

## Our commitment to transgender people

The Company is committed to ensuring that transsexual people are treated with respect and that it does not discriminate unlawfully. This commitment is an important aspect of its overall commitment to providing equal opportunities in employment.

This policy is intended to assist the Company to put this commitment into practice and to help the Company, transsexual people and other employees to deal with any practical issues that may arise. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The Company has a separate dignity at work policy that deals with these issues.

### Transsexuals and gender reassignment

Transsexual people are those who decide to adopt the opposite gender to that assigned at birth because they do not feel that their gender identity matches that assigned to them. Gender reassignment is the process of changing to the new gender identity. This may involve surgical treatment but some transsexual people will not undergo surgery for personal reasons, such as age, health or finance. The process of gender reassignment will normally involve a period of at least one year when the transsexual person must live and work in the gender to which he/she is reassigning (the 'real life test') and hormone treatment. If the person decides to undergo surgery, this will follow the real life test.

### The law

The Gender Recognition Act 2004 allows transsexual people who have undergone gender reassignment to apply for a gender recognition certificate as of April 2005. When a full gender recognition certificate has been issued, the person is considered in the eyes of the law to be of the acquired gender. There is no obligation on an individual to apply for a gender recognition certificate and there may be good personal reasons, such as an existing marriage, why someone has not applied for one. There are special laws protecting the privacy of someone who has a gender recognition certificate: a person may commit a criminal offence if he/she discloses information about the gender history of someone with a gender recognition certificate without that person's consent.

The Sex Discrimination Act 1975 makes it unlawful to treat someone less favourably than other people in relation to employment or vocational training on grounds that he/she intends to undergo, is undergoing or has undergone gender reassignment. The protection applies whether or not the individual has a gender recognition certificate. Harassment or bullying on grounds of gender reassignment is unlawful discrimination.

There are some limited exceptions where it is lawful to prevent someone doing a job on grounds of gender reassignment, for example where being a man or a woman is a genuine occupational qualification for the job, as set out in the Sex Discrimination Act 1975, and the employer can show that it is reasonable to prevent the transsexual person from doing the job as a result. The exceptions apply only in rare cases. The exceptions do not apply to someone with a gender recognition certificate.

It is unlawful to victimise someone because he/she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

An employee who discriminates against another employee on grounds of gender reassignment may be held liable for unlawful discrimination and be required to pay compensation as well as, or instead of, the Company.

## **Recruitment**

A job applicant's gender identity status is irrelevant to the recruitment process, except in the rare circumstances where a genuine occupational qualification applies to the job. If the Company is relying on a genuine occupational qualification, it will make this clear in the recruitment material. The Company will not ask questions about gender identity status and job applicants are not required to volunteer information about it, unless a genuine occupational qualification makes this relevant. A job applicant with a gender recognition certificate is never required to disclose his/her gender history.

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 Company will keep the applicant's gender history confidential and will not take this into account in the selection process, unless a genuine occupational qualification makes this relevant. In accordance with its equal opportunities policy, the Company will assess candidates for employment objectively against the requirements that are necessary for the effective performance of the job.

If disclosure from the Criminal Records Bureau (CRB) is required as part of the recruitment process, applicants must disclose any previous names and/or gender to the CRB. Transsexual applicants may make use of the special application procedure established by the CRB so that their previous name is not disclosed to the Company.

## **Employment**

It will not normally be necessary for the Company to be made aware of the gender history of an employee who has undergone gender reassignment. If it becomes aware of information relating to an employee's gender history, it will keep this information confidential. It will not disclose information about an employee's gender history to a third party without the employee's consent. Any records that the Company needs to keep that relate to an employee's previous gender, for example relevant qualifications in a previous name, will be kept confidential, with only specified staff having access to them. When the Company no longer needs to keep those records, it will destroy them.

The Company will not take account of an employee's gender identity status or history in making employment decisions except where necessary and permitted by law.

The gender history of an employee with a gender recognition certificate will never be relevant to employment decisions. An employee with a gender recognition certificate will be treated in accordance with his/her acquired gender for all employment benefits including pensions and insurance.

An employee who has undergone gender reassignment but does not have a gender recognition certificate may be required to disclose his/her 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.

The Company will make it clear in information about insurance whether the insurance providers require disclosure of gender history. A transsexual employee has an obligation to disclose necessary information to the insurance company if the Company is not aware of the employee's gender history. If the Company is aware of the employee's gender history, the Company can supply the information to the insurance company with the employee's consent.

The Company will make it clear in information about the company pension what information is required and any implications that gender reassignment has on the company pension.

## **Dignity at work**

The Company has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with. Disciplinary action will be taken against employees who bully or harass other employees.

### **Dealing with the transition**

The Company will be supportive of any employee who expresses an intention to undergo gender reassignment and will work with him/her to try to ensure as smooth a transition at work as possible.

The Company will appoint, in consultation with the employee, a manager to be the employee's principal point of contact. That manager will agree with the employee an action plan for managing the transition at work. Matters to be addressed may include the following.

**The employees' job:** Consideration will be given to whether the employee wishes to stay in the same job and location or, if possible, to move post and/or location. In the rare cases where a genuine occupational qualification applies to the post, a change of job may be required.

**Time off:** The employee may require time off for medical or other treatment. Time off for these purposes will be treated no less favourably than time off for illness or other medical appointments.

**Change of social gender:** Consideration will be given to:

- when the employee expects to change name and to start presenting at work in the new gender;
- how work colleagues and clients are to be informed of the change;
- whether the employee wishes to inform colleagues and clients of the change or have someone from the Company do this;
- what information or training is to be given to managers and work colleagues;
- the point at which the employee will start to use any single-sex facilities, such as toilets, in his/her new gender.

**Dress codes:** If there is a dress code applying to the job done by the employee consideration will be given to what, if any, flexibility may be required to accommodate the transition.

**Records:** Consideration will be given to changes to records and systems that may be needed. After gender reassignment has been completed, records relating to the transition will be destroyed. The Company will create a new personnel record to ensure confidentiality.