

Is gender on your agenda?



Gender reassignment is protected under the Equality Act 2010, but with very little data as to the numbers of trans people in the UK, some businesses will be wondering if they really need to do anything about this.

Well, if you are looking to create a diverse, educated workforce with a respectful and inclusive culture and improve employee engagement and retention, then yes you do, and sooner rather than later.

It is not just your internal culture that you need to be thinking about either. The issue extends beyond your offices, be they virtual or real. You will have clients, customers, suppliers, contacts and influencers that this impacts too.

Do your staff know how to positively and respectfully engage and interact with transgender clients, contacts and members of the public? Do they understand what trans and non-binary concepts are? Do they know that the Gender Recognition Act 2004 safeguards the privacy of transsexual people by defining information in relation to the gender recognition process as protected? This means that anyone who acquires that information in an official capacity may be breaking the law if they disclosed it without the subject's consent.

The Condor ferries case in 2016, was the first involving a transgender customer asking a member of staff which toilet they should use. The company ended up paying the customer damages for indirect and direct discrimination because the employee who engaged with the customer had no idea what to do, or how to handle the situation correctly and the toilet signage was non inclusive. In this case, the employer had not properly educated its staff or checked its signage and facilities were gender friendly.

A recent national survey states that one in five LGBT employees don't feel able to be open about themselves at work, and more than half stated that when they experienced serious incidents at work and reported them to HR,



they found that HR were unhelpful when handling them. These statistics make it clear that HR teams and the workforces that they manage need to do more to change.

So what should you be thinking about?

- Educate and train staff at all levels
- Ensure you have a Equality, Diversity and Inclusion policy in your handbook and any recruitment policies are LGBTQ friendly
- Ensure there is a clear line of escalation for discussion or incident reporting
- Ensure incidents, should they occur, are dealt with swiftly, impartially and efficiently
- Consider your sickness policy and how you would treat time off for transition procedures
- Consider your HR records and how you might amend them in the event an employee transitions
- Review your dress codes to make sure they are inclusive
- Think carefully about how you communicate and promote education and policies
- Ensure you are able to safeguard a trans-sexual individuals privacy and the confidentiality of the process
- Consider creating ambassadors or committees
- Carry out a review of your facilities and signage

How we can help

Our employment solicitors advise both employers and employees on a variety of different employment matters. To find out how we may be able to assist you, please contact our [employment law team](#).