

**Transitioning at Work**

**Reference: HR050**

Document Type:	Policy
Status of Document:	Final
Version:	1.0
Date Approved:	14 <sup>th</sup> December 2021
Approved By:	Chief HR & Corporate Services Officer
Publication Date:	14 <sup>th</sup> March 2022
Review Date	14 <sup>th</sup> March 2025
Policy Owner	HR Manager
Applies to:	All Staff
Document Location:	Corporate Records Centre
Publication:	Internal and External

**DOCUMENT STATEMENT:**

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**VERSION CONTROL RECORD**

<b>Policy Owner:</b>		HR Manager	
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<b>Version Reviewed</b>	<b>Reviewed by / Consultation Sought from</b>	<b>Date of Consultation</b>	<b>Comments</b>
V1.0	Stonewall	August 2021	Edits to terminology.
V1.0	HR Business Partners, HR Manager, HR Services Manager, Employee Support Officer, Equality Working Group,	September – November 2021	Ensure additional support is highlighted within document. Ensure training / support for immediate team is highlighted Highlight employee’s responsibilities Provide guidance on explicit consent in managers guide Changes to redeployment paragraph to ensure it reads it’s in line with local agreement.
V1.0	LGBT+ Network	October 2021	Changes to redeployment option paragraph to ensure it is open to all trans employees
V1.0	Trade Unions	October 2021	Ensure training / support for immediate team is highlighted

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### 1. Introduction

Throughout this Policy, the words 'Translink' 'Company' and/or 'the Group' refer to all corporate entities under the ownership of the Northern Ireland Transport Holding Company (NITHC). This includes the parent company and each subsidiary either individually or taken together as a group.

### 2. Scope

This policy should guide all employees of Translink but will be of particular importance to trans staff, their colleagues and their manager/s. Translink is fully supportive of an employee who expresses an intention to transition and we commit to working with each employee to support them in the workplace.

This policy is a commitment that:

All employees have the right to be treated with dignity and respect, regardless of their gender identity and/or gender expression.

As such, this policy outlines the responsibility of all employees:

- To treat colleagues with dignity and respect, regardless of their gender identity and/or gender expression.
- To challenge or report incidents of bullying, harassment, victimization or discrimination in relation to gender identity.
- Not to disclose someone's trans status with another person or third party, without the individuals' explicit consent to do so. This could be considered as harassment and dealt with under Translink's disciplinary procedure.

### 3. Key Terms

**Gender Identity** – A person's innate sense of their own gender, whether male, female, non-binary or something else, which may or may not correspond to the sex assigned at birth.

**Gender expression** - How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.

**Trans** – an umbrella term used to describe people whose gender is not the same, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using a 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, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

**Transgender Man** - a term to describe someone who is assigned a female at birth but identifies and lives as a man. This can be shortened to Trans Man, or FTM (Female to Male)

**Transgender Woman** - a term to describe someone who is assigned a male at birth but identifies and lives as a female. This can be shortened to Trans Woman, or MTF (Male to Female).

**Transitioning** – a term used to describe the steps a trans person may take to live in the gender they identify as. Each person's transition will involve different things. For some people it includes medical intervention,

such as hormone therapy. However not all trans people want or can have this. Transitioning can also involve dressing differently, telling friends and family and changing official documents.

**Pronoun** – words we use to describe someone’s gender in conversation, for example ‘he’ or ‘she.’ Some people may prefer to be referred to in gender neutral language e.g. they, their, Ze, or Zir

**Affirmed Gender** – a person’s true gender as opposed to their gender assigned at birth.

For a full glossary of terms please follow this link: [Glossary of terms \(stonewall.org.uk\)](https://www.stonewall.org.uk/glossary)

#### 4. Transitioning – Workplace Steps

Translink recognise that each person’s transitioning journey will be different. The policy will therefore outline some key steps to expect when an employee wishes to transition at work. The transitioning employee will determine what they are comfortable with and when.

##### 4.1 Step one – Meeting (s)

An employee considering transitioning at work should ask for a meeting with their line manager\*, to discuss how they can be supported during the transition process. Every individual’s journey is different and the expectations and needs of each individual will be unique to that transition. Discussions may take place over a number of meetings and likely cover in totality the following:

- **Contact Point** – agreement on the main point of contact in work, this is likely to be the line manager. This contact point will support the employee and work with them to agree an action plan for the transition. It is also likely that this contact point will liaise directly where needed with other departments (upon explicit consent granted by the employee) such as Human Resources to update records.
- **Timing** – the anticipated timeline of the transition. This may be something that will change or be unknown if the employee is early in their transition. In addition, some forms of transition related healthcare is inaccessible at present therefore predicting a timeline may be difficult.
- **Time-off** – any time-off that is anticipated for related appointments or any medical procedures.
- **Name** – what affirmed name and pronouns the individual will be using in everyday communication and what changes will be required to identity cards, systems and records. The timing of this will be determined by the employee.
- **Role Changes** – Discuss whether there are any temporary or permanent changes / reasonable adjustments to the role which should be considered to support the employee. Consider security aspects such as lone working, night working.
- **Communication** – how and when the employee would like to inform colleagues. This can be done either by the employee themselves or can be done for them.
- **Colleagues** – consideration should be given to how aware colleagues are about trans issues and whether education would be helpful
- **Facilities** – what facilities the employee would opt to use. Once a transitioning employee presents their affirmed gender, they would normally be expected to use the facilities that reflects this gender identity.
- **Confidentiality** – how information will be maintained in line with the employee’s wishes. Information to be considered includes how information regarding their transition will be managed and who has access to it. Any information should only be disclosed to those who need to know and are involved in the process, consent should be given by the employee. Agreement on how this consent will be obtained should be discussed.

- **Support** – additional support services should be discussed with the employee (see section ‘Employee Support’ below)

*\* please see section 4.3 for additional support should an employee not feel comfortable approaching their line manager in the first instance.*

### 4.2 Step two – Action Plan

An action plan should be built during the course of the meeting/s to encompass the above. This will be kept under review and will change depending on the needs of the employee and their transitioning progress.

The line manager and employee should use these meeting(s) as a safe and trusted space to navigate the options and provide the support needed. The line manager will not be expected to have all the answers but will be asked to actively listen to the employee and support them with any concerns they have during the transitioning process.

### 4.3 Employee / Manager / Team Support

We recognise that a transitioning employee or their line manager may need to avail of **confidential support** or help to answer questions about the company’s policies and procedures. There are a range of contact points that can be used:

- HR Business Partner can offer support and guidance in the application of this policy and support documents
- Inspire confidential helpline 0808 800 0002 or 24/7 support on the Inspire Support Hub
- Employee Support Officer ([una.carson@translink.co.uk](mailto:una.carson@translink.co.uk))
- A referral to Independent Occupational Health for advice and support this would be made via the line manager.
- Translink’s LGBT+ Network

Support and helpful information can also be found by contacting organisations who specialise in LGBT+ matters:

- Stonewall ([Stonewall](https://www.stonewall.org))
- Transgender NI ([TransgenderNI – Supporting and advocating for trans people in Northern Ireland](https://www.transgenderni.org))

We acknowledge that additional support may be needed for work colleagues of a trans employee to assist their understanding and any workplace changes. The line manager may wish to seek support for any of the above noted sources or discuss training options with the Equality, Diversity and Inclusion Advisor ([cara.woods@translink.co.uk](mailto:cara.woods@translink.co.uk)).

## 5.0 Legal Context

### 5.1 Section 75 of the Northern Ireland Act 1998

Section 75 requires public authorities to have due regard to promote equality of opportunity and good relations between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women generally

- persons with a disability and persons without
- persons with dependents and persons without

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive action to promote equality of opportunity and encourages public authorities to take action to address inequality among the groups listed above.

### **5.2 Employment Equality (Sexual Orientation) Regulations (NI) 2003**

This law prohibits discrimination and harassment on the grounds of sexual orientation.

### **5.3 Sex Discrimination (NI) Order 1976 (as amended) and The Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999.**

These acts make it unlawful to discriminate against an individual on the grounds of sex or those who intend to undergo, are undergoing or have undergone gender reassignment.

### **5.4 Gender Recognition Act (2004)**

The gender recognition Act outlines the legal process for an individual to gain legal recognition of their affirmed gender. The legislation governs the application process to obtain a Gender Recognition Certificate (GRC). If a GRC is obtained the individual has the legal right to be considered that gender and all the rights appropriate to that gender. This will include the right to retire and receive state pension at the age appropriate to the acquired gender.

### **5.5 Discrimination, Bullying and Harassment**

Translink is fully committed to creating a harmonious working environment in which all employees are treated with respect and dignity, regardless of gender, gender identity, gender reassignment and sexual orientation.

Harassment is a form of discrimination and Translink is opposed to all forms of unlawful and unfair discrimination. All employees, whether full time, part time, or temporary, and job applicants, will be treated fairly. Selection for employment, promotion, training, or any other benefit, will be on the basis of aptitude and ability. We are committed to:

- Welcoming diversity in the workplace and recognising the benefits it brings to Translink
- Preventing any form of direct or indirect discrimination or victimisation
- Promoting equal opportunities irrespective of marital and/or civil partnership status, gender reassignment and sexual orientation.
- Preventing any form of bullying that targets an individual or group as a result of some specific characteristic/s that is not covered by a statutory characteristic.

For full details please see the Dignity at Work policy and Equal Opportunities Policy. Any breach of these policies will be treated seriously and dealt with under the aforementioned policies and the Disciplinary procedure.

### **6.0 Confidentiality**

Translink recognise the importance of confidentiality and that the transitioning at work stages will be led by the employee at a timeframe that is right for them.

During the transition at work, the 'main contact point' will maintain the strictest confidence. Where other individuals/departments need to be involved e.g. HR or IT, explicit consent will be obtained from the individual.

Translink employees have the responsibility to not to disclose someone's trans status with another person or third party, without the individuals' explicit consent to do so. This could be considered as harassment and dealt with under Translink's disciplinary procedure.

### **7.0 Absence**

Translink recognise that the transitioning process is likely to require a range of medical appointments, and in some cases, medical procedures. These may require absences from work.

Translink have a range of policies to assist in supporting an employee including Attendance Management and Rehabilitation policy, Flexible Working Policy and Sick Pay Scheme. Time off should not be treated more or less favourably than time off for any other appointment or medical procedure. It is also not ordinarily expected that time off related to the transitioning process would trigger formal actions under the Attendance Management and Rehabilitation Policy.

An employee may wish to take some time off before returning as their affirmed gender. An employee can agree to vary their hours with their line manager, take time off work depending on their needs or can avail of their annual leave. In exceptional circumstances, e.g, whereby an employee does not have any annual leave entitlement left, a line manager may grant a period of unpaid leave.

### **8.0 Changes in the Workplace**

#### **8.1 Change of role**

Translink recognise that some employees may wish a temporary change in role before they present as their affirmed gender. The employee should discuss this with their line manager if they would like this considered. The line manager will consult with the employee to facilitate a temporary redeployment where possible for a defined timeframe. During the temporary redeployment terms and conditions will be in accordance with local agreement

#### **8.2 Uniform**

Where an employee usually wears a uniform the employee may wish to wear the uniform that corresponds with their gender identity and/or gender expression. Translink will endeavor to supply the employee with the new uniform before the date of their intended transition.

#### **8.3 Pension**

The Gender Recognition Act (2004) sets out the process to be legally recognised as an affirmed gender. This has potential implications for National Insurance Contributions and state retirement age. HMRC require the employee to notify them directly of any change and Translink payroll also have notification responsibilities to HMRC and NILGOSC.

#### **8.4 Facilities**

It will usually be expected that once an employee has presented as their affirmed gender that they will use the toilet facilities of that gender identity.

#### **8.5 Official Documents and Records**

The line manager will agree with the employee when official documents and records will change. Consideration will also be given to legal notification requirements should a transitioning employee obtain a Gender Recognition Certificate e.g. notification of HMRC. An employee does not have to obtain a Gender Recognition Certificate in order to change details on any Translink workplace system.

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 securely in line with Translink's Data Retention and Disposal schedule.

All documents created in relation to the transitioning process e.g. the action plan, will be stored in compliance with Translink's Data Protection policy.

### 8.6 Professional registration

If the employee's job involves professional registration, the employee's line manager will offer support in identifying whether the registration body has a specific, confidential process for gender transition.

### 9.0 Recruitment and Selection

People who have already transitioned have no obligation to disclose their trans history. There isn't any obligation for a trans 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.

Those involved in the recruitment process who become aware that an applicant is trans will maintain full confidentiality in relation to this.

### 9.1 References

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

### 9.2 Criminal record checks/disclosure and barring

If the appointment requires criminal record checks, we will highlight to applicants the procedure available to trans people. ([Using a criminal record check | nidirect](#))

### 9.3 Qualification certificates

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. If it is necessary for Translink to store a copy, they will be stored securely and only accessed by the personnel in HR who handle these records.

## 10.0 Roles and responsibilities

### Employee

- Engaging with managers and HR around the logistics of transitioning in the workplace
- Leading the trans process at all times and identifying a first point of contact
- Reporting any instances of harassment, victimisation or discrimination

### Manager

- Ensuring that colleagues are informed about the employee's transition in a manner and at a time 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

### Work Colleagues

- Treat colleagues with dignity and respect, regardless of their gender identity and/or gender expression.
- Challenge or report incidents of bullying, harassment, victimization or discrimination in relation to gender identity.
- Support the employee and maintain confidentiality at all times.

### HR

- Ensuring that this policy is followed at all times
- Maintaining confidentiality, including securing paper documents and files
- Issuing updated security passes and ID badges
- Changing names, titles and pronouns on HR systems

### **IT Department / Support Services**

- Changing names, titles and pronouns on email and other systems

### **11.0 Key Messages from this Policy**

- Transitioning requires different steps, at a different pace for individuals.
- An individual does not need to hold a Gender Recognition Certificate (GRC), in order to have their details changed on a workplace system.
- An individual's trans status will be kept in the strictest confidence, in line with the individual's wishes.
- Translink and the relevant line manager will be supportive of anyone who is transitioning.
- The line manager and Translink will ensure that the individual does not suffer any detriment, or bullying or harassment, as a result of their transition.
- The timescales, activity, communication and support required will be driven by the individual transitioning.
- Line managers are not expected to know everything but are asked to actively listen, seek information and support where needed, and work with the individual to agree an appropriate action plan.