

# GENDER REASSIGNMENT POLICY



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## Definitions

<b>Company</b>	AAA Caring Caretaker
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### 1. What is gender reassignment?

1.1 Gender dysphoria or gender identity disorder are two common terms to describe where a person's gender identity does not match their appearance and/or anatomy.

1.2 People with this medical condition who decide to adopt the opposite gender to the one assigned at birth are known as 'transsexual people'.

1.3 Medical treatment to enable transsexual people to alter their bodies to match their gender identity is available privately and, in some cases, on the NHS. The process is known medically as 'gender reassignment'.

1.4 The term 'transsexual' also includes persons living in their new gender, but who have elected for personal reasons not to undergo surgical treatment.

1.5 Both men and women can feel that their assigned birth sex does not match their gender identity and need this to be recognised through either part or full gender reassignment.

## **2. What is gender recognition?**

2.1 The Gender Recognition Act 2004 allows transsexual people (who are able to satisfy the necessary evidential requirements) to apply for full legal recognition in their acquired gender. Following a successful application, by issuing them with a Gender Recognition Certificate (GRC), the law regards the transsexual person, for all purposes, as being of their acquired gender.

2.2 The Act gives legal recognition to transsexual and transgender people and allows them to acquire a new birth certificate and be able to marry or enter into a civil partnership, as well as affording them full recognition in law for all purposes.

2.3 There is no requirement for a person in possession of a gender recognition certificate to produce this in order to change any official documents other than a birth certificate. The GRC exists only for the Gender Recognition Panel to instruct the Registrar of Births to make a new entry in their register, from which a birth certificate can be drawn.

2.4 Recording sight of a GRC would automatically lead to a breach of Section 22 of the Gender Recognition Act, since requiring sight of the record by any other person would constitute an unlawful disclosure of protected information.

## **3. Purpose of Policy**

3.1 AAA Caring Caretaker is committed to equality, diversity and inclusion, both in the provision of services and in its role as an employer.

3.2 AAA Caring Caretaker aim to ensure that all employees have the right to be treated with fairness, dignity, respect and professionalism, and that individuals with gender dysphoria and those who are undergoing or have undergone gender reassignment will receive the same respect and fairness in treatment as any other employee.

3.3 This policy aims to assist managers in supporting employees who have either changed their gender identity before becoming an employee of AAA Caring Caretaker or for those who are changing their gender identity whilst being employed by AAA Caring Caretaker.

#### **4. The aims of the policy**

This policy aims to:

- 4.1 Ensure that transsexual people and individuals undergoing the gender reassignment process are treated with fairness.
- 4.2 Provide management guidance on the status of transsexual people undergoing the gender reassignment process.
- 4.3 Outline the appropriate procedure to be followed when a transsexual person is a job applicant or is about to undergo the gender reassignment process whilst in employment with AAA Caring Caretaker.
- 4.4 Explain what support should be provided to people undergoing gender reassignment.

#### **5. Application of the policy**

- 5.1 This policy applies to all employees and job applicants of AAA Caring Caretaker.
- 5.2 Breaches of this policy will be dealt with under AAA Caring Caretaker's Capability and Disciplinary Procedure.
- 5.3 Discrimination may be considered to be gross misconduct and subject to summary dismissal.

#### **6. Responsibility**

- 6.1 The overall responsibility for implementation of this policy lies with AAA Caring Caretaker's Senior Management Team.
- 6.2 Senior managers also have a responsibility to ensure that their employees receive appropriate training and guidance in respect of gender equality and in particular the application in Recruitment and Selection.
- 6.3 Equality, diversity and inclusion is included in the induction training for all new staff. Training on recruitment and selection is available to HR staff.

6.4 Every employee has a personal responsibility for their own behaviour and must treat their colleagues with respect and fairness.

## **7. Discrimination**

7.1 The Equality Act 2010 says that it is unlawful for an employer to discriminate against an employee, job applicant or contractor on the grounds of that person's gender reassignment.

7.2 This covers recruitment, transfer, training and promotion, access to work-related benefits, facilities and services, dismissal, and any other detriment.

7.3 It is also unlawful for an employer to instruct someone else to do something discriminatory e.g. telling an employment agency not to hire a transsexual person.

7.4 Pressure to discriminate is also unlawful e.g. employees threatening not to work unless their employer dismisses a colleague who has decided to undergo or has undergone gender reassignment.

7.5 In certain circumstances it is lawful to discriminate in employment if there is a genuine occupational qualification (GOQ) for doing so. It is essential that if this is contemplated that advice is taken from the HR Service.

## **8. Supporting employees**

8.1 An employee going through the process of gender reassignment can seek support from their line manager, trade union representative, the HR team or the Equality, Diversity and Inclusion lead.

8.2 It is a matter of personal choice as to who is contacted for support; however, it is recommended the relevant line manager will need to be involved so that they can work with the employee to agree an action plan to cover the period of their transition.

8.3 It is imperative that confidentiality is maintained at all times. 20 A transsexual person should be referred to by their new name and gender, including the correct use of pronouns such as him and her.

8.4 It is unlawful to disclose a person's transgendered status without their consent.

8.5 It may be the case that an employee wishes to live full-time in their affirmed gender and name and other records will need to be changed formally.

8.6 However, this change in social gender, whilst usually taking place during or after hormone therapy will sometimes occur years before the final surgical procedure. In some cases, there will be no final surgical procedure so it is best practice to discuss these issues with the employee to consider their wishes moving forward.

## **9. Transition action plan**

9.1 The employee concerned and (normally) their line manager or HR team should consider writing an action plan together for managing the transition to the opposite gender from the one assigned at birth.

9.2 This will include agreeing dates of transition and communication plans, with the manager being guided at all times by the individual's preferences.

9.3 Under no circumstances should any communication or actions be taken without the explicit consent of the individual.

9.4 These action plans, together with any other notes of meetings and agreed actions, must be kept strictly confidential in the individual's personal file.

9.5 After a person has successfully transitioned into their new gender role these records should be destroyed.

9.6 Some of the areas that need to be discussed include:

9.6.1 How colleagues should be informed.

9.6.2 Any dress codes, uniforms or other related requirements that may need to change

9.6.3 Security passes, IT, and personal details changes