**Guidance document**

**Transitioning at Work Guidance for Employees and Managers**

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1. **INTRODUCTION**

This guide is specifically relevant to employees who propose to undergo, or are undergoing a process of socially aligning their gender expression with their gender identity, rather than with their birth-assigned sex. This is described as ‘transitioning’. This guidance offers advice on how managers can support employees who wish to transition.

The Equality Act 2010 protects people who are proposing to undergo, undergoing or have undergone a process (or part of a process) for the purpose of gender affirming procedures. A person is not required to undergo medical procedure in order to be protected by the Act.

The Equality Act 2010 places a duty on public employers to take positive steps to eliminate discrimination, promote equality of opportunity and foster good relations for transgender people.

1. **WHAT IS TRANSITIONING?**

Transitioning is a term used to describe the process and steps an individual takes in order to live in the gender they identify as.

Transitioning is a unique process for each individual and may include any number of changes to a person’s life - it may also happen at any age. There is no ‘right’ or ‘wrong’ way to transition and every individual may approach this differently. For some this involves dressing differently, changing your name and or medical procedures, such as hormone therapy and surgeries. It is very important to remember that not all trans people will have the same path or approach. There may be a variety of reasons including cost, time or simply not feeling the need to. Transitioning commonly involves some or all of dressing differently, changing official documents, telling friends and family that you are transitioning.

The start of or intent to transition will as noted be different for everyone. It’s about the individual. After an individual transitions they may not identify as trans; they may simply see the process as being part of their past and not current identity. For example, an individual who has transitioned and identifies as female, may refer to herself as a woman, not a trans woman. This personal decision should be respected at all times and communicated to any staff as necessary.

There are often inaccurate assumptions made around people that are transitioning. Many people falsely believe that in order to transition a person must undergo a medical intervention, such as hormone treatment or surgery, or gain a Gender Recognition Certificate (GRC). This is not the case. It should not be assumed that the goal of every individual’s transition is to change their physiology or legal gender. If a trans person chooses not to undergo any medical intervention or gain a GRC, they are still entitled to be treated with dignity and respect along their choices whatever they may be. Please see the Dignity at Work Policy for further information.

1. **MANAGING THE TRANSITION PROCESS**

When a member of staff is considering transition, a meeting should be requested with their line manager, and depending on the personal wishes of the individual concerned a member of HR and/or a trade union representative,.

The trans person may feel particularly anxious during this time because they may be unsure as to how they will be treated by the organisation and also their colleagues or the public. It is also important to recognise that their immediate colleagues may also be uncertain and anxious.

Managers should always reassure the individual that they will be supported. Transitioning in the workplace has the potential to trigger prejudice or discriminatory behaviours from colleagues in or outside the organisation and as stated the public. Warrington Borough Council makes it clear through its policies and Code of Conduct, that such behaviour will not be tolerated.

It is recommended that the issues below are considered during the initial discussion:

* agree a designated person to be a point of contact;
* the expected timing of the transition of gender at work;
* how and when information will be communicated for example whether the employee wishes to inform colleagues themselves, or would prefer this to be done for them;
* how to handle any discrimination, harassment or hostile actions.
* what time off may be required for medical appointments and any medical procedures;
* what amendments will be required to identity cards, records and systems;
1. **THE ROLE AND RESPONSIBILITIES OF A MANAGER**

It is important to firstly reassure the individual, who may be under considerable stress, that the organisation will be as supportive as possible.

The line manager will continue be responsible for managing the day to day situation with the involvement of the person concerned.

* **Confidentiality** – if an individual has disclosed their previous identity – for example, in their references, it is important to respect confidentiality. Revealing information of this nature to others is an infringement of privacy and legal rights. If a current employee is to transition, strict confidentiality should be observed and a discussion should take place about how, when and if other colleagues, clients or customers are to be told. This would be on a ‘need to know’ basis so that the requirement to use the new name and pronouns, and to share facilities, is understood by work colleagues.
* **Discrimination, prejudice and harassment** – an employee who is considering, undergoing or has undergone a transition may face prejudice, discrimination and harassment from others. It is a manager’s responsibility to ensure that all employees adopt professional standards of behaviour at all times and any issues of dignity at work are dealt with appropriately and according to policy and procedure. You must also ensure that non-employees, such as contractors, other organisations we work alongside, clients and service users are aware that, as an organisation, we do not tolerate discrimination on any basis. Further information can be found in the Council’s Dignity at Work Policy.
* **Workforce education and training** – the manager will need to assess the amount of education and/or training that will be needed for employees. This must be discussed and agreed with the employee concerned. Education should/could take place on two levels: general information on being transgender and specific information to enable people to understand the needs of the person involved.
* **Sickness absence** – The employee is entitled to time off for medical appointments under the Authorised Leave Policy and time away from work for surgery and treatments, which will be recorded as sickness absence. Any absence associated with transitioning should not be counted towards triggers under the Absence Management Procedure. Please refer to the Authorised Leave policy for a framework for managing an employee’s attendance in these circumstances.
1. **RECORDS AND CONFIDENTIALITY**

It is essential that all documents, public references (such as telephone directories, prospectuses, web biographies, security passes etc), and employment details reflect the acquired gender of the person. This will prevent any breach of confidentiality. It is a criminal offence to share someone’s trans status unless there is specific consent to do so from the individual concerned.

Where documents have been seen and copies taken at the point of starting employment (such as birth certificate) then every effort should be made to replace those with equivalent documents in the new name and gender.

There may be circumstances where some documents are in the individual’s previous name, such as qualifications etc, which the employer may need to retain on file. Discuss with the individual concerned how to retain such evidence on file, so as not to compromise or breach disclosure of protected information.

Access to records regarding the change of status should be restricted to a ‘need to know’ basis.

HM Revenues and Customs is usually told automatically when a person changes their gender legally by applying for a Gender Recognition Certificate, however it may be helpful to confirm that this has happened. If the employee is changing their legal name only they will need to inform HMRC of this. Payroll will need to ensure that the changes are reported in separate full payment submissions to ensure that duplicate payroll records are not created.

1. **SINGLE SEX FACILITIES**

If a person is transitioning in a workplace then they may want to talk with their employer about if and when they want to change from using one set of toilets and other single-sex facilities, to another. For a person who is transitioning from male to female, or from female to male, this can be as straightforward as the employee telling their employer roughly when they think they want to switch and which toilets they will be using. For a person who does not identify as female or male, for example a non-binary person, it is more a question of discussing which facilities this person feels more comfortable using.

1. **FURTHER INFORMATION**

Further advice and guidance on this subject or specific circumstances covered by this guide can be obtained from your directorate HR Business Partner.

A referral to occupational health may be made for advice and support where appropriate and agreed by the employee.

If you would like to comment on the content of this guide, please contact Human Resources on humanresourcesqueries@warrington.gov.uk

**APPENDIX A – SAMPLE WORKPLACE GENDER TRANSITION PLAN**

The following template is a sample Workplace Gender Transition Plan that can be adopted in whole or part as required.

**SAMPLE**

**Workplace Gender Transition Plan**

**For [Transition Name]**

**(formerly known as [Dead Name]**

[Employee Name] (the transitioning employee) has notified Warrington Borough Council of their intention to change gender expression in the workplace. This plan will outline the actions and expectations of the Council and the employee.

1. **Key Points of Contact**

|  |  |  |  |
| --- | --- | --- | --- |
| **Contact**  | **Name** | **Email Address** | **Phone Number** |
| Transitioning Employee |  |  |  |
| Manager of Employee |  |  |  |
| HR contact |  |  |  |
| LGBTQI+ Lead |  |  |  |

1. **Timeline**

The employee will change their name, gender and pronouns from <date> and is to be referred to as <new name> with <pronouns> as their pronouns.

1. **Identification Changes**

The name and gender on all employment records created on or after <date> will be listed as <new name>. A new e-mail address will be issued to the employee on or about <date>. The employee will arrange for a new identity badge through the BSCFlexi (Mailbox).

1. **Planned Gender Transition Announcements**

The employee has requested that the following individuals, groups and/or organisations be made aware of their gender transition:

|  |  |  |
| --- | --- | --- |
| **Audience (to be notified)** | **Notification Method** | **Notification Date** |
| *example: Sue Smith and Tom Jones* | *Email rom Supervisor* | *TBD* |
|  |  |  |
|  |  |  |

The transitioning employee is reminded that there may be additional people who might be made aware of their gender transition/affirmation as a result of processing requested action(s). Upon request of the transitioning employee, a Gender Transition Announcement Meeting may be convened for those in frequent workplace contact with the employee, such as co-workers, customers, certain teams, etc. The purpose of the meeting is to announce the employee’s gender transition, articulate expected norms of conduct, answer questions, and/or implement training. Medical privacy will be maintained. The Gender Transition Announcement Meeting can be conducted by the transitioning employee, a manager, a representative from HR or another individual as per the transitioning employee’s request. The transitioning employee may opt to be present or be absent from all or part of the meeting. If the employee so chooses, they may draft a short letter/email or create another type of brief message to be shared with those attending the meeting.

1. **Additional Points of Agreement.**

Other points of agreement between the employee and the manager include the following (for example, anticipated period(s) of leave):

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