**TRANSGENDER EQUALITY POLICY**

**1. Introduction**

Welsh Sports Association (WSA) is committed to promoting equality, diversity, and good relations in everything it does – as a community leader, as a provider and commissioner of services, and as an employer. This policy is primarily aimed at employees and recruitment candidates.

WSA would refer you to the official report published by the UK’s Sports Council Equality Group (SCEG) for guidance and support on trans athletes: <https://equalityinsport.org/wp-content/uploads/2013/08/Transexual-people-and-competitive-sport-guidance-for-national-governing-bodies-of-sport.pdf>

WSA is committed to equality of opportunity for transgender people throughout recruitment and employment, including supporting transgender employees through any transitioning process. WSA will not tolerate discrimination, victimisation, or harassment on the basis of a person’s gender identity, gender expression or transgenderstatus. WSA seeks to provide a supportive environment for transgender staff and to create a culture and environment where trans staff are able to thrive and are well supported during any process of transition.

The purpose of this guidance is to assist managers and transgender employees and their colleagues in WSA with practical information on workplace support. The guidance serves to assist those involved in administering sport to identify what steps they can take to provide an inclusive environment that is supporting of and welcoming to transgender people. The said report will be provided upon request for further reference.

**2. Definitions**

‘Trans’ or ‘transgender’ describes people whose gender identity differs from their sex assigned at birth. They are umbrella terms covering people who:

* Are intending to undergo, are undergoing, or have undergone gender reassignment at any stage.
* Identify as having a gender different from that which they were assigned at birth and are planning or have had medical interventions such as hormones or surgery.
* Identify as having a gender different from that which they were assigned at birth, but who are not planning any medical intervention.
* Are non-binary – that is, they are not solely male or female. They may define themselves as both, neither or something entirely different. They may or not have medical interventions to align their body with their non-binary gender identity.

These are not mutually exclusive alternatives.

‘Transitioning’ is the process undertaken by a trans person in order to bring their gender presentation into alignment with their gender identity. This often involves dressing differently, using a different name and pronoun (e.g., she, he, or they) and changing official documentation. It may involve various types of medical or surgical treatment, although this is not the case for all trans people.

WSA recognises there is no right or wrong way to transition and is committed to supporting each individual in their decisions. Please see the glossary (Appendix 1) for further information.

**3. Employees Undergoing a Transition**

If an employee states that they are intending to transition at work, their line manager, in conjunction with other appropriate colleagues, should aim to make this process as smooth as possible. Managers should be aware that it can be an extremely difficult step for someone to approach their manager about transitioning. They are likely to worry about the response. WSA is committed to reassuring all staff that they will be supported and respected. The transition process will be led by the individual concerned.

**4. Telling Colleagues**

The manager and employee will discuss the individual’s preferences in relation to informing others, including other managers, colleagues, service users and other relevant contacts. They will agree whether the employee will do this, whether they would prefer the manager or a work colleague to do this, or a mixture of these options. They will also get express written agreement from the employee about when and how this will happen, including the details of the message and who it will be shared with. Levels of disclosure may vary in detail for different types of contacts and will be agreed in advance.

**5. Uniforms and Dress Codes**

If a uniform is in place for the role, managers will ensure that the trans employee has access to the uniform that is most appropriate at all times. Some trans employees may need access to both the male and female uniforms. Managers will be flexible and will support the preferences of the employee wherever possible. Trans staff have the right to comply with any dress codes in a way that reflects their gender identity and gender expression.

**6. Employee Facilities**

Trans people are entitled to use single sex facilities in accordance with their correct gender. For non-binary people, this might mean using gender-neutral or accessible facilities or using a combination of different facilities. However, trans people will never be required to use accessible toilets unless they wish to do so.

**7. Updating Records**

Electronic records will be updated in a timely manner, to coincide with the date on which the workplace transition begins. Care will be taken to ensure that records do not link back to the former name – this may entail creating a whole new email address rather than simply changing the name on the existing one, for instance. The manager and employee will work together to ensure that nothing is missed.

New security passes with the correct name and a new photograph will be issued, without any replacement cost to the trans employee. Paper records will be updated where possible. Those which cannot be updated – for instance, paper copies of references relating to the employee’s recruitment – will be stored in a secure place, and clearly marked as only to be looked at by named persons.

**8. Customer Service Roles**

There is no reason why an employee who is transitioning should not continue in a customer facing role. However, some people might prefer a period of redeployment during transition, or as a permanent change. Managers will work with the employee to find a solution that meets the needs of both the employee and the service.

**9. Employee Appointments, Treatment & Surgery**

Arrangements will be made between the employee and their manager for them to attend transition-related appointments and treatment. These absences will not be counted in relation to absence monitoring, included in absences for references, taken into consideration for performance monitoring or, for instance, during redundancy procedures.

In addition, trans staff are entitled to the same sickness absence and pay as other staff. Many people have to travel a long distance for appointments, and these may be given at short notice. People may need reduced hours or duties, or other changes to usual working arrangements, for a temporary period following some treatments. Managers will be as flexible as possible to accommodate this.

**10. Action Plan and Checklist**

The trans employee and their manager might find it helpful to put in place an action plan, or to agree a check list to clarify the actions that will be taken over the course of the employee’s transition, dates by which these will be done, and the person who will take responsibility. Refer to Appendix 2 for an example, which can be modified to suit the individual’s needs.

**11. Discrimination and Abuse**

WSA has a zero-tolerance approach towards discrimination and harassment based on gender identity, gender expression or gender history. Inappropriate behaviour or language may constitute discrimination, harassment, bullying or victimisation. Discrimination including harassment, third party harassment and victimisation are covered by the Equality Act 2010. Managers are responsible for taking timely action where misconduct occurs on the grounds of an employee’s gender identity, in line with the harassment policy. This will be monitored and followed up.

**12. Legal Protections**

Gender Recognition Act 2004

The UK Gender Recognition Act (GRA) enables people aged over eighteen to gain full legal recognition for the gender in which they live. Applications are considered by the Gender Recognition Panel. Once a person receives a Gender Recognition Certificate (GRC), they are legally of that gender for every purpose and have all the rights and responsibilities associated with that gender.

Employment rights do not depend on whether a person has a Gender Recognition Certificate. Employers should not ask for a person’s GRC and it should never be a pre-condition for transitioning at work. To make an application for a GRC, a person needs to show they have been living – and working - in that gender for at least two years.

The Gender Recognition Act gives anyone applying for or holding a Gender Recognition Certificate particular privacy rights. It is a criminal offence to pass on information acquired ‘in the course of official duties’ about someone’s gender recognition, without the consent of the individual affected. ‘Official duties’ include employment, trade union representation or supply of business or professional services.

Equality Act 2010

The Equality Act 2010 (England, Scotland, and Wales) protects against discrimination because of gender reassignment in employment and service delivery. It bans direct and indirect discrimination and victimisation.

The Act makes clear that it is not necessary for people to have any medical diagnosis or treatment to gain this protection; it is a personal process of moving away from the gender assigned at birth to the correct gender.

People discriminated against because they are wrongly perceived to be trans, or who are discriminated against because of their association with trans people or issues, are also protected.

**13. Genuine Occupational Requirements**

In the vast majority of cases, the gender of a worker is of no relevance to their ability to do a particular job. However, the Equality Act 2010 does allow for an exception where being of a particular sex is an ‘occupational requirement’ of that post. If this is the case for an employee transitioning at work, they will be redeployed into a suitable position, where possible.

**14. Recruitment**

People who have already transitioned have no obligation to disclose their gender history. Job applicants and interviewees will not be asked their gender identity during the recruitment process – it is not a relevant criterion in selection. Neither is there any obligation for a transgender person to disclose this as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing officers who become aware that an applicant is trans will maintain full confidentiality in relation to this.

**15. References**

Where a reference request is received for an existing employee who has transitioned, WSA will respect the employee’s privacy and only respond using the employee’s correct name and gender in the reference.

Disclosure on sickness absence will not include time taken off for medical appointments related to transition. This information is strictly confidential, and managers must be very careful of any record keeping in this.

When WSA requests a reference, the organisation will make the request using the prospective employee’s correct name and gender since transitioning. The organisation will not mention previous names or gender identity, unless specifically asked to do so (in writing) by the trans person.

**16. Qualification Certificates**

WSA recognises that it can be difficult and expensive for a trans person to change their qualification certificates. If these are in a former name then, where possible, a record will be made that the certification has been seen, but a copy will not be taken. If it is absolutely necessary for WSA to store a copy, they will be stored securely and only accessed by named persons.

**17. Professional Registration**

If the employee’s job involves professional registration, the organisation will check whether the registration body has a specific, confidential process for gender transition.

**18. Pensions and National Insurance**

Where pensions, National Insurance contributions, or other benefits, are dependent on legal sex, trans people will be advised of the different implications of whether they do or do not have a Gender Recognition Certificate.

**19. Roles and Responsibilities**

The responsibilities of the employee are as follows:

* Engaging with managers and HR around the logistics of transitioning in the workplace.
* Reporting any instances of harassment, victimisation, or discrimination.

The responsibilities of the manager are as follows:

* Ensuring that colleagues are informed about the employee’s transition in a manner that best suits the employee.
* Maintaining confidentiality at all times.
* Thoroughly investigating any instances of harassment, victimisation, or discrimination.
* Supporting the employee in any way that is necessary and appropriate.

The responsibilities of HR staff are as follows:

* Ensuring that this policy is followed at all times.
* Maintaining confidentiality, including securing paper documents and files.

The responsibilities of the IT Department / Support Services are as follows:

* Changing names, titles and pronouns on email and other systems.
* Issuing updated security passes and ID badges.

**20. Support for Employees with Transitioning Family Members**

If an employee is supporting a family member who is transitioning, they may need to take time off to attend appointments and treatment or give assistance following surgical procedures. Some of these may be at short notice and may involve travelling a long distance. Managers will be as flexible as possible to accommodate this.

**21. Promotion of Trans Equality**

As well as ensuring that trans staff are fully supported, WSA will demonstrate its commitment to trans equality in the following ways:

* Ensuring that all training courses that are delivered are fully inclusive of trans people – this includes both face-to-face training and e-learning.
* Marking important dates for the trans community, such as Trans Day of Visibility (31st March) and Transgender Day of Remembrance (20th November).
* Including trans people in publicity and marketing materials.
* Ensuring that all forms and surveys are inclusive of trans people, including non-binary people for both staff and clients.
* Including trans equality as a core part of the organisation’s equality agenda and objectives.
* Investigating fully all complaints of harassment, victimisation, or discrimination on the grounds of gender identity, gender history, trans status or gender expression.
* Monitoring the implementation of this policy.

**APPENDIX 1: GLOSSARY**

**Gender Identity:** a person’s deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned to them at birth.

**Gender Expression**: a person’s external gender-related behaviour and appearance, including clothing.

**Transgender or Trans Person**: a person whose gender identity does not conform to the sex they were assigned at birth. The term transgender person or trans person are umbrella terms to cover a number of specific terms such as transgender men, transgender women, intersex people, androgyne and polygender people, cross‐dressing and transvestite people. We use the term transgender man to describe a female‐to – g male transgender person and use the term transgender woman to describe a male‐to‐female transgender person. This is not the same as a crossdresser, or transvestite people, nor is it the same as sexual orientation.

**Gender Binary**: the classification of sex and gender into two distinct and disconnected forms of masculine and feminine.

**Gender Variance**: gender expression that does not match society’s norms of female and male.

**Non-Binary Person**: a person who does not identify as solely male or female. They may identify as both, neither or something entirely different.

**Gender Fluid:** having agender identity which varies over time.

**Gender Dysphoria**: The NHS uses the following terms and explanations with regard to gender dysphoria.

Gender dysphoria is a condition in which a person feels that there is a mismatch between their biological sex and their gender identity. Biological sex is assigned at birth, depending on the appearance of the infant. Gender identity is the gender that a person ‘identifies’ with, or feels themselves to be. Gender dysphoria is a recognised condition, for which treatment is sometimes appropriate. It is not a mental illness. Some people with gender dysphoria have a strong and persistent desire to live according to their gender identity, rather than their biological sex and may undergo treatment so that their physical appearance is more consistent with their gender identity.

It is estimated that 1 in 11,500 people experience gender dysphoria. However, there may be many people with the condition who do not seek help. On average, men are diagnosed with gender dysphoria five times more than women. While gender dysphoria is rare, the number of people being diagnosed with it is increasing due to growing public awareness about the condition. However, many people with gender dysphoria still face prejudice and misunderstanding about their condition.

**Gender Reassignment**: Gender reassignment is one of a number of protected characteristics defined in the Equality Act 2010 and is the process of transitioning from one sex to another. This legislation (as well as the equality legislation in Northern Ireland) prohibits discrimination against a person who is proposing to undergo, is undergoing or has undergone a process, or part of a process, for the purpose of reassigning their sex.

**Legal Sex**: The sex recorded on your birth certificate. Rarely relevant at work. Currently binary in the UK. Changed by applying to Gender Recognition Panel.

**Gender Recognition Certificate**: issued by the Gender Recognition Panel – signifies full legal rights in acquired gender and allows the issuing of a replacement birth certificate.

**Affirmed (Acquired) Gender:** We use the term ‘affirmed’ or ‘acquired gender’ to describe the sex that the person has transitioned/is transitioning to as opposed to that which was assigned at birth.

**Transphobia:** We use the term ‘transphobia’ or ‘transphobic discrimination’ to describe discriminatory, abusive or negative language or behaviour that is directed towards anyone who comes under the umbrella term of transgender; in addition it may be towards a transgender person’s friend or supporter, or anyone that may be perceived to be a transgender person (whether they are a transgender person or not). The behaviour may include a reluctance or refusal to provide access to services to the same extent as that provided for a non‐transgender person.

**APPENDIX 2 – ACTION PLAN**

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| --- |
| **ACTION PLAN** |
| Are there any temporary or permanent changes / reasonable adjustments to the role which should be considered to support the employee? Considerations should include security aspects such as lone working, night working. |
| Is any time off required? If so, how will this be managed? Consider flexible working methods, if appropriate) |
| What will the employee’s title and name be? What pronouns will be used? When will they start using these? Will there be any phasing? |
| Are there any dress codes to be considered? Are new uniforms needed? |
| If applicable, how will single sex working requirements be managed? |
| When and how should colleagues be informed of the transition? |
| Is there any guidance material which the employee wishes to share with managers and colleagues? |
| Should the employee encounter unacceptable behaviour towards them (colleagues or service users) who should this be reported to? |
| Are there any other actions not covered by above? |
| Is there an agreed date for when this action plan will be disposed of in accordance with the requirements of the Data Protection Act 2018? |
| Actions agreed |
| Date of next meeting |

**Who needs to know?**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Who will tell them? | When? | Date completed |
| Senior Manager |  |  |  |
| HR Representative |  |  |  |
| Line manager |  |  |  |
| Team members |  |  |  |
| Other colleagues |  |  |  |
| Others (specify) |  |  |  |

**Changes to records**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Who will do this? | When? | Date completed |
| HR Records |  |  |  |
| Name badge |  |  |  |
| IT systems including email |  |  |  |
| Website |  |  |  |
| Voicemail |  |  |  |
| Internet/intranet address entry |  |  |  |
| Union membership |  |  |  |
| Pension scheme |  |  |  |
| Certificates/awards |  |  |  |
| Personal file and related data |  |  |  |
| Other: |  |  |  |

**Details of meetings**

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Comments | Actions | Date of next meeting |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |