

## **6.13 Trans Equality Policy Statement**

### **Foreword**

This policy and guidance have been developed to support our ambition to be a diverse and inclusive Northern Ireland Civil Service where everyone can reach their full potential.

The guide provides a structured approach with practical guidance for managers to fully support staff through their transition.

**You may also be interested in the following policies:**

**6.05 Equality, Diversity and Inclusion**

**6.09 Dignity at Work**

## 6.13 Trans Equality Policy and Transitioning at Work Guide

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### **6.13 Trans Equality Policy Statement**

The Northern Ireland Civil Service believes that people perform better when they can be themselves.

Our Equality, Diversity and Inclusion Policy, Chapter 6.05 of the HR Handbook outlines the Northern Ireland Civil Service's commitment to providing an inclusive working environment; where individuals are valued for the contribution they make to the organisation and where line managers, senior managers and all colleagues have a duty and personal responsibility for the implementation and promotion of equality, diversity and inclusion.

The NICS People Strategy places diversity and inclusion firmly at its center and it includes a range of actions that will help accelerate our ambition to make the Service a truly inclusive workplace which reflects the society we serve.

Our Dignity at Work Policy sets out our commitment to creating and sustaining an environment where everyone is treated with respect and dignity, free from any form of inappropriate behaviour, and one in which all employees can give of their best.

We recognise the importance of equality, diversity and inclusion in the workplace, we also value and welcome the contribution made by all staff, including trans colleagues, and in doing so we provide inclusive policies and practical support to enable all staff to fulfil their potential.

We recognise that for some people there is a difference between the sex they were assigned at birth (female/male) and their gender identity. We will not discriminate against people on the grounds of their gender or gender identity, including their trans identity and trans history. The following guide deals specifically with supporting trans colleagues and transitioning in the workplace. We also recognise that trans is an umbrella term and that there are a wide range of transitioning experiences and trans identities, including non-binary trans people. This diversity of people is welcomed by the Northern Ireland Civil Service and we will therefore support all of our trans colleagues.

The legislative framework underpinning gender equality is a vital component in protecting the rights of trans people. Progress in this area is constantly evolving and on occasion the pace of legislative change may not match the developments in wider society. Therefore, as an employer, we will also consider, and when appropriate, adapt to and implement emerging best practice, to demonstrate and ensure that we continue to be a fully inclusive and welcoming employer, with a staff reflective of all people in the society we serve.

## **Transitioning At Work: Guide for Managers and Staff**

### **1. Introduction**

- 1.1. This document provides guidance on assisting and supporting colleagues who are transitioning while working in the NICS. It provides a suggested framework to enable managers to structure their discussions with a colleague who is transitioning. This framework can be used as a template to agree the key actions and steps in a Memorandum of Understanding that line managers and Departments should follow, when supporting a colleague through their transition. This document can not anticipate every situation that may arise nor does it act as a definitive guide to transitioning in the workplace and therefore advice on where colleagues can find additional information is provided in the 'Further Guidance' paragraph.
- 1.2. Managers should remember that each individual's circumstances are different, their transition journey will be unique to them and a one size fits all approach is not appropriate. Within the framework, as far as it is possible to do so, each Memorandum of Understanding should be developed in consultation with and shaped to meet the particular needs of the individual. It should be regularly reviewed, along with the colleague who is transitioning, to ensure that it continues to meet their emerging needs and, if needed, it should be added to and amended as and when the individual's circumstances change.

### **2. What is Trans & Transitioning?**

- 2.1. As defined by Stonewall, **Trans** is an umbrella term to describe people whose gender is not the same as, or does it sit comfortably with, the sex they were assigned at birth. For example, a transgender man is someone who was assigned female at birth, but identifies and lives as a man. A transgender woman is someone who was assigned male at birth, but identifies and lives as a woman.
- 2.2. Trans people may describe themselves using one or more of a wide variety of terms including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, two-spirit, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.
- 2.3. The terminology, appropriate language and pronouns used in this area are constantly evolving. To assist managers and staff increase their understanding of acceptable language a [glossary of terms](#) is provided by Stonewall, which is updated on a regular basis to reflect emerging best practice.

- 2.4. **Transitioning** refers to the steps a trans person may undertake to enable them to live in the gender they identify with. Each person's transition may involve different steps, ranging from their choice of dress, their change of name, informing family and friends through to hormone therapy, medical treatment and surgical intervention. Therefore, the actions required to manage and support an individual through their transition will depend on their specific needs.
- 2.5. Transitioning or being a trans person is irrelevant to how well a person can do their job.

### **3. Relevant Legislation**

- 3.1. In Northern Ireland, sex discrimination legislation provides legal protection to trans people from discrimination, harassment and victimisation. The legislation does not require an individual to have undergone surgery or any specific treatment to be protected in law. The legislation covers areas of employment and training and other fields – access to goods, facilities and services to the public and the disposal of land and premises. A summary of the relevant employment legislation applicable is provided at **Annex A**.
- 3.2. Relevant legislation may develop or change in due course and this guidance may also be amended to reflect changes in legislation.

### **4. Procurement**

- 4.1. Goods and service providers contracted by the NICS will comply with all applicable fair employment, equality of treatment and anti-discrimination legislation, and shall use their best endeavours to ensure that their employment policies and practices and delivery of services required for the NICS have due regard to the need to promote equality of treatment and opportunity.

### **5. Gender Recognition Certificate**

- 5.1. Although not a necessary requirement in the application of this guidance, or by the Northern Ireland Civil Service to determine that an individual should be treated in their affirmed gender, a Gender Recognition Certificate (GRC) may be obtained by a colleague if they wish to do so and meet the criteria set by the Gender Recognition Act (2004). If so, the individual assumes all the legal rights of their affirmed gender and is then entitled to a new birth certificate reflecting their affirmed gender.
- 5.2. The Gender Recognition Act also provides additional privacy protections and requirements for individuals with a GRC, who are protected from disclosure of that fact by Section 22 of the Act. It is generally unlawful to disclose that

someone has a GRC without their explicit consent or other legitimate reason to do so.

## **6. Privacy & Confidentiality**

- 6.1. While trans people may be proud of their trans history and trans identity, it may not be the first way in which they wish to be thought of or regarded. Like everyone else, trans colleagues have the right to privacy in all aspects of their lives. The dignity and privacy of trans colleagues should be respected at all times and the individual should determine with their manager what and when information will be communicated to colleagues as well as to any other stakeholders who need to be informed. Therefore, until an individual is ready to inform others, confidentiality is of paramount importance. The information shared with managers should be treated as confidential sensitive personal data, kept in line with data protection legislation and only shared when it is necessary to do so during the transition process.
- 6.2. At each stage of the transition, when more people need to be informed to support the individual, such as the Head of Branch, each new colleague made aware of the transition should be reminded of their responsibilities in terms of sensitivity and confidentiality and made aware that, following the transition, reference to the individual by their previous name or gender is a breach of confidentiality and potentially, could amount to an unlawful data breach.
- 6.3. If a member of staff has changed gender before entering employment or changing job within the Northern Ireland Civil Service they are under no obligation to inform management or colleagues of this and it should also be remembered that it is the legal right of any trans person not to disclose this information and to keep their trans identity and trans history confidential should they wish to do so. Such staff are not being untruthful or dishonest and are living their lives in the affirmed gender they identify as and want to be fully accepted in that way. Revealing someone's trans identity or trans history without the person's consent to do so may constitute an offence under both equality and data protection legislation. See paragraph on Gender Recognition Act.
- 6.4. For those transitioning whilst in employment, there will come a time when this will have to be disclosed to managers, staff and others. In fact, this may be an essential part of the transition process, when the individual undertakes their 'Real Life Experience' in their affirmed gender role. However, until the individual has decided when that time is and how much information will be communicated to others, confidentiality is paramount. Careful management is also required in relation to the retention and disposal of all personal data collected to support a colleague through their transition.

## **7. Respect**

- 7.1. It is important that all colleagues respect everyone's gender identity. Managers and staff should treat trans colleagues how they want to be treated and respect their affirmed gender. Similarly, names and pronouns should be followed in accordance with the individual's wishes. During and shortly following the transition it is possible that some managers and staff may make a genuine mistake when referring to or addressing a colleague. If so, a simple apology, followed by the correct name or pronoun is all that is needed to correct the situation before moving on.
- 7.2. Intentionally and persistently misgendering or using colleagues' previous names would amount to harassment and should not be tolerated. Breaches of this policy will be treated in a serious manner and be dealt with under the Dignity at Work Policy.
- 7.3. In addition, some colleagues may be overly interested and overstep personal boundaries in terms of questioning a trans colleague's potential medical or surgical interventions, their relationship status, or their family's response to their transition. When supporting the colleague through the transition it may be necessary for managers to ask personal questions to allow for and to plan time off work. However, for all others this may not be necessary and it is important that other staff and managers respect the personal boundaries of the trans colleague, as they would for any other member of staff.

## **8. Initial Discussion**

- 8.1. It may come as a surprise or a shock when a colleague discloses that they intend to transition to their affirmed gender. As previously outlined, as an employer, the Northern Ireland Civil Service has a legislative duty to individuals who are transitioning and the manager's role is crucial in this responsibility. It is important not to make assumptions at this stage. The manager should allow the individual to explain their personal transition journey, accept that their plans may change through the transition process and prepare to be flexible in order to best meet the needs of the colleague. A suggested discussion framework and suggested Memorandum of Understanding template is provided at **Annex B**.
- 8.2. Managers and other staff should be aware that this is likely to be a very challenging occasion for the trans colleague, one that they have built up to and rehearsed over and over again in their minds. It is the individual who is most affected by the change – not managers or other colleagues and informing a manager for the first time may be a significant step in their personal journey.



Therefore, the colleague should always feel in control of both the pace and the actions agreed throughout their transition – whatever happens next, happens at a pace set by the individual.

## **9. Agreeing a Process**

- 9.1. Successfully supporting the individual through their transition will depend upon taking account of their specific needs in the workplace throughout the process. Considerate, private and confidential discussions will help identify and manage their particular needs. It is therefore important for a manager to agree a process very soon after being informed by a colleague that they are transitioning. Discussions should be conducted in private, unless the individual prefers to be accompanied by a trusted friend or colleague, LGBT champion, a TUS representative, or any other person for support, and if helpful a Memorandum of Understanding may then be agreed.
- 9.2. The use of a Memorandum is optional and intended as a support tool and a key activity reminder for both the individual and the manager. Under no circumstances should it be imposed on an individual or shared with any others without the permission of the individual. If utilised, the Memorandum should be kept in the strictest confidence, signed and dated by both the member of staff and the line manager – on the understanding that it may change as necessary throughout the process, as not all details may be known at the outset. Any amendments should also be signed and dated as agreed.
- 9.3. As agreed between the manager and individual, the Memorandum may be filed securely electronically, with access strictly controlled and visibility locked down only to those with permission to view. Alternatively, it may be agreed to retain a hard copy only, stored securely by the individual and manager until disposal date. To ensure adherence to data protection principles it is important not to retain personal data for longer than necessary, so the individual and manager may agree an appropriate retention period for the Memorandum of Understanding.
- 9.4. Further information on providing support to a colleague who is transitioning is provided throughout this guidance, however the key elements are listed below:
  - the date the colleague will present in their affirmed gender; this may be through a phased change, or a point in time transition following treatment
  - the name the colleague will be known as and the pronouns others should use to address them
  - whether or not the individual may wish to temporarily or permanently change jobs

- whether there are duties within the role that should not be undertaken at specific times within the process
- consideration of a workplace risk assessment following treatment or surgery
- potential or anticipated time off for medical treatment, surgery or recovery
- when and how to inform colleagues and other stakeholders
- what risks may arise for the colleague in the workplace as a result of transition, for instance, in relationships with external parties or from media interest, and how these should be dealt with

9.5. The aim of the Memorandum is to make the working environment, during a phased transition, or on and following the first date in their affirmed gender, as stress free as possible for the individual.

## **10. Date of Transition**

10.1. This is dependent on the individual and their transition process. Transitioning is not an overnight occurrence but a sometimes lengthy process involving a number of social adjustments and can involve medical treatments and surgical procedures depending on the colleague's individual decisions. However, not all trans people will undergo medical or surgical treatments.

10.2. Whatever the specifics of each transition, there is likely be a point in time when the individual will present in their affirmed gender. Some staff may wish to take leave for a period and return to work in their affirmed gender. If so, this period will provide an opportunity to amend workplace records, HR details, IT systems and security pass information. This time may also be an opportunity for staff and other stakeholders to be informed of the change and receive additional equality training if necessary.

10.3. If no break is taken, all of the above arrangements should be made in advance of the transition and implemented on a date agreed with the individual.

10.4. Whether a break from work is taken or not, advance planning and thoughtful management is required on the first day the individual attends work in their affirmed gender, the details of which should be discussed in advance with the member of staff. Managers will need to ensure the individual is not ignored or excluded, or inundated with enquiries and intrusive attention. Some colleagues may be happy to take the initiative when greeting others in their affirmed gender, while others may be reluctant to do so. It may be helpful for individuals to be accompanied by a trusted friend or colleague, LGBT champion, a TUS representative, or any other person for moral support at this time.

10.5. However much planning and preparation is put into this date, it is not always possible to anticipate every eventuality and the reactions of the individual and of other colleagues. Managers should monitor progress throughout the day. It is also likely that ongoing support will be necessary following transition, as both the individual and others adjust to the change and planning for longer term actions should also be considered.

## **11. Informing Colleagues and Stakeholders**

11.1. It is important that agreement is made with the individual on when it will be appropriate to inform colleagues of their transition and consideration given as to who will do this. The individual may wish to inform colleagues themselves, or prefer that this is done by someone else in the organisation, such as a line manager or Head of Branch. As well as the wishes of the individual, consideration will also need to be given to the size and structure of the workplace. Face to face communication may be appropriate in smaller team environments, or for immediate colleagues, whereas email may be preferable in larger organisations, or for those colleagues and stakeholders not directly in contact with the individual.

11.2. It is also important to take into account what colleagues the individual wants to inform and needs to inform to facilitate the necessary changes. Some individuals may only want to inform colleagues that they work with directly. Some individuals may wish to be present while other colleagues are informed and may even be happy to answer questions from their colleagues – as long as questions are appropriate, non-intrusive and respectful. Others may prefer not to be present and to return to the workplace in the knowledge that colleagues have been informed of their trans identity in their absence. This is entirely a personal preference for each individual and it is the individual who should determine the appropriate pace and method of communication.

11.3. Good communication will be key to ensuring that the individual and colleagues are best prepared to manage and adjust to the transition successfully and that the individual is accepted in their affirmed gender by all, minimising any potential impact on service delivery. A balance needs to be struck between communicating at a pace the individual is comfortable with alongside the need for timely communication to address potential rumours and office gossip.

11.4. There are a number of ways in which staff and stakeholders can be communicated with and a suggested list of options is provided below:

- face to face discussions
- a personal letter to staff from the individual
- a full branch meeting

- at a specially arranged 'event' / training course
- coordinated team meetings
- by group email

## **12. Records, Change of Identity Details**

12.1. The General Data Protection Regulation is clear that personal data must be accurate and relevant. In relation to a person's name and gender this means that we must provide an efficient means for a colleague to amend their details and records.

12.2. Careful data management is critical to a successful transition in the workplace as failure to properly update, maintain, protect and dispose of records, which when related to a change of gender should be considered as personal sensitive data, could result in unwanted attention for the individual, cause them distress and even result in an unlawful data breach.

12.3. There are many official staff records related to individuals held in various formats and locations – locally, centrally, by shared services and by Pensions Branch – and therefore there are many instances of data flow where it is essential that the protections and safeguards in place ensure that gender details are not unnecessarily revealed. During the preparation stage of updating records and identity details it will be necessary to engage other business areas and when doing so all those informed should be made aware of their responsibilities in terms of the management of sensitive personal data. Following transition, all new records should refer to the individual only in their new name and affirmed gender and, wherever feasible, records predating the transition should be amended to show their affirmed gender and identity details.

12.4. Although there are a number of NICS wide records that all colleagues share, staff in different Departments may have a varied range of records held about them. The colleague and their line manager should compile a schedule of records that require amendment as part of the transition and also consider who should be involved in doing this. Consideration should also be given to who should have access to, and to how historical records will be stored securely and protected to ensure confidentiality of the individual's gender history. For example, HR Connect Self Service, Active Directory and HPRM identity details can be changed by individual staff when they choose to do so, but changes to other records such as Pension details may take time to process and involve other colleagues and business areas.

12.5. Although not intended to be comprehensive, the following provides an indicative list of where a change of gender and identity details should be made or notified to the relevant business area:

- security pass
- name plates
- website/office contact details
- IT systems
- HR Connect records
- pension records
- training records
- vetting information
- TUS membership
- professional bodies

### **13. Decision to Transition**

13.1. A decision to transition is not taken lightly. At minimum, it is a great improvement to an individual's quality of life, it can have a positive effect on mental health and wellbeing and, on occasion, it can even be a life-saving choice. Although not always the case, the decision to transition may be as a result of repression and gender dysphoria. Whatever the reason, trans colleagues should be supported during and after their transition.

### **14. Absence from Work**

14.1. Legal protection provides that a trans colleague must not be treated less favourably than someone off work sick due to illness or injury. Although not always, colleagues who transition may undertake a number of medical treatments and/or surgical interventions and as a result are required to be absent from work, both to undergo treatment and to recover from it. Although transitioning is not a 'sickness' in itself, such absences should be managed as any other absence, such as those due to injury or illness.

14.2. A phased return to work can also be accommodated, working with the staff member to ensure they are comfortable, both with the pace of their return, and other staff members cooperation.

14.3. There are a number of other factors which management may consider to ensure that the individual's absences from work are supported and their return as stress free as possible. Such accommodations can include the temporary change of duties, the award of special leave and arranging adequate cover when the individual is absent. It is important that the manager discusses well in advance what treatment will occur with the individual including how many

absences are likely during the transition process to enable adequate time to put arrangements in place and to reassure the colleague that they will be fully supported throughout the process.

## **15. Performance Issues**

15.1. As per any other significant change in a person's circumstances, medical treatment or surgical procedures, gender transition may have an impact on an individual's work performance. Side effects from medication, treatment or surgery may also temporarily impair the abilities of an individual and it may be necessary to review current, or to conduct, a workplace risk assessment following treatment or surgery.

15.2. In such circumstances, understanding and empathetic management is required to help ensure that the individual is supported through any temporary performance issues. It may be helpful to consider if any workplace easements are required, including consideration of a temporary reduction of performance standards, to support the individual through the process.

## **16. Redeployment**

16.1. This is likely to be a challenging period for the individual which could be made even more difficult if the current post is known to be highly pressurised, public facing or of another nature which may be difficult to perform throughout the transition. In addition there may physical requirements of the current role which may prove difficult to perform if the individual is undergoing or recovering from surgery or a medical procedure.

16.2. In these circumstances, and in consultation with the individual, the colleague may be offered the opportunity to change job role during the transition, or permanently thereafter, if appropriate. If so, they should not be pressurised into changing roles during the course of, or following, the transition. The aim of this action is solely to support the trans colleague.

16.3. Conversely, while some colleagues may prefer to start a new role when transitioning, or when in their affirmed gender, others may value the existing support network of current friends and colleagues, feel more comfortable with their knowledge and understanding of their current role and may wish to remain in post during and after their transition. The manager should discuss with the individual if this option would be helpful in their circumstances as early as possible to both reassure and support the individual and to allow adequate time for arrangements to be put in place.

## **17. Single Sex Facilities**

- 17.1. This issue may be a cause for concern for the individual and also amongst other colleagues within the workplace and it is important that it is managed with sensitivity and understanding for all concerned, to achieve an accommodation that works for all those who use the facilities.
- 17.2. Within the Civil Service estate, facilities are usually provided on the basis of female, male and accessible. Transitioning or trans colleagues will generally want to use the facilities which best match their gender identity. The manager and individual should discuss and agree the point at which the use of any single sex facilities in the affirmed gender will begin. The legal position is clear that, whenever a person begins to live permanently in their affirmed gender, they should be permitted to use the facilities allocated to that gender.
- 17.3. Managers are expected to support the trans colleague's rights on this issue and may do so by dealing with unreasonable behaviour through communication, discussion, education and adherence to the NICS diversity and inclusion values.
- 17.4. To meet the needs of all staff management may consider if all facilities have to be gender specific, as it may be possible, with the support and agreement of the local management and premises team, that some facilities are allocated as 'gender neutral', 'toilets for everyone' or 'accessible to all'. However, whether this is possible or not, trans people should be able to use the facilities allocated to their affirmed gender.
- 17.5. Some posts may also require the use of showers/changing facilities and the legal position regarding changing facilities is as that for toilet facilities.

## **18. Pensions**

- 18.1. Generally, changing gender will not impact on an individual's pension rights as the normal pension age will be determined by whether they are on Classic, Classic Plus, Premium, Nuvos, Alpha or Partnership pension. For those staff on Classic, Classic Plus and Premium schemes this is usually at age 60, for Nuvos this is usually at age 65 and for Alpha it is the same as the state pension age.
- 18.2. Similarly, unless there are any subsequent relevant changes to circumstances, such as divorce or separation, there will be no changes to death benefits payable to dependants as a result of gender transition alone.

18.3. HRConnect are responsible for informing Civil Service Pensions about any changes to the personal data of staff, which they do on a monthly basis. Therefore, any changes made on HRConnect self-service by individuals regarding name and gender will be securely forwarded to Pensions soon afterwards.

18.4. For those staff born after 5 April 1955 a change of gender will not affect their state pension age. However, those staff born earlier than this date should contact HM Revenue & Customs for advice.

## **19. Training / Diversity Awareness**

19.1. All NICS staff and managers are regularly made aware of their Equality, Diversity and Inclusion responsibilities through a series of generic training interventions delivered by CAL and by corporate communications. However, it may be necessary to arrange additional bespoke training when a colleague is transitioning and managers should be led by their own observations and the individual's wishes on whether additional training is necessary or not.

19.2. There are a number of considerations in relation to the development and delivery of training: who would it be necessary to deliver training to; what would the training include; and, who would deliver the training. The individual may wish to be involved in either the preparation of the training content or in the delivery of the training itself (sharing their experience), but in no way should the trans colleague be coerced if they are not comfortable doing so.

19.3. If bespoke training is necessary the NICSHR Diversity and Inclusion Branch should be approached in confidence by management to discuss how they could assist with additional training needs.

19.4. The timing of any training should be carefully planned so as not to compromise any ongoing confidentiality issues.

## **20. Public Interest**

20.1. A trans colleague should never be removed from a public facing role on the basis of their trans identity and this should only ever happen if it is in accordance with the wishes of the individual and/or to support them either on a temporary basis during their transition, or permanently thereafter.

20.2. In all aspects of their lives, trans colleagues live with the potential of transphobic attacks on a daily basis. In public facing workplace roles, managers should also be aware of a risk from members of the public towards a trans colleague, or of members of the public refusing to deal with a trans



person. Should such events occur, they should be managed in the same way as any other request to deliberately discriminate against a member of staff and the request should therefore be refused. Any inappropriate or discriminatory behaviour from a member of the public, or anyone else, will be deemed unacceptable conduct by the Northern Ireland Civil Service.

## **21. Media Interest**

21.1. Strict confidentiality should be maintained in response to any interest from media. All such enquiries should be addressed centrally by the Departmental Communications Team and consideration should be given by Communication Teams to developing an agreed response to include the Northern Ireland Civil Service's status as an equal opportunities employer with no specific or personal information provided to media.

## **22. Review**

22.1. It is not possible to outline everything that may need to be considered by managers as each trans colleague's transition will be unique to them and issues may arise which are not accounted for in this guidance. Additionally this area is constantly evolving and as such this guidance will be regularly reviewed.

## **23. Further Guidance**

23.1. If you have any queries related to this guidance, or would like to discuss an issue not included above or covered by other HR policies, please contact NICS HR Diversity and Inclusion Branch in confidence at 02890 251733 or on Ext. 51733 or by email to: [NICSHRDiversity@finance-ni.gov.uk](mailto:NICSHRDiversity@finance-ni.gov.uk).

23.2. In addition to the support available within the NICS, there are a range of organisations based in NI which help and support trans people, including, Focus: The Identity Trust, GenderJam, SAIL NI, The Rainbow Project and TransgenderNI.

## Relevant Legislation

**Please note:** This section references specific legislation and, although the terminology is now considered outdated, the language used below reflects that of the legislation. More up to date and inclusive terminology has been used elsewhere throughout this document.

### **Sex Discrimination (Northern Ireland) Order 1976**

#### **as amended by:**

- **Sex Discrimination (Gender Reassignment Regulations) (Northern Ireland) 1999**

The **Sex Discrimination Gender Reassignment Regulations (Northern Ireland) 1999** extended the **Sex Discrimination (Northern Ireland) Order 1976** to make it unlawful to discriminate on grounds of gender reassignment in employment and training. It is unlawful to treat a person less favourably on the grounds that she or he intends to undergo gender reassignment, or is undergoing gender reassignment, or has at some time in the past undergone gender reassignment. The regulations cover direct discrimination, victimisation and harassment in employment or training on the grounds of gender reassignment.

- **Sex Discrimination (Amendment of Legislation) Regulations 2008**

The **Sex Discrimination (Amendment of Legislation) Regulations 2008** amended the **Sex Discrimination (Northern Ireland) Order 1976**. It introduced protection for individuals in Northern Ireland from direct discrimination on grounds of gender reassignment in the provision of goods, facilities, services or premises.

- **Gender Recognition Act 2004**

The **Gender Recognition Act 2004** allows trans people who are able to satisfy the Act's evidential requirements to apply to a Gender Recognition Panel to seek full legal recognition. If a Gender Recognition Certificate is issued, and the person's birth was registered in the UK, they will be able to obtain a new birth certificate which does not disclose the fact that they have changed gender.

- **Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016**

The **Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016** extended the scope of protection in the **Sex Discrimination (Northern Ireland) Order 1976** to make indirect discrimination unlawful. This occurs where an employer applies a provision, criterion or practice which is discriminatory in relation to gender reassignment and which cannot be justified.

**Transitioning at Work**  
**Suggested Memorandum of Understanding Framework**

<b>Issue</b>	<b>To Consider</b>	<b>What needs to be done &amp; who is responsible</b>	<b>When by</b>
<b>1. Gender Transition</b>	<ul style="list-style-type: none"> <li>• Your new name</li> <li>• Office location</li> <li>• Line manager</li> <li>• Supported by</li> <li>• Medical advisor</li> <li>• Medical advisor contact</li> <li>• Close colleagues</li> </ul>		
<b>2. Changing Records</b>	<ul style="list-style-type: none"> <li>• Security pass</li> <li>• Name plates</li> <li>• Website / office contact details</li> <li>• IT systems</li> <li>• HR Connect records</li> <li>• Pension records</li> <li>• TUS membership</li> <li>• Professional bodies</li> </ul>		
<b>3. Informing Colleagues</b>	<ul style="list-style-type: none"> <li>• Face to face discussions</li> <li>• A personal letter to staff from the individual</li> </ul>		

**ANNEX B**

Issue	To Consider	What needs to be done & who is responsible	When by
	<ul style="list-style-type: none"> <li>• A full branch meeting</li> <li>• At a specially arranged 'event' / training course</li> <li>• Coordinated team meetings</li> <li>• other ways</li> <li>• Answering questions</li> <li>• Reasonable requests for further info</li> <li>• By group email</li> </ul>		
<p><b>4. First day in affirmed gender</b></p>	<ul style="list-style-type: none"> <li>• Who will provide moral support on this day</li> <li>• When will it be</li> <li>• Change of role required</li> <li>• Are you personally ready</li> <li>• If no, what else do you need to do to be ready</li> <li>• Are your colleagues ready</li> <li>• If no, what else should happen to make them ready</li> <li>• How will you travel to work on your first day</li> </ul>		

**ANNEX B**

Issue	To Consider	What needs to be done & who is responsible	When by
<p><b>5. Medical treatments and work absences</b></p>	<ul style="list-style-type: none"> <li>• Role for OHS / Welfare</li> <li>• Risk Assessment</li> <li>• Counselling</li> <li>• Consultations</li> <li>• Hormone therapy</li> <li>• Hair removal treatment</li> <li>• Speech therapy</li> <li>• Pre surgery</li> <li>• Surgery</li> <li>• Recovery</li> <li>• Reasonable adjustments</li> <li>• Other issues</li> </ul>		
<p><b>6. Retention &amp; disposal</b></p>	<ul style="list-style-type: none"> <li>• How should this document be saved, electronic/hard copy</li> <li>• Who will have access to this document</li> <li>• Agree disposal schedule, how long should this document be kept for</li> </ul>		