

Gender identity is a protected characteristic under the Equality Act 2010, and it is unlawful to discriminate against someone who defines themselves as transgender or non-binary, is perceived to be transgender or non-binary, or because of their association with someone that is transgender or non-binary.

Colleagues who are transitioning at work

If a colleague states that they are intending to transition at work, the 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 or be anxious about the response. The company is committed to reassuring all colleagues that they will be supported and respected. The transition process will be led by the individual concerned.

Telling colleagues

The manager and colleague will discuss preferences in relation to informing others, including other managers, colleagues, service users and other relevant contacts. They will agree whether the colleague will do this, whether they would prefer the manager or a work colleague to do this, or a mixture of these options.

Managers should also get express written agreement from the colleague 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.

Uniforms and dress codes

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

Changing facilities, toilets and other single-sex facilities

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

Where there is a need to use changing facilities, colleagues should either speak to their line manager or the Human Resources department if there are any concerns regarding the facilities or there are no suitable facilities available.

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 a 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 colleague 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 transgender colleague.
- Paper records will be updated where possible. Those which cannot be updated – for instance, paper copies of references relating to the colleague’s recruitment – will be stored in a secure place and clearly marked as only to be looked at by named persons.

Customer facing roles

There is no reason why a colleague 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 and HR will work with the transgender person to find a solution that meets the needs of both the colleague and the business.

Attendance at appointments and time needed for treatment and surgery

Special unpaid leave will be given in order for colleagues to attend transition-related appointments and treatment. These absences will not be counted in relation to absence monitoring, taken into consideration for performance monitoring or, for instance, during redundancy procedures. In addition, transgender colleagues are entitled to the same sickness absence and pay as other colleagues.

Colleagues may have to travel a long distance for appointments, and these may be given at short notice. There may be a need for 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.

Action plan or checklist

The transgender colleague and their manager might find it helpful to put in place an action plan, or to agree a checklist to clarify the actions that will be taken over the course of the colleague’s transition, dates by which these will be done, and the person who will take responsibility.

Legal protection for transgender people

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. We will not ask for a person’s GRC and it will 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 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 transgender, or who are discriminated against because of their association with transgender people or issues, are also protected.

References

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

Professional registration

If the colleague's job involves professional registration, we will check whether the registration body has a specific, confidential process for gender transition.

Pensions and national insurance

Where pensions, national insurance contributions or other benefits are dependent on legal sex, transgender people may be advised of the different implications of whether they do or do not have a Gender Recognition Certificate.

Roles and responsibilities

Colleague

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

Manager

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

Human Resources

- Ensuring that this policy is followed at all times

- Maintaining confidentiality, including securing paper documents and files

IT department/Payroll/Support Services

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

Learning and Development

- Providing transgender equality training as a general part of the equality and diversity training programme

Trade unions

- Supporting the colleague if they experience harassment, victimisation or discrimination
- Discussing and agreeing any changes to this policy

Promotion of transgender equality

As well as ensuring that transgender colleagues are fully supported, the company will demonstrate our commitment to transgender equality in the following ways:

- Ensuring that all training courses that are delivered are fully inclusive of transgender people – this includes both face-to-face training and e-learning
- Ensuring that all forms and surveys are inclusive of transgender people, including non-binary people, for both colleagues and clients
- Including transgender 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, transgender status or gender expression

Discrimination and abuse

The company 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 a colleague's gender identity, in line with the company's disciplinary procedure. This will be monitored and followed up.

Complaints

You should report any instances of unacceptable behaviour, such as inequality, discrimination or victimisation that you have been subjected to, witnessed or become aware of to the HR department through our '**SPEAK UP NOW!**' confidential reporting portal:

Scan the QR code to complete the 'SPEAK UP NOW' report form:



Support available

Confidential Counselling Service (GroceryAid) – the company has set up a partnership with GroceryAid to provide you with access to a free and confidential counselling service along with a number of other free services. GroceryAid helps people, and their families, who are working in, or retired from, retail and associated businesses.

How can I contact GroceryAid?

- Online – www.groceryaid.org.uk
- Email – welfare@groceryaid.org.uk
- Free and confidential Helpline – available 24/7, 365 days a year on 08088 021 122

Human Resources Advice and Support

A.F. Blakemore Human Resources

Sharedservices@afblakemore.co.uk or 0121 568 2905

A.F. Blakemore Mental Health First Aider

reachout@afblakemore.co.uk