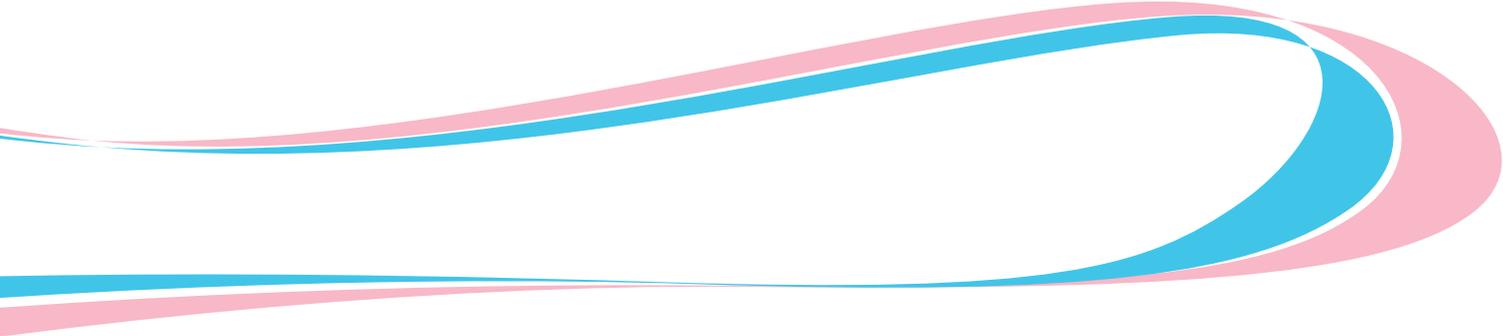




Transgender

Guidance leaflet
for supporting staff



1. Introduction for trans staff

Welcome to this guidance which explains our commitment to supporting trans* staff in Norfolk and Suffolk NHS Foundation Trust.

We believe that people perform best when they can be themselves at work and so we want to ensure that all staff, including trans staff can work in an environment where they are accepted, respected and valued.

We recognise that there is still a lot of misunderstanding and prejudice regarding transgender issues. This booklet is designed to help counter these problems by educating and supporting our workforce. However, we are also very clear that anyone who deliberately and unfairly discriminates against trans colleagues is breaking the law.

We will always take steps to protect trans staff from unfair discrimination.



* A definition of transgender / trans will follow under paragraph 3a.

2. Introduction for NSFT managers and staff

Although some staff will have personal experience of trans issues through their family and friends we also recognise that many staff may have no knowledge or experience at all.

Sometimes people can feel worried about making a mistake or causing offence and this guidance is intended to address this anxiety. If in doubt, ask – assuming the person is open about their trans status, if they are not, it may cause unwelcome attention and sensitivity and the feeling of being ‘outed’.

We are committed to providing a safe environment for all our staff and we can all play a part by being supportive to trans colleagues.

“Under the law, employers have a duty to ensure that transgender employees do not experience discrimination, harassment or victimisation in the workplace and failure to do this or to manage the transitioning process effectively and sensitively could result in being brought before an employment tribunal. To prevent this from happening, employers need to create ‘trans’-friendly workplaces. They need to develop policies and practices which explicitly support transgender and work to ensure that these are embedded in the day-to-day running of the organisation.

Above all, they need to create environments where everyone feels valued, respected and free to discuss transgender issues”.

Transgender in the workplace – McCabe and McCloud (2012) www.diversiton.com

3. Understanding trans issues

a. Gender, sex, identity and language

What do we mean by transgender?

Transgender is a wide-ranging term to describe people whose gender identity is different to that they were assigned at birth. It can include men and women, people who are born intersex (though intersex is not to be equated with transgender, however some people born intersex may also transition) and people who cross-dress (part-time or full-time). For some people their gender identity changes over time and can be quite fluid. Some people do not feel that they relate to any gender and may use language such as agender, genderqueer or non-binary. Some may socially and / or surgically transition from male / female assigned at birth to an intermediate, non-binary or agendered state and prefer



the title Mx and use pronouns such as they / their or others you may not be familiar with such as 'hir' or 'ze', it is very acceptable to ask a non-binary person what pronouns they prefer.

Trans is often used as a short-hand instead of transgender.

Some people decide to make a transition to their preferred gender. They may have cross-gender hormone therapy and / or gender reassignment surgery for example, and refer to themselves as transsexual or later as a person of transsexual history, but some people prefer, or for medical reasons have no choice, to live as their felt gender without surgery. There is a very wide range of ways in which we all choose to live our lives.

Sex is often used as short hand for gender – meaning male or female. But we can distinguish between male and female primary characteristics (in terms of genitals, reproduction, etc.) and masculine and feminine gender behaviours and identity (in terms of social norms – which vary from culture to culture and across time).

When we choose words we aim to find words that convey respect. Tranny is a pejorative word and should be avoided, even if some trans people may be overheard using it among themselves.



b. What the law says about protection against unfair discrimination

It was made unlawful under the Sex Discrimination (Gender Reassignment) Regulations 1999 to discriminate against transgender people.

Protection, however, was limited only to those people who intended to undergo, who were undergoing or who had already undergone gender reassignment, with any such changes required to be carried out under medical supervision.

In 2005, the Sex Discrimination Act was amended to expressly outlaw harassment on the grounds of sex and on the grounds of gender reassignment. In 2008, it was further amended to include harassment of employees by third parties as if it were harassment by the employer.

The Gender Equality Duty, which came into force in 2007, places a duty on public sector employers to take positive steps to combat gender reassignment discrimination and harassment of their employees.

The Equality (2010) Act extended protection to include people who are living as the opposite sex irrespective of whether or not they are undergoing reassignment. The regulation implements the principle of equal treatment and aims to:

- Advance equality of opportunity
- Eliminate discrimination, harassment and victimisation
- Foster good relations between persons who share relevant protected characteristics and persons who do not

Transgender in the workplace – McCabe and McCloud (2012) www.diversiton.com

It is important to remember that it is an offence to disclose someone's transgender status without their consent.

c. NSFT's support for trans colleagues

We are completely committed to supporting trans colleagues whether they are starting to think about the issues, making a transition, or have already transitioned.

We will not tolerate behaviour which makes trans colleagues feel uncomfortable at work.

We will not tolerate unfair discrimination.

d. What does a good workplace look and feel like for trans colleagues?

In many ways it is exactly the same as for all other colleagues.

- I feel comfortable being myself
- I can share as much or as little as I prefer
- I feel valued as a colleague
- I feel my work makes a difference to the people we serve
- I have a good relationship with my line manager who is supportive and respects my preferences

But to achieve this, trans colleagues may also need a personal support plan.

4. Advice and support in NSFT for trans staff

Raising the issue with your manager can sometimes be the most difficult decision especially if you are unsure of the reaction you will receive. In an ideal world everyone would be well informed and we would all have excellent relationships with our managers. In real life, this isn't always the case.

You have the right to a sensitive and thoughtful response that focuses on your needs and preferences.

If you would like to talk to someone other than your line manager first, there are several places to go.

You can talk to the Equality and Engagement Manager, the HR manager for your service, or to colleagues in the Trust's Lesbian, Gay, Bisexual and Transgender employee network group. Details are on the trust's intranet site.

They can talk to you about any concerns you have and can also approach your line manager before you do, if you would prefer this.

We can support you to develop your own transition plan if this would be helpful. This is an agreement about what support you can expect and tackles some of the areas that might concern colleagues such as using shared changing areas or what name you would like to be called. See the suggested transition plan opposite.

Supporting someone when they transition

Employers can support an employee upon transition by following these guidelines:

- The person's line manager should discuss with the person what help and support is needed. It is crucial in the early stages of transition planning that confidentiality is of primary concern
- Discuss the timeframe. It is important that sufficient time is factored in to allow for considered planning and implementation as well as giving colleagues and other parties time to adjust
- Establish a plan around the use of toilets and, if applicable, changing room and shower facilities
- Ensure that the person is involved in planning the steps for their transition
- Discuss with the person who they would like to inform colleagues and how it should be done
- Consider which other managers and departments need to be involved
- Discuss with the person how people are going to be told, that is, are they going to tell people themselves or would they prefer that their manager handle the announcement?

- If possible, colleagues with whom the person works closely should be told well in advance of them coming to work in their new gender expression
- Other employees with whom the person has less frequent contact should be informed nearer the time of the change
- Arrange training for staff and ensure that they have an understanding of transgender issues in the workplace and of the process of transitioning. Provide a resource for staff to discuss any concerns they may have about the forthcoming transition of their colleagues
- Discuss with the employee whether they would like to stay in their current post or be redeployed
- Consider whether advice and support is necessary for customers, clients and service users and how this will be handled
- Try to anticipate what changes will be required e.g. email address, name badge, uniform etc.
- Ensure that all records are updated to reflect the employee's new gender status

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5. Advice and support for line managers - understanding your role

Even if you are an experienced manager you may not have been in the position of supporting a trans team member before. You may be concerned about making a mistake or saying the wrong thing, but so long as you talk to the employee about how they feel and what they need, you will not go far wrong.

It is important not to make assumptions as everyone is different.

Remember that it is often a big decision to raise this issue at work – so bear in mind that your staff member may be nervous.

Aim to reassure them that NSFT is a supportive employer and that you are a supportive manager.

As well as supporting your staff member you will need to think about what your team may need in the future.

There is plenty of support available to you through HR Business partners, Equality leads in your area, the Equalities and Engagement Manager and the LGB&T employee network group.

Although one outcome may be a transition plan (see above), your colleague may not wish to do anything at the moment other than raise the issue with you.

For more information contact:

NSFT Diversity team

Email: equality@nsft.nhs.uk

Or your local HR Business partner

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Email: PALS@nsft.nhs.uk

or call PALS Freephone 0800 279 7257

Norfolk and Suffolk NHS Foundation Trust values and celebrates the diversity of all the communities we serve. We are fully committed to ensuring that all people have equality of opportunity to access our service, irrespective of their age, gender, ethnicity, race, disability, religion or belief, sexual orientation, marital or civil partnership or social & economic status.



If you would like this leaflet in large print, audio, Braille, alternative format or a different language, please contact PALS and we will do our best to help.

