

Transgender and Non-Binary Policy



Ensuring people feel themselves, safe and seen

Transgender and non-binary policy

Introduction

Rowe is committed to providing an inclusive and welcoming community where employees are treated as individuals and are enabled to meet their full potential without fear of discrimination. This includes colleagues whose gender identity doesn't match the gender they were assigned at birth and who may identify themselves as transgender and also those whose gender identity cannot be defined within the margins of the gender binary: man or woman (also known as "non-binary").

Purpose

This policy outlines our commitment to ensuring that transgender and non-binary employees are treated with dignity and respect and are not disadvantaged in the workplace.

This includes those who have transitioned, are transitioning, or intend to transition.

The policy outlines how we'll welcome and support our transgender and non-binary colleagues.

Scope

The policy covers all employees, contractors, temporary workers, and job applicants and applies to all stages of the employment relationship.

The policy accompanies our Equality, Inclusion and Diversity Policy and our Personal Harassment Policy and Procedure.

Our commitment

We believe that diversity and inclusion bring benefits to the business and that people work better when they can be themselves and feel that they belong.

We are committed to providing a working environment that is free from discrimination, harassment or victimisation and will ensure that our recruitment, promotion, and retention procedures do not treat people less favourably because of their gender identity.

We also understand that to learn and grow, mistakes may be made. We are committed to providing a supportive environment for all our employees and always promote and encourage kindness.

Recruitment

We wish to attract applicants from as wide a talent pool as possible and the recruitment process is designed to be inclusive of applicants regardless of their gender identity.

Job advertisements should make clear that opportunities are open to all suitably qualified applicants.

Hiring managers and interview panel members should not ask questions about an applicant's gender identity or history. If an individual chooses to mention this during the interview, they should be informed that we support transgender employees and assured that the disclosure will have no bearing on the outcome of the interview, will not be revealed outside the interview room or noted on the interview record.

The requirement to provide proof of identity to confirm the right to work in the UK can be particularly sensitive for a transgender applicant whose identification documentation may be in their previous names. We will always ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for the privacy of the individual.

Where an individual's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the permission of the individual and in accordance with our data protection policy. The same approach will apply where an applicant is required to present qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous name.



Transitioning

Preparing to Transition

We will be supportive of an employee who has made the decision to transition.

We acknowledge that the transition process and the time it takes will be unique to each individual and that it is not always a single process. We will not make assumptions about the employee or what they need but will instead work with the individual to ensure that they have the support that is right for them.

Transitioning is a major decision, and the individual may have taken years to come to this point. They may fear rejection or ridicule by their work colleagues. It is therefore vital that we support the individual so that they can continue to work without fear of discrimination and harassment.

Once we have been made aware by an employee that they will be starting, or have started, the process of transitioning, an appropriate point of contact will be agreed with the employee. That person will work with the employee to develop a confidential support plan to manage the individual's transition at work.

The plan will consider what steps to take before, during and after the employee's transition. No action will be taken without the employee's consent.

It is important to develop a plan that is bespoke to the individual employee. Some of the key issues to address are likely to include:

- when and how an individual will present at work in their affirmed gender;
- the point at which colleagues, especially any direct reports, will be informed and how this will be done;
- if and how third parties, such as clients, should be informed;
- how absence from work for reasons associated with transitioning (for example, for medical appointments and/or medical treatment) will be handled;
- arrangements for changing the individual's name on their personnel records, email, security badges etc;
- confidentiality; and

Transitioning is a process that takes time, and, to help both parties, regular review meetings will be arranged to manage the process. This will ensure that the right support is in place and enable the plan to be amended as things change.

Workplace transition

Transition related absence

We recognise that everyone's transition is individual, and employees may need to be absent from work during this period.

We will maximise our flexibility where possible and allow reasonable time off to attend events such as:

- GP appointments
- Specialist appointments
- Recovery from surgery
- Travel for appointments

Anyone who will be absent during their transition should approach their line manager to discuss their leave requirements. We will work with transgender employees to mutually agree a solution using processes currently in place wherever possible.

If employees require an extended period of absence during their transition, they should approach their line manager to discuss leave requirements and how we might be able to support them. This is available for employees that have passed their probation period and its duration will be informed by advice from their physician. If this leave is taken, local guidance will apply when returning to work.

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Transitioning Support Plan

Innovation and creativity embrace everyone without regard for gender, race, sexuality, or religion. Our culture is about ensuring people feel safe, themselves and seen.

This support plan provides an outline of the key actions to be taken to ensure that an employee's transition at work goes as smoothly as possible.

The support plan should be shaped and led by the employee as much as possible and be sufficiently fluid to take account of changing circumstances and preferences. There should be agreement on the confidentiality of the plan and who will have access to it.

Where other people in the organization will be responsible for the action identified in the plan, it is crucial that the need for confidentiality and data protection are understood.

Return to work following transition

Considerations	Associated points	Actions to be agreed	Date/Signed
Does the employee wish to be away for an agreed period (eg on annual leave) and present in their affirmed gender on their return?	The aim should be to make the employee's first day at work in their affirmed gender as stress free as possible.	Agree a date when the employee will present for work in their affirmed gender.	
Will there be any phasing?		Agree a timeline for what needs to be done leading up to when the employee first presents at work and who needs to act.	
Should a period of flexible working be considered?	It is important that the employee and their main contact establish an open dialogue and mutual trust.		

Supporting inclusivity in the workplace

Terminology

We recognise that terminology around gender identity is evolving as awareness increases and more people choose to self-define. Transgender is an umbrella term describing the diverse range of people whose gender identity differs from the sex that they were assigned at birth. An individual may identify as transgender but may not identify with the binary concept of woman or man.

Managers and colleagues should respect how an individual chooses to describe themselves and, if in doubt, should ask rather than assume. Using inappropriate language and terminology can cause offence and distress and undermines our efforts to create an inclusive workplace.

The appendix to this policy provides a glossary of some of the most used terms.

Names and pronouns

We will take all necessary steps to ensure that an individual's change of name is respected. Whether intentional or not, consistently addressing a transgender employee by their previous name (known as "dead naming") is distressing to the individual and impacts on their sense of belonging.

A GRC is not required to enable someone to change their name and we will never ask an individual if they have a GRC to verify a name change.

We will always respect an individual's chosen pronouns. Consistently addressing a transgender employee by their previous name and/or an inappropriate pronoun may amount to harassment and will be dealt with accordingly.

Updating employee records

An individual does not need a GRC to request that their details are updated on their employment records. The individual will be treated in the same way as other employees wishing to update their details. We will agree with the individual what paper and electronic records need to be updated. These will include those records that may contain names, titles and other personal identifiers such as photographs on the organisation's website and intranet.

Toilets and facilities

Where possible, we will aim to provide gender-neutral toilets, however this may not always be possible. Rowe is currently in a rented office space which provides gender neutral toilet cubicles ensuring access for all.

Dress codes

We encourage everyone to dress in a manner which reflects their gender expression, while also remaining within the parameters of local dress code arrangements and health and safety guidelines

Communication

Where an employee chooses to transition while working for us, we will work together with them to agree who will be told and by whom, and when and how this will happen. The most important consideration is that the employee feels safe in the workplace.

The employee may wish to tell colleagues about their transition or may prefer for this to be done by someone else on their behalf. We will encourage the individual to do what is best for them and, if the employee is not ready to tell anyone at the early stages, we will respect the employee's wishes.

Where an employee has a public or client-facing role, we will discuss with the individual what third parties need to know and how this should be handled.

Bullying and harassment

We adopt a zero-tolerance approach to harassment, bullying or victimisation and such behaviour may result in action being taken under our disciplinary procedure.

Examples of harassment against transgender people include:

- verbal abuse such as name-calling, threats, derogatory remarks or belittling comments about transgender people;
- asking an individual if they have a GRC;
- jokes and banter about someone's gender identity or transgender people generally;
- refusing to use the appropriate pronoun (for example, calling a trans woman "he") or calling the person by the name they had before they transitioned;
- threatening behaviour or physical abuse;
- intrusive questioning about someone's gender identity or transition;
- excluding a transgender colleague from conversations or from social events;
- refusing to work with someone because they have transitioned; and
- displaying or circulating transphobic images and literature.

All employees are made aware of our policy on investigating claims of bullying and harassment and the procedures in place for handling complaints. We will also publicise our position on bullying and harassment to any third parties with which we engage.

Any complaints of bullying and harassment are taken seriously and dealt with promptly.

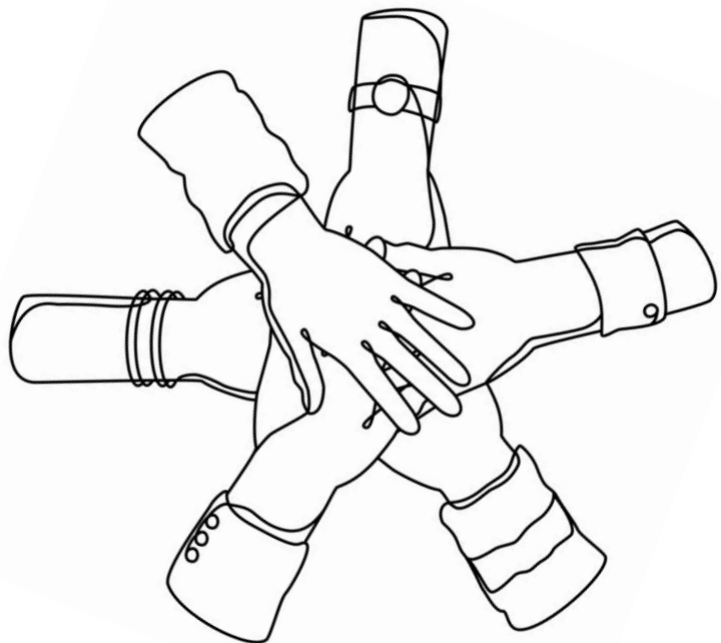
Working overseas

Where there is a possibility of working overseas, we will be alert to any issues that may arise in local jurisdictions where the law does not protect against discrimination because of gender identity. We will conduct a risk assessment and discuss the situation with the employee to agree the best way forward.

Training on transgender equality and gender reassignment

Information on transgender equality and gender identity is an integral part of our equality-awareness training for our staff. The aim is to help our workforce to understand what is and is not acceptable behaviour and to differentiate myth from reality, thereby minimising the potential for conflict arising from misunderstandings. However, we do understand that mistakes may be made, it is how we learn from these that is important.

Discrimination because of gender identity is included in other training as appropriate, for example, induction, recruitment and selection, performance management and customer-care training.



Ongoing Support

We want to ensure that you have access to any help and support you need throughout your employment with Rowe. We would encourage you to speak to your line manager or HR manager if you have any concerns. You may also wish to increase your monthly one-to-one meetings if you need too.

Support can also be accessed through our **Employee Assistance Programme (EAP)** Health Assured (see our Health and Safety Slack channel)

Or through the below support networks:

- Proud2Be : <https://www.proud2be.org.uk/> - Newton Abbot
- Not Alone : <https://www.notaloneplymouth.co.uk/> - Plymouth
- Intercom Trust : <https://www.intercomtrust.org.uk/> - South West
- Samaritans : <https://www.samaritans.org/> - 116 123

We also have our Diversity and Inclusion Lead, Terri Lamerton, who will always be happy to help.



The law

Equality Act 2010

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects a person from discrimination, harassment and victimisation if they are "proposing to undergo, are undergoing, or have undergone a process (or part of a process) of gender reassignment". There is no requirement for the person to be under medical supervision to be protected. Under the Act, a person who takes time off work for gender reassignment must not be treated less favourably in respect of employment decisions, for example by being denied access to training or promotion opportunities.

The Act also protects anyone who is perceived to have the characteristic of gender reassignment or is associated with someone who has the protected characteristic of gender reassignment, such as an individual's partner or a friend.

An employee who treats a colleague less favourably because of gender reassignment, for example by refusing to work with them, may be held personally liable for discrimination.

Gender Recognition Act 2004

The Gender Recognition Act 2004 allows an individual to apply for a gender recognition certificate (GRC), which will give them legal recognition in their acquired gender and enables them to obtain a new birth certificate. The Act safeguards the privacy of an individual with a GRC by defining information relating to the gender recognition process as "protected information" and, except "in certain specific circumstances" (for example, for the purpose of preventing or investigating crime), it is a criminal offence to disclose such information without the individual's consent.

An application for a GRC will be made to the Gender Recognition Panel. Individuals are required to provide a medical diagnosis of gender dysphoria and evidence that they have lived in their acquired gender for two or more years and intend to do so permanently.

We will never ask an employee if they have a GRC or require anyone to apply for one for employment purposes.

Appendix: glossary of terms

- **Acquired gender:** Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. As this is a legal term, many people now prefer to use the term "**affirmed**" gender.
- **Assigned gender:** The gender assigned to someone at birth, based on their physical characteristics.
- **Cisgender (or Cis):** Describes someone whose gender identity matches the sex that they were assigned at birth.
- **Cisnormative:** An assumption that gender is a binary concept and that being cisgender is the norm.
- **Cross dresser:** Someone who chooses to wear clothes not conventionally associated with their assigned gender. "Cross dresser" is now used in preference to the term "transvestite", which is considered to be outdated and can cause offence. Cross dressers are often comfortable with their assigned gender and therefore may not intend to transition.
- **Dead naming:** Referring to a person who identifies as transgender or non-binary by their birth name and not their chosen name.
- **Gender or Gender Identity:** Describes a person's innate sense of themselves. For example, they may identify as female, male, as having no gender, as non-binary or as gender fluid. A person's gender identity may not correspond with the sex that they were assigned at birth. Gender is increasingly recognised as not being a binary concept, but on a spectrum.
- **Gender dysphoria:** A recognised medical condition where the individual experiences severe discomfort and anxiety because their gender identity does not align with their biological sex.
- **Gender expression:** How an individual presents their gender identity to others, for example through their appearance and behaviour.
- **Gender reassignment (or transitioning):** The process where an individual changes their expressed gender to live fully in the gender with which they identify. For example, a person who was assigned female at birth decides to take steps to live the rest of their life as a man. Gender reassignment does not require medical treatment and is a protected characteristic under the Equality Act 2010. For many transgender people, the terms "gender confirmation" or "gender affirmation" are now preferred to "gender reassignment".
- **Intersex:** An individual who is biologically not of the male or female sex. The sex that an intersex person was assigned at birth may differ from their gender identity.
- **LGBT+:** Lesbian, gay, bisexual, transgender is a commonly used acronym. The "plus" denotes inclusion of other identities such as intersex or asexual. The acronym is often expanded to LGBTQI with "Q" standing for Queer (or questioning) and "I" for intersex.
- **Misgendering:** When a transgender person is referred to by the sex that they were assigned at birth.
- **Natal gender (or natal man/natal woman):** Used as an alternative by some people to Cisgender (or Cis).
- **Non-binary:** A term used by people who feel that their gender identity is not binary male or female. Some non-binary people may identify as having no gender or being

genderless (Agender), while others may identify in between male and female, or as having a gender that is different to either male or female. Some people identify as "gender fluid" meaning that their gender identity moves between two or more gender identities in different circumstances.

- **Pronouns:** Terms people use to refer to others - often gendered "he/him", "she/her" - sometimes neutral/unisex "they/them". (This is not an exhaustive list.)
- **Sex:** The biological and physiological differences that define men and women.
- **Trans man (female to male):** Used to describe a person who was assigned as female at birth but identifies as male and is transitioning, or has transitioned, from female to male.
- **Trans woman (male to female):** Used to describe a person who was assigned as male at birth but identifies as female and is transitioning, or has transitioned, from male to female.
- **Transgender (or trans):** An umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender they were assigned at birth.
- **Transitioning:** The steps taken by individuals to live in the gender with which they identify. These steps can be social, psychological, legal and may sometimes involve medical procedures. Each person's experience of transitioning is unique to them. Transition is not about the individual "becoming" as it is about them "gender affirming".
- **Transsexual:** Under the Equality Act 2010, a transsexual person is someone who has the protected characteristic of gender reassignment (see above). A transsexual person does not have to be under medical supervision to be protected under the Act. The term is now considered to be out of date and the more inclusive term "transgender" is preferred.
- **Transphobia:** A fear of or a dislike of transgender people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.

Version Control Information

Issue	Description of change	Author	Date
0.1	Draft	AS	22/12/2022
1	Initial Issue	AS	3/1/2023