensuring that time taken off in relation to medical procedures that support gender re-assignment are treated equally to that of illness or injury.*

- 5** Allow the employee(s) to take the lead regarding team communication unless otherwise requested
  - a. Discuss with the employee if they would like to have an open dialogue stream with an employer about their gender or/and sexual identity? Who do they want to know and how would they prefer to go about this?*



## THE GENDER RECOGNITION ACT 2004 AND GENDER RECOGNITIONS CERTIFICATE (GRC)

The Gender Recognition Act of 2004, allowed transgender individuals to receive a Gender Recognition Certificate and to be issued a new birth certificate. Currently the process for acquiring a GRC is very long, taking approximately five years to complete, it is also deemed very emotionally challenging, as it currently stands the quasi-judicial panel who assess applications can decline an individual's request with no right to appeal.

If an employee chooses to go through this process, an employer should support them and work with them, accommodating to the best of their abilities time off for hearings and evaluations. It is key to remember that Transgender individuals are not legally required to present a GRC when requesting to change their gender markers at work, and it is illegal for an employer to request to see an employee or candidates GRC, they should treat the employee or candidate as the gender they present themselves to be.





## WORK BASED STATISTICS (TAKEN FROM STONE WALL LGBTQ REPORT 2018)

- One in eight transgender individuals were physically attacked by customers or co-workers in 2017/18.
- One in five transgender individuals do not feel they are able to wear work attire or uniform that is representative of their gender identity and expression.
- 21% of transgender individuals do not feel comfortable reporting transphobic bullying and discrimination to their employer.
- 15% of trans individuals are not addressed as the correct name or with the correct pronouns at work, despite making official requests and updating documentation.
- Negative comments and conduct towards transgender individuals in the workplace are 8% more likely to happen in small/medium towns and cities in comparison to larger towns and cities.
- Transgender individuals are 13% more likely to be the target of negative comments and actions when compared to other individuals in the LGBTQ+ community who do not identify as transgender.



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