Trans Inclusion Policy

Introduction

YTAS is committed to the equality of opportunity for trans people throughout recruitment and employment. This includes creating a culture and environment where trans staff can thrive and are well supported during any process of transition.

YTAS has been an LGBT Charter organisation with LGBT Youth Scotland since 2023. The LGBT Charter helps safeguard lesbian, gay, bisexual and transgender people's human rights. Our 'silver' charter award reflects our commitment to support the LGBTQIA+ community through the work we do and how we do it.

Purpose

The purpose of this policy is to:

1. Provide managers and trans employees in YTAS with practical information on workplace support.

2. Meet our responsibilities under the Equality Act 2010 to guard against unlawful discrimination based on the following nine protected characteristics:

    - age
    - disability
    - gender reassignment*
    - marriage and civil partnership
    - pregnancy and maternity
    - race/ethnicity
    - religion/belief and culture
    - sex/gender
    - sexual orientation.

* YTAS is inclusive of all forms of gender identity expression

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; and/or,
- 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.

‘Intersex’ is a term used to describe a person who may have the biological attributes of different sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.

‘Transitioning’ is the process undertaken by a trans person in order to bring their gender presentation into alignment with their gender identity. This may involve 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.

YTAS recognises there is no right or wrong way to transition and is committed to supporting each individual in their decision.

Employees who are Transitioning at Work

If an employee tells YTAS that they are intending to transition at work, their line manager, in conjunction with other colleagues (if and when appropriate), should aim to support this process. Staff should be aware that it can be an extremely difficult step for someone to approach their manager about transitioning.

YTAS is committed to reassuring all staff that they will be supported and respected. The transition process will be led by the individual concerned.

Informing Colleagues

The line manager and employee will discuss the individual's preferences in relation to informing others, including colleagues, service users and other relevant contacts.

They will agree whether the employee will do this, whether they would prefer the line manager or another colleague to do this, or a mixture of these options. If it suits the individual, they will also obtain 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.

Attendance at Appointments and Time Needed for Treatment and Surgery

Not everyone who transitions chooses to have medical or surgical treatment. However, if an employee decides to undergo medical procedures as part of their transition, they are entitled to time off for the purpose of transitioning under the Equality Act 2010. Trans employees are entitled to the same sick leave and pay as other employees.

YTAS will support trans employees who need to attend appointments or take time off for medical procedures and the recovery period that may follow.

Appointments and procedures that take less than half of a working day will not be counted as sick leave. If an appointment requires an absence of half a day or more, it will be recorded as sick leave according to the YTAS Sick Leave and Pay Policy.

YTAS understands that some appointments may require long-distance travel and may be scheduled on short notice. Employees might need reduced hours, lighter duties, or other temporary changes to their work arrangements following some treatments. YTAS will be as flexible as possible to accommodate these needs.

Action Plan or Check List

The trans employee and their line manager may 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.

Pronouns and Language

YTAS recognises that language is powerful and identity is personal. We also recognise that language is constantly evolving.

YTAS will invite all staff to share their pronouns which will be respected and used. The name and title of any trans staff member will also be respected and used.

YTAS staff members will refer to all self-identified women as women and self-identified men as men.

Visibility

YTAS will work to ensure that the visibility of LGBTQIA+ inclusivity will be implemented at events or other forums involving external stakeholders to encourage a culture of acceptance and support. YTAS staff will also be encouraged to include their pronouns in their email signature and on other digital profiles, such as Microsoft Teams or Zoom.

Discrimination and Abuse

YTAS has a zero-tolerance policy towards any form of discrimination. We are also committed to meeting our responsibilities under the Equality Act 2010 to guard against unlawful discrimination relating to the nine protected characteristics of; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion/belief and culture, sex/gender, and sexual orientation.

Any behaviour which creates feelings of unease, discomfort, offence, embarrassment, humiliation or intimidation, whether intentional or not, is unacceptable, whether it

occurs as a single incident or repeated actions, in public or in private, and whether it is verbal, non-verbal, written, or physical.

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.

Legal protection for Trans People

The UK Gender Recognition Act 2004 (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. Although the current GRA is UK-wide, it is important to note that the GRA is a devolved matter and that devolved governments have committed to reforming the process of gender recognition.

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. As a comparison, being asked to show a GRC as a condition of changing employment details is equivalent to being asked to show a full driving licence before you can apply for a provisional one.

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.

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.

Trans people are protected under the Equality Act on the basis of their having, or being perceived as having, other protected characteristics. For example, a trans woman can also experience discrimination as a woman.

Non-binary people are currently not protected from discrimination under the Equality Act.

Intersex people are not explicitly protected from discrimination under the Equality Act, but must not be discriminated against because of their gender or perceived gender.

Recruitment

People who have already transitioned have no obligation to disclose their gender history. Job applicants and interviewees will not be asked their gender during the recruitment process – it is not a relevant criterion in selection. There is also no obligation for a transgender person to disclose that they are trans 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.

References

Where a reference request is received for an existing employee who has transitioned, YTAS 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 YTAS requests a reference, we will make the request using the prospective employee's 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.

Related Policies and Procedures

- EDI Policy
- Wellbeing Policy
- Sick Leave and Pay Policy (in YTAS Company Handbook)
- Menstruation and Menopause Policy
- Family Friendly Policies
- Grievance Procedure
- Bullying, Harassment and Victimisation Policy
- Disciplinary Rules and Procedures