



Changing Gender – Understanding The Issues

An advice leaflet
for Usdaw members





What Does Transgender Mean?

Transgender is a term used to describe people whose gender is not the same as, or does not sit comfortably with, the sex that is written on their birth certificate.

Transgender people strongly and consistently identify with the gender opposite to, or different from, the one on their birth certificate and therefore they experience an intense need to change (or transition) from being male to female (trans women) or from being female to male (trans men).

While this may involve hormone treatment and/or surgery, many transgender people choose to live permanently in their affirmed gender without any medical or surgical procedures.

Transgender can be and often is shortened to 'trans'. For a glossary of terms, see pages 11-12 of this guide.

In 2010, the Gender Identity Research and Education Society estimated the number of transgender people in the UK to be between 300,000 and 500,000.



What Is Gender Identity?

A person's gender identity is the gender to which they feel they belong or a person's own sense of whether they are male or female (or sometimes another gender that doesn't fit neatly in to either category).

Everyone has a gender identity - for the majority of people, their gender identity matches their birth sex, but those who are trans identify with a gender that is different to the one on their birth certificate.

We express our gender in many ways including through clothing, behaviour and body characteristics.

What Is Gender Reassignment?

Gender reassignment is the process that transgender people go through in order to live in accordance with their gender identity - the gender they feel they belong to.

It does not always involve medical procedures - this is down to the personal choice of the individual.

It usually involves changing names, pronouns (for example becoming she rather than he) and dressing differently.



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Changing Gender

Changing gender is often informally called 'transitioning'.

It is a process that is different for everyone. It varies in length, stages and complexity. It involves social changes such as using a new name and new pronouns (she rather than he for example) and dressing differently (in clothes usually associated with the gender they identify with).

It may also involve physical changes through hormone treatment (such as taking oestrogen or testosterone

supplements) and sometimes surgical procedures (such as breast implants or chest reconstruction and/or genital surgery).

Transgender members need the support, understanding and sensitivity of their colleagues and the Union.

The emotional and physical toll of changing gender, along with the worry about how family, friends and colleagues will handle it, and the potential harassment and discrimination that a person might face when they change their gender, can be overwhelming.



What About Surgery?

Whether or not someone has hormone treatment or surgery is a private and personal decision. Some transgender people choose not to have surgery or hormone treatment or they may not be able to for health or other reasons. Some transgender people choose to live in the gender they identify with without undergoing any medical procedures at all. So, for example, a trans person who decides to permanently live in a new gender role simply by changing their

name and gender pronouns without undergoing any medical procedures is still transgender and is still protected by the law (see the section 'What does the law say?').

Whether or not a person has medical treatment is not relevant to their right to have their gender identity respected.

We express our gender in many ways including through clothing, behaviour and body characteristics.



What's the Difference Between Gender Identity and Sexual Orientation?

Put simply, gender refers to who you are, while sexual orientation refers to who you are attracted to.

Transgender people can be straight, gay/lesbian or bisexual just the same as everyone else.

What's the Difference Between Transgender and Cross-Dressing?

Some people dress occasionally or more regularly in clothes which are not traditionally associated with the gender they were assigned at birth. They often feel a strong recurring need to cross-dress in order to best express their full personality, but are generally happy with their birth gender and usually have no wish to undergo any part of a process of gender reassignment.

The expression 'drag queen' is different, meaning a man who dresses 'as a woman' for purposes of entertainment.

What Are the Most Common Stages of Transitioning?

Below is an outline of the stages that some transgender people go through before achieving the gender identity they identify with. However, remember that the timings of the various stages vary significantly between individuals and not all transgender members choose or are able to undergo medical or surgical treatment (Stage 3).

- **Stage 1:** For those who have decided to undergo medical treatment, they will begin by receiving specialist advice and diagnosis. They will be expected to commit to the 'real life' test (see below) before being prescribed hormones.
- **Stage 2:** The next stage is where the person begins to live in their affirmed gender and may have records, such as their passport or driving licence, changed to reflect this. This stage is known as the 'real life' test. One year is the minimum period recommended, but in the UK this is more likely to be sometimes a minimum of two years and often more. Some transgender people will stop at this stage and not go on to Stage 3.
- **Stage 3:** Finally, for the person who intends to (and is able to) undergo surgery, after one or two years of hormone replacement therapy, they will undergo 'gender corrective surgery' to complete, physically, the transition from their previous to their affirmed gender.

What Does the Law Say?

Equality Act 2010/Sex Discrimination (Gender Reassignment) Regulations (NI) 1999

The Equality Act 2010 protects trans workers in England, Scotland and Wales from discrimination (less favourable treatment) for reasons relating to gender reassignment in employment and service delivery. Trans workers in Northern Ireland are afforded similar legal protection by the Sex Discrimination (Gender Reassignment) Regulations (NI).

The law covers all sizes and types of employer and all types of worker, including agency, contract and temporary workers. It bans direct and indirect discrimination and victimisation.

The law makes clear that it is not necessary for people to have any medical diagnosis or treatment to gain this protection. The law recognises that transitioning is a personal process of moving away from one's birth gender to the affirmed gender. A person remains protected even if they decide not to proceed with transitioning.

People discriminated against because they are wrongly perceived to be transgender, or who are discriminated against because of their association with a transgender person or issues, are also protected. This protection does not yet extend to Northern Ireland.

The Equality Act also protects single sex spaces, facilities and services, meaning a service or a job role, for example, can be restricted to a person of a particular sex, for example a worker in a women's domestic violence refuge or in a prison setting.

Harassment

The Equality Act, and relevant regulations in Northern Ireland, specifically outlaw harassment. It does not matter whether or not a person intends their behaviour to be offensive – it is the effect their behaviour has on the person on the receiving end that counts. To say "I didn't mean to be insulting" or "it was only a joke" is no defence.

Harassment does not have to be targeted at a particular person who is known or thought to be transgender. It is enough that language, imagery, 'jokes' or actions violate a person's dignity or create a hostile, intimidating, offensive or humiliating environment.

Significantly, the viewpoint of the person experiencing harassment must be taken into particular account, alongside other factors, when deciding if harassment has taken place.

Harassment is a serious offence and where a person is found to have harassed a transgender colleague then they will almost certainly face action under a company's disciplinary procedures. A one-off act may amount to harassment. A person may be dismissed under the gross misconduct provisions of their company's disciplinary procedures for harassment.

The Act also forbids sexual harassment - unwelcome sexual advances, touching, sexual assault, sexual jokes or materials of a sexual nature that violate a person's dignity and create an intimidating, humiliating, degrading, hostile or offensive environment.

The Workplace

Trans workers who are proposing to undergo gender reassignment must be able to use the toilet or changing rooms appropriate to their affirmed gender identity. Again, it does not matter whether or not the trans person has begun any form of medical treatment for them to be entitled to do this. They are entitled to do this at the point at which they begin living full time in the gender they identify with.

Trans workers are also entitled to dress in clothes appropriate to their affirmed gender.

Trans people have the legal right to have their gender identity respected. This means referring to the person as they refer to themselves. It also means using gender appropriate pronouns, so a transgender person called Steve would be referred to as "he", while another called Rachel would be "she". If you are unsure, it's best to ask the person politely how they wish to be known. If you make a mistake and accidentally refer to a person as they used to be called before changing gender (which happens where you have known the person before they changed their gender), then simply apologise as you would if you got anyone's name wrong.

Many of the employers with whom the Union has agreements have policies and procedures setting out the support they offer to workers undergoing gender reassignment. Many large employers also have staff networks to support LGBT+ employees.

For more information about transgender issues, or if you need help to support a colleague who is undergoing or preparing to undergo gender reassignment, contact your local Usdaw office or the Equalities Section (details are on the back page of this guide).

Members' Experiences

"My experience of transitioning eight years ago was very difficult. My previous employer didn't have a clue, let alone a policy to support people transitioning at work.

In that job many colleagues repeatedly refused to recognise my new gender identity. I was continually and deliberately referred to as he. People refused to accept me for who I am. I was ignored, verbally abused and, on more than one occasion, assaulted by service users for being trans. I didn't expect transitioning to be easy but I didn't

expect to meet with so much hostility from people who I thought I knew. I became seriously depressed and left that job.

With the support of my parents, friends and a very loving girlfriend I've come through it. As soon as I got this job I joined Usdaw. Being in a Union is really important to me. You know someone is in your corner, supporting you whatever you're going through and putting right any issues at work before they get out of control."

Regan, Usdaw member and delivery driver

"Although I grew up as Liz, ever since I can remember I've felt like a boy. I had a very happy childhood. My parents allowed me to express myself - they didn't make me wear dresses but everyone still saw me as a girl. I thought that was how it was always going to be and so I put it to the back of my mind.

About eight years ago things changed. I started to realise that I wasn't the only person who felt like this. Two years ago, thanks to the support of my wife, I started my journey of changing my gender from female to male.

I've started to become who I always have been - Eli. Don't get me wrong it's scary. I'm sometimes frightened that the hormones I'm prescribed will change my personality but I remind myself that it isn't me who is changing - it's my body. My body is changing so that it reflects who I am and have always been.

I'd like to thank Liz (the girl and woman I was) for getting me this far. She has passed the baton to Eli to finish my journey."

Eli, Usdaw rep and driver

"A member of staff on site was transitioning from male to female. When she began using the women's toilets a number of colleagues expressed concerns. I decided to get the Union involved to help members get to grips with what can be a confusing and complicated issue. After all, it isn't easy to get clear, accurate information about transgender issues. Trans people aren't well represented in public life or on TV and they are rarely visible in our workplaces or our communities.

I arranged a meeting in the workplace with the Union and a member of the TUC LGBT+ Committee – a teacher and

a male to female trans woman who could talk about her own experience of transitioning. Everyone was welcome – you didn't have to be an Usdaw member to attend.

The meeting went really well. Lots of questions were asked and answered. Because the speaker spoke from personal experience she really helped to improve understanding of what being transgender means. For me it made it very clear how important it is for a trans person to have the support of their work colleagues and the Union in getting through what can often be a very difficult time for them."

Julie, Usdaw rep



Glossary of Terms

Affirmed Gender

This is the gender a person identifies with.

Asexual (or Ace)

Someone who does not experience sexual attraction.

Bi (or Bisexual)

Someone who is attracted to men and women.

Biphobia

The fear or dislike of someone who identifies as bi.

Gay

A man who is attracted to men (although sometimes women describe themselves as gay rather than lesbian).

Gender

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.

Gender Dysphoria

Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable or identify with the gender they were assigned at birth.

Gender Expression

How a person chooses to outwardly express their gender.

Gender Identity

A person's sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

Gender Reassignment

Another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010/Sex Discrimination (Gender Reassignment) Regulations (NI) 1999.

Gender Recognition Certificate (GRC)

This enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.

Heterosexual/straight

Someone who is attracted to people of the opposite sex.

Homophobia

The fear or dislike of someone who identifies as lesbian or gay.

Lesbian

A woman who is attracted to women.

LGBT+

The acronym for lesbian, gay, bi and trans.

Non-Binary

Gender is often referred to as 'binary', meaning two - male and female. The term 'non-binary' refers to people who don't class themselves as either exclusively male or female.

Pronoun

Words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.

Trans

A term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

Transitioning

The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

Transphobia

The fear or dislike of someone based on the fact they are trans, including the denial/refusal to accept their gender identity.

Transsexual

This term was used in the past as a more medical term (similarly to homosexual) to refer to someone who transitioned to live in the 'opposite' gender to the one assigned at birth. This term is still used by some, although many people prefer the term trans or transgender.

In 2010, the Gender Identity Research and Education Society estimated the number of transgender people in the UK to be between 300,000 and 500,000.

Further Information

England, Scotland and Wales

The TUC has published an LGBT+ equality at work guide which includes trans issues:

www.tuc.org.uk/sites/default/files/tucfiles/lgbt_equality_at_work_2013_online.pdf

The Gender Trust offers advice and information to people affected by gender identity issues in the UK.

www.gendertrust.org.uk

The Gender Identity Research and Education Society (GIRES) provides information, guidance, advice and training:

www.gires.org.uk

GIRES has also produced a useful policy guide for employers:

www.gires.org.uk/transgender-policy-guide-for-employers-2019

The Government Equalities Office has produced guidance for employers on the recruitment and retention of transgender staff:

www.gov.uk/government/publications/recruiting-and-retaining-transgender-staff-a-guide-for-employers

The Equality and Human Rights Commission has produced a statutory code of practice on the Equality Act which includes useful guidance on trans issues and the law:

www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice

Northern Ireland

The Equality Commission Northern Ireland is the independent body with responsibility for enforcing equality law in Northern Ireland.

www.equalityni.org
Tel: 028 90 500 600

FOCUS is a voluntary Trust which runs peer support groups for transgender and intersex individuals and their families:

www.thefocustrust.com

The Belfast Butterfly Club is a support network for transgender people and their families.

www.belfastbutterflyclub.co.uk



More Information

Usdaw Nationwide

Wherever you work, an Usdaw rep or official (Area Organiser) is not far away. For further information or assistance, contact your Usdaw rep or local Usdaw office. Alternatively you can phone our Freephone Helpline **0800 030 80 30** to connect you to your regional office or visit our website: **www.usdaw.org.uk**

You can also write to the Union's Head Office. Just write **FREEPOST USDAW** on the envelope and put it in the post.

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