

Gender Identity and Expression Employment Policy (Regional)

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****AS AT NOVEMBER 2024 – THIS IS THE MOST UP TO DATE VERSION. IT IS CURRENTLY UNDERGOING REGIONAL REVIEW WITHIN 6 MONTHS**



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Policy Checklist

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Gender Identity and Expression Employment Policy

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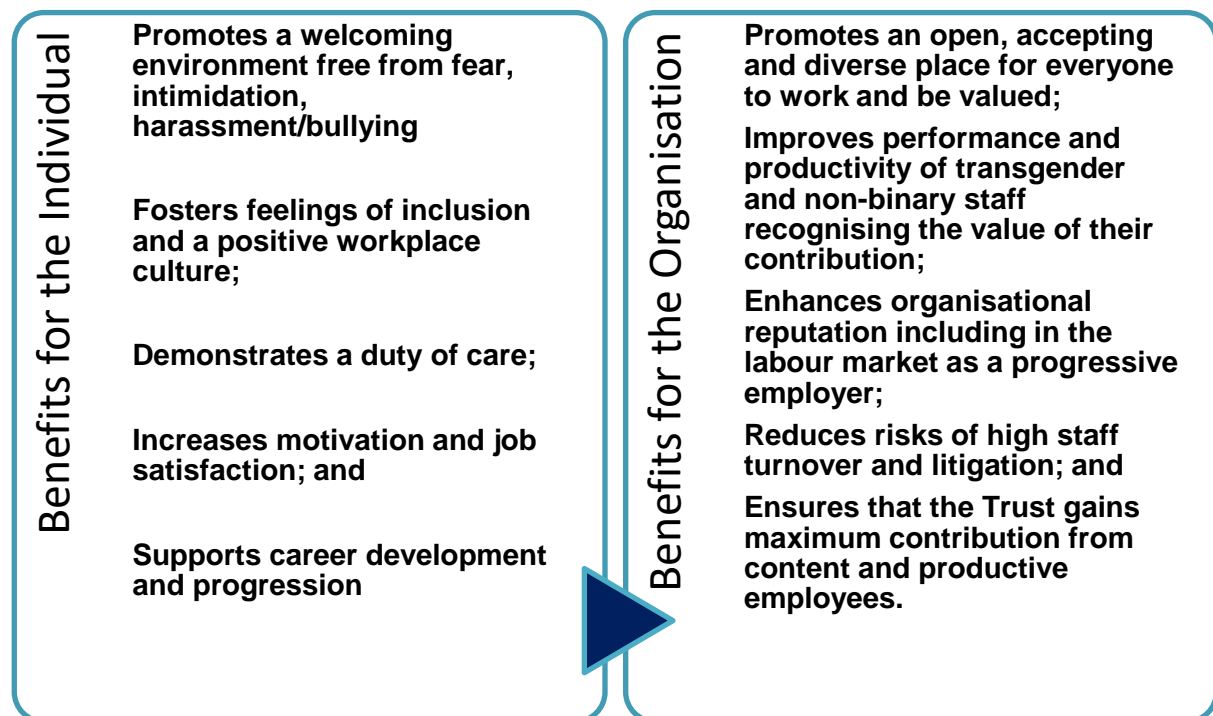
1.0 **Introduction**

- 1.1 The Southern HSC Trust recognises that staff who are able to be themselves in work are more likely to enjoy going to work, feel included and can achieve their full potential. As an inclusive organisation, the Southern Trust is committed to the health, well-being and dignity of all our staff, regardless of their gender identity and expression. The Trust strives, through this policy and guidance and other relevant workplace policies (including our Equality, Diversity and Inclusion Policy and Conflict, Bullying and Harassment Policy), to create an environment where all our employees are engaged, happy and productive.
- 1.2 In the context of this policy:
- ❖ We describe a range and diversity of gender identity and expression in terms of a 'spectrum' or a continuum between male and female.
 - ❖ We use the term 'transgender' to denote those who intend to transition, are transitioning or have transitioned. Medical processes are not essential to transitioning. Some people choose not to, or cannot, undergo a medical process but are still transgender.
 - ❖ We refer to 'non-binary' people as those whose gender identity falls outside the gender binary of male or female. This includes individuals whose gender identity is neither exclusively male nor female, a combination of male and female or between or beyond genders.
- 1.3 We recognise that individuals describe their gender identity in different ways and that the use of some terms is contested¹. For definitions of all key terms that we use in this policy see Appendix 1: Glossary. We will keep our use of terms under review as the terminology continues to evolve.
- 1.4 We recognise that identity and expression are distinct from one another. Any gender identity may express itself in a variety of ways.
- 1.5 Good quality statistical data in relation to gender identity in the UK does not exist. In a recent report the House of Commons' Women and Equalities Committee reported that "Current estimates indicate that some 650,000 people are likely to be gender incongruent to some degree".
- 1.6 This document has been developed in accordance with the Trust's Key Principles for Policy Development.

¹ See also House of Commons' Women and Equalities Committee (Dec 2015) *Transgender Equality*. London: The Stationery Office.

2.0 Purpose and Aims

- 2.1 The purpose of this policy is to provide guidance and advice to staff and managers on the recruitment and retention of transgender and non-binary staff.
- 2.2 Transgender and non-binary individuals frequently face discrimination, prejudice and the stigma associated with their difference. Social isolation, breakdown in family relationships and depression often results.
- 2.3 The Trust believes that there are a number of benefits for both our organisation and transgender and non-binary individuals in having a policy in place:



3.0 Objectives

The policy is aimed at creating a workplace where:

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| | ✓ the dignity of and respect for transgender and non-binary people is protected and promoted |
| | ✓ transgender and non-binary people feel safe |
| | ✓ transgender and non-binary people feel comfortable to express their gender identity |
| | ✓ transgender and non-binary people can fulfil their full potential and fully contribute to the workplace |
| | ✓ all staff (including line managers and managers more generally) better understand the needs of transgender and non-binary staff and are empowered to support and strive to meet their needs |
| | ✓ discrimination and harassment against transgender and non-binary people (whether by staff or third parties the Trust interacts with) is not tolerated and any allegations thereof are dealt with in an effective manner. |

4.0 Policy Statement

4.1 Our organisation is committed to the promotion of equality and human rights. The intent of this policy is to promote equality of opportunity for staff who identify as transgender or non-binary and those interested in becoming our staff. The Trust will continue to ensure that we fulfil our Section 75 equality duties by continuing to explore the impact of our policy as it is implemented.

5.0 Scope of Policy

5.1 Supporting staff who identify as transgender and non-binary

- ❖ The Trust will support all transgender and non-binary staff by providing them with access to information resources (including websites and dedicated resources) and access to support and advice (including human resources, occupational health, trade unions and counselling).

- ❖ The Trust will also signpost staff to dedicated community and voluntary sector organisations should they wish to access support and advice through these means. Appendix 2 provides further details.
- ❖ The Trust supports the regional LGBTQIA+ Health and Social Care (HSC) Staff Forum. It will provide information to transgender and non-binary staff on how to access the forum and to all staff to make them aware that this support is available to them and their colleagues to create opportunities for shared understanding (see Appendix 2).
- ❖ The Trust also supports the right of all transgender and non-binary staff to dress (including wearing make-up) in line with the expression of the gender they identify with, while adhering to any local uniform and dress arrangements.
- ❖ The needs of transgender and non-binary staff will differ from one individual to the next. Staff who are intending to transition or are transitioning will have particular support needs linked to the transition process. Likewise, particular needs may arise for those who have transitioned. These matters will be addressed in consultation with the transgender employee, Human Resources and the direct Line Manager and are detailed in the accompanying Guidance and Procedure document. We will likewise seek to support staff who identify as non-binary should particular needs arise.
- ❖ We also recognise that staff who are family or carers of a person who identifies as transgender or non-binary may have particular welfare needs.

5.2 Recruitment and Selection

- ❖ In line with our organisation's Equality, Diversity and Inclusion policy and other employment policies, the Trust strives to become an employer of choice for all.
- ❖ All staff involved in recruitment and selection processes whether in an administrative role or other will be trained on the appropriate handling of information records of transgender applicants (see also section on 'Handling Information Records' in the Guidance and Procedure document). Staff will be made aware that documents may be received under the previous name and title of an individual who transitions.
- ❖ The Trust will ensure that – similar to other equality information – recruitment and selection panels do not receive any information on the gender identity or status of transgender applicants.
- ❖ Very occasionally there may be a genuine occupational requirement (GOR) for a post to be carried out by a particular gender. This will be stated in the advertisement of the post. Further guidance on the appropriate application of a GOR can be provided by your Human Resources Department and/or Equality Unit.
- ❖ In such cases, applicants who intend to or are in the process of transitioning must disclose their status to the panel. Individuals who have

obtained a new birth certificate based on a Gender Recognition Certificate are not required to disclose their status and must be treated as their correct gender.

- ❖ Staff must never ask for a Gender Recognition Certificate. It is illegal to do so. Further details relevant to recruitment and selection staff can be found in the sections on 'Access NI' and 'Handling Information Records' in the accompanying Guidance and Procedure document.

6.0 Responsibilities

6.1 Director of Human Resources:

- Responsible for ensuring that the organisation promotes equality of opportunity for all staff and applicants in its employment policies and practices.

6.2 Human Resources Staff:

- Monitor the implementation and operation of this policy
- Ensure that a systematic assessment of training and awareness needs is carried out in relation to gender identity issues
- Ensure that appropriate training and awareness initiatives are delivered
- Ensure that appropriate support arrangements for transgender and non-binary individuals are in place
- In handling records and dealing with matters relating to transgender individuals ensure that they adhere to the provisions under the GDPR/Data Protection Act and the Gender Recognition Act at all times
- Support any staff intending to transition throughout the transition process and beyond by working with the individual and the line manager
- Consider signposting individuals to the regional LGBTQIA+ Health and Social Care (HSC) Staff Forum for general information and support
- Effectively advise on investigations into any alleged incidents of inappropriate behaviour by another member of staff towards transgender and non-binary individuals and take effective action in accordance with the outcome of the investigation.

6.3 Line Managers:

- Participate in training and awareness initiatives as required
- Ensure that their staff participate in training and awareness measures as required
- Support any transgender and non-binary member of staff and seek to meet their needs
- Consider signposting individuals to the regional LGBTQIA+ Health and Social Care (HSC) Staff Forum for general information and support

- At all times ensure that they have the consent of the transgender or non-binary member of staff before they disclose any information relating to their gender identity to another person
- May avail of support from Human Resources or the equality team in relation to gender identity issues generally
- Once a member of staff has advised that they intend to transition enquire whether the individual wishes the line manager to liaise with Human Resources in order to arrange a joint meeting
- Support any of their staff intending to transition throughout the transition process and beyond
- Ensure that all staff are aware of appropriate behaviour in relation to gender identity
- If a transgender or non-binary member of staff advises them of an incident of alleged inappropriate behaviour – whether by another member of staff or a third party – to liaise with Human Resources, in line with relevant policies and procedures, to initiate an investigation and take effective action in accordance with the outcome of the investigation
- Being mindful of the needs of staff who are family or carers of a person who identifies as transgender or non-binary.

6.4 **Staff who identify as transgender or non-binary:**

- We encourage members of staff who identify as transgender or non-binary to avail of all the organisation's support mechanisms and to;
- Notify their line manager – or their manager's manager or the Human Resources nominated officer – of any incident of alleged inappropriate behaviour
- Advise their line manager or Human Resources at the appropriate time should they wish to avail of support in the workplace
- Be aware of support provided by trade union representatives
- Those staff who have decided to transition to advise their line manager at the appropriate time
- Constructively engage with their line manager and Human Resources to agree appropriate support measures.

6.5 **All Staff:**

- Familiarise themselves with and follow this policy and procedure
- Participate in training and awareness initiatives as required
- Adhere to the Conflict, Bullying and Harassment Policy and other relevant employee relations policies at all times
- Be mindful of the needs of staff who are family or carers of a person who identifies as transgender or non-binary.

7.0 *Legislative Compliance, Relevant Policies, Procedures and Guidance*

- 7.1 The Trust remains fully committed to promoting equality of opportunity, in line with Section 75 of the Northern Ireland Act 1998, as well as our other legal obligations (including under the Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999, the Gender Recognition Act 2004, the Human Rights Act 1998, our obligations as a service provider under the Sex Discrimination (Amendment of Legislation) Regulations 2008), the General Data Protection Regulations (GDPR) and Data Protection Act 2018.
- 7.2 In cognisance of their multiple identities, transgender and non-binary people will of course likewise be protected under any anti-discrimination legislation that relates to other aspects of their identity, such as their sexual orientation or disability status.
- 7.3 The legal rights and good practice standards relating to transgender and non-binary people are constantly evolving so this policy will be reviewed at least once every 3 years in line with the default period.
- 7.4 In order to assess the operational effectiveness of this policy a review will be undertaken at regular intervals and not later than three years following implementation. The Trust has consulted with individuals who identify as transgender and non-binary, external and internal groups and Trade Unions in the development of this policy.
- 7.5 Breaches of the policy may be dealt with under the disciplinary procedures, such as breaches of confidentiality.
- 7.6 Acts of discrimination, victimisation or harassment perpetrated by an employee of the Trust against any other employees may result in disciplinary action up to and including dismissal.

8.0 *Equality & Human Rights Considerations*

- 8.1 This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998. Equality Commission guidance states that the purpose of screening is to identify those policies which are likely to have a significant impact on equality of opportunity so that greatest resources can be devoted to these. No significant equality implications have been identified. The policy will therefore not be subject to an equality impact assessment.
- 8.2 Similarly, this policy has been considered under the terms of the Human Rights Act 1998, and was deemed compatible with the European Convention Rights contained in the Act.

9.0 *Alternative Formats*

- 9.1 This document can be made available on request in alternative formats, e.g. plain English, easy read, Braille, audio formats, large print and in other languages to meet the needs of those who are not fluent in English.

10.0 *Sources of Advice & Further Information*

- 10.1 For definitions of all key terms that we use in this policy see Appendix 1 – Glossary. We will keep our use of terms under review as the terminology continues to evolve.
- 10.2 A list of useful resources and contacts, including the name of a dedicated HR person, can be found in Appendix 2.

Gender Identity and Expression Employment Policy

Appendix 1: Glossary

The language used in the context of gender identity and expression is diverse. There is no universal agreement on definitions of terms, neither – first and foremost – amongst individuals themselves, nor amongst groups within the sector, nor amongst researchers. Below, we seek to define the terms we use in this policy. We recognise that the use of language is at times controversial. We do not intend to offend nor challenge the self-identification of individuals in any way.

Gender Identity

How a person feels who they are – male, female, or some other gender. This may or may not correspond to the sex they were assigned at birth.

Gender Expression

The external manifestation of a person's gender identity. Gender can be expressed through mannerisms, grooming, physical characteristics, social interactions and speech patterns.

Gender Identity and Expression Spectrum

The continuum, range and diversity of gender identity and expression between male and female.

Transgender person

Someone who intends to transition.

Transition

A process through which some transgender people begin to live as the gender with which they identify, rather than the one assigned at birth. Transition might include social, physical or legal changes such as disclosing to family, friends, co-workers and others; changing one's appearance; changing one's name, pronoun and sex designation on legal documents (e.g. driving licence or passport); and medical intervention (e.g. through hormones or surgery).

Non-binary person

An umbrella term for a person with a gender identity that falls outside the gender binary of male or female. This includes individuals whose gender identity is neither exclusively male nor female, a combination of male and female or between or beyond genders. People under the non-binary umbrella may describe themselves using one or more of a wide variety of terms.

Intersex person

Intersex people are born with sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies. Intersex is an umbrella term used to describe a wide range of natural bodily variations. In some cases, intersex traits are visible at birth while in others they are not apparent until puberty. Some chromosomal intersex variations may not be physically apparent at all.

UN High Commissioner's fact sheet on Intersex Conditions Sept 2015

http://www.ohchr.org/Documents/Issues/Discrimination/LGBT/FactSheets/UNFE_FactSheet_Intersex_EN.pdf

Gender Identity and Expression Employment Policy

Appendix 2: Contacts and Resources

Human Resources (dedicated contact)

Sarah Moore
Head of Employee Relations Department
Tel: 028 375 64228
Email: sarah.moore@southerntrust.hscni.net

Equality Diversity & Inclusion

Tel: 028 375 64152 Equality.Unit@southerntrust.hscni.net

Occupational Health

Tel: 028 375 64800

Counselling

Inspire Workplaces (previously Care call)
Tel: 0808 800 0002 (24/7, 365 days a year)
Email: support@inspirewellbeing.org

LGBTQIA+ Health and Social Care (HSCNI) Staff Forum

Email: lgbtstaff@hscni.net

All correspondence will be treated completely confidentially.

Website: www.lgbtstaff.hscni.net

Trade Unions

Many trade unions likewise have dedicated fora on gender identity or combined fora on gender identity and sexual orientation issues. In addition, many have identified dedicated contact persons for gender identity matters.

HSC Pensions

Telephone: 028 71 319 111

Email: hscpensions@hscni.net

Website: www.hscpensions.hscni.net

Websites

www.gires.org.uk

(Gender Identity Research and Education Society)

This website combines the expertise of both transgender and non-transgender individuals. Their collective aim is to ensure that legislation and practices meet people's needs.

www.teni.ie

(Transgender Equality Network Ireland)

Transgender Equality Network Ireland (TENI) seeks to improve conditions and advance the rights and equality of trans people and their families.

HSC eLearning

Resources can be found on **LearnHSCNI** and search for the relevant Training session you wish to enrol or to enrol – **Click Here**

'SHSCT Equality, Good Relations and Human Rights: Making a Difference' modules. All staff should complete their 'Making a Difference' eLearning diversity training every 3 years, it is available on the Trust's eLearning platform - [link](#).

Equality, Good Relations and Human Rights: A Training Manual for Staff - [Equality, Good Relations and Human Rights Manual](#)

Material Resources

HM Revenue and Customs: Taxes and Benefits - Information for our lesbian, gay, bisexual and transgender customers.

<http://www.hmrc.gov.uk/leaflets/Pride1.pdf>

Further support may be found with these organisations:

[Home - The Rainbow Project \(rainbow-project.org\)](http://rainbow-project.org)

[Mermaids Northern Ireland - Mermaids \(mermaidsuk.org.uk\)](http://mermaidsuk.org.uk)

[About Us - HERe NI](#)

[Focus - The Identity Trust \(thefocustrust.com\)](http://thefocustrust.com)

[Belfast Trans Resource Centre – A home for the trans community in Belfast](#)

[TransgenderNI – Supporting and advocating for trans people in Northern Ireland](#)

[Cara Friend – Supporting LGBTQI+ People in Northern Ireland \(cara-friend.org.uk\)](http://cara-friend.org.uk)

[Non-Binary Northern Ireland – A community group for Non-Binary people in Northern Ireland. \(wordpress.com\)](#)