

A heart shape is formed by a central red rope. From this central point, several other ropes of different colors (purple, grey, teal, blue, green, yellow, orange, pink, brown) extend outwards. Each of these outer ropes is knotted to the central red rope, creating a complex, multi-colored structure that resembles a heart. The background is white.

Guide

 AdviserPlus

LGBTQIA+ INCLUSION IN THE WORKPLACE

A guide for employers on how to create an inclusive environment for LGBTQIA+ individuals in the workplace.

FOREWORD

Implementing robust inclusion strategies for employees within the LGBTQIA+ community helps to positively reinforce employee engagement and create a sense of belonging for individuals, while also helping to raise awareness and provide empowering information for everyone across the business.

LGBTQIA+ inclusion should be a core part of your Equality and Diversity policy. Having specific gender identity inclusive policies is a clear way to demonstrate your commitment to tackling discrimination and creating safe and productive workplace environments for all.

It is important for businesses to review ALL policies to ensure they are LGBTQIA+ inclusive and use language that does not discriminate. This is particularly vital for policies such as parental leave, adoption, and pensions, which may have historically used language and terms that could exclude members of the LGBTQIA+ community. It's also essential to consider language used in recruitment and onboarding to ensure you are attracting and retaining a diverse workforce.

Providing clear policies and guidance to empower all managers and employees in developing better understanding of gender identity will accelerate the speed with which workplaces become more inclusive environments for all.

Hayley Saunders
HR Technical Consultant



TRANSITIONING AT WORK POLICIES

In addition to inclusion policies, more and more organisations are proactively creating transitioning at work policies to ensure the correct support mechanisms are in place for employees if they intend to transition whilst working. If you intend to create such a policy, it should be specific to transitioning at work with the goal to ensure staff feel safe and supported during their transition.

Transitioning is the process of a person changing their social role to match their self-identified gender, which is different from the gender they were assigned at birth.

Many people falsely believe that in order to transition a person must undergo a medical procedure, such as hormone therapy, surgery, counselling or voice coaching, but this is not the case. Transitioning may simply be telling others, changing names, asking people to use different pronouns or changing the way their gender is expressed. It should not be assumed that the goal of every individual's transition is to change their physiology or legal gender. If a trans person chooses not to undergo any medical intervention they are still entitled to dignity and respect along their chosen path of transition.

KEY MESSAGES

- **An individual doesn't need to hold a Gender Recognition Certificate in order to have their details changed on any workplace system**
- **A person's trans status will be kept in the strictest confidence in line with their wishes and the law**
- **The organisation and LGBTQIA+ individual's line manager will fully support a person's transition**
- **The organisation and individual's line manager will ensure that the individual does not suffer detriment, bullying or harassment as a result of transitioning**
- **The timescales, activity and communication will be driven and led by the person transitioning**
- **Transitioning involves different steps and activities for different people**

EMPOWERING LINE MANAGERS

Line managers should be educated, supported and empowered to understand terminology, legislation, the transitioning process and entitlements which will enable them to plan in a thoughtful and sensitive way. They should always be led by the individual staff member who is intending to transition.

Any guidance created should highlight the support that managers are able to offer an individual who is transitioning and the policies in place to support them (such as a Transitioning at Work Policy and Bullying and Harassment Policy).

It is vital for any employer's policies, whether already implemented or newly created, to be effectively cascaded throughout an organisation to ensure that line managers can properly apply them. A lack of awareness or understanding can lead to a lack of line manager confidence in dealing with issues and inconsistencies in how matters are managed.

TOP TIPS

- **Provide the guidance needed to support managers in helping their direct reports through their transition**
- **Ensure your policies use the correct terminology**
- **Embed any existing diversity and inclusion training for managers**
- **Emphasise to line managers that support doesn't stop once an employee has transitioned**



CONSIDERATIONS FOR MANAGERS SUPPORTING A TRANSITIONING EMPLOYEE IN THE WORKPLACE

Hold a confidential meeting

A confidential meeting is an opportunity for the individual to talk about concerns they may have about disclosing their gender identity and/or chosen name and to begin developing a support plan. Ensure that the individual is welcome to be accompanied by a friend, work colleague or trade union representative for additional support.

Confidentiality and Privacy

Transgender employees have the right to choose if their gender identity or expression is open to their colleagues or kept private. Some details surrounding an employee's gender identity constitutes confidential medical information under privacy laws, such as their gender assigned at birth, so no employee should disclose information that may reveal another employee's transgender status or gender non-conforming presentation to others. All personal or confidential information should only be shared if a transgender employee's consent or with colleagues who require said information to complete their duties appropriately.

Personal Support Plan

A personal support plan is a beneficial tool used to outline a strategy for the transitioning employee and their line manager. Creating a collaborative procedure eases the transition period and allows the employee to feel more comfortable. This may include clarification of titles, names and pronouns, as well as any planned absence from work. The employee can decide if their colleagues are informed, and it should be agreed how such changes are communicated. An ongoing support plan after transitioning should also be discussed.

Absence from Work

Individuals should be encouraged to discuss timescales for appointments and/or medical treatment with their line manager as early as possible so that appropriate arrangements or adjustments can be made. Whilst not all individuals will undergo surgery when transitioning, those who do will require a prolonged period of absence for recovery so amendments to any absence policy to include transitioning employees can ease the pressure for the individual.

Changing Official Records

Most records relating to an individual's identity can be amended to reflect their preferred name without proof of a legal name change. A transgender employee has the right to be addressed by the name and pronoun corresponding to their gender identity. Every effort should be made by line managers to update any records, including photographs, at the transitioning employee's workplace, so their identity and expression are represented accurately. However, some record changes may require a legal name change to be completed, including payroll and pension.

Pension changes are governed by legal criteria which mean that an individual must have a full Gender Recognition Certificate to recognise their self-identified gender – referred to legally as 'acquired gender'. Such a change must be agreed between the individual and the pension scheme provider, but it is regarded as good practice to include changes to gender and or name on internal pension records. HMRC will use a trans person's preferred name and title in all communications and if a full Gender Recognition Certificate is issued this will lead to a change in National Insurance records to reflect the person's acquired gender.

Names/ Pronouns

Every employee should have the right to be addressed by the name and pronoun that they prefer; however they identify should be how they are referred to by their colleagues and employer. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) can constitute as harassment. If unsure what pronoun a transitioning colleague might prefer, managers should politely ask how they would like to be addressed.

Dress Codes

Transgender and gender non-conforming employees should have the right to comply with company dress codes in a manner consistent with their gender identity or gender expression.

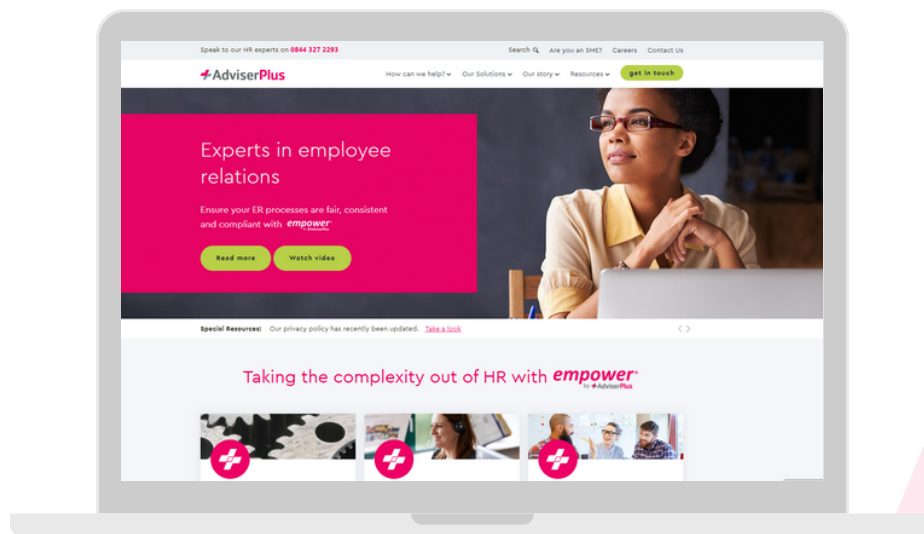
Discrimination and harassment

Discrimination in any way (including, but not limited to, failure to hire, failure to promote, or unlawful termination) against an employee because of the employee's actual or perceived gender identity is unlawful. Any incident of discrimination, harassment, or violence based on gender identity or expression needs to be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action, and providing employees and staff with appropriate resources.

THE RECRUITMENT PROCESS

An employee may choose to disclose their status at any stage of the recruitment process. For any role that is subject to a criminal records check, the Disclosure and Barring Service (DBS) offers a confidential checking process in accordance with the Gender Recognition Act 2004 to give trans applicants the choice as to whether they are content for their previous gender to be disclosed on their DBS Certificate. If a trans applicant does not wish to have their previous identity disclosed to the council and/or on their DBS Certificate, they should call the dedicated Sensitive Applications Team who are experienced in dealing with this type of case. A member of this team will advise the applicant about the process and what they will need to do.

NEED SUPPORT IN CREATING AN LGBTQIA+ INCLUSIVE WORKPLACE?



AdviserPlus provides consultation services to support your business in implementing inclusion strategies and empower line managers to have positive gender identity conversations. We've helped hundreds of organisations by providing managers with the tools and capability to manage more employee relations matters without the need to involve HR.

Our HR Technical Consultants can also provide expert HR policy and document services. From best-practice, compliant policies, to bespoke solutions that align your documents with your business values and strategies.

DEFINITIONS

The definitions provided here are not intended to label employees but rather to assist in understanding policies and the legal obligations of employers.

Employees may or may not use these terms to describe themselves. They are also accurate at the time of producing this document but may be subject to change.

Gender expression: An individual's characteristics and behaviours (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.

Gender fluid: A person whose gender identity (the gender they identify with most) is not fixed.

Gender identity: A person's internal, deeply-felt sense of being male, female, or something other, regardless of the sex they were assigned at birth. Everyone has a gender identity.

Gender non-conforming: A person who has, or is perceived to have, gender characteristics and/or behaviours that do not conform to traditional or societal expectations. Keep in mind that these expectations can vary across cultures and have changed over time.

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.

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.

LGBTQIA+: A common abbreviation that refers to the lesbian, gay, bisexual, transgender and queer community.

L: Lesbian

G: Gay

B: Bi(sexual)

T: Trans(gender)

Q: Queer or questioning (sexuality and/or gender identity)

I: Intersex

A: Asexual or aromantic

+: The plus sign symbolises other gender or sexual identities that are not already included in the acronym such as pansexual or gender fluid.

Lesbian: Refers to a woman who has an emotional, romantic and/or sexual orientation towards women.

Gay: Refers to a man who has an emotional, romantic and/or sexual orientation towards men. Also, a generic term for lesbian and gay sexuality - some women define themselves as gay rather than lesbian.

Bi: Refers to an emotional and/or sexual orientation towards more than one gender.

Queer: In the past a derogatory term for LGBT individuals. The term has now been reclaimed by LGBT young people in particular who don't identify with traditional categories around gender identity and sexual orientation. It is still viewed to be derogatory by some.

Questioning: The process of exploring your own sexual orientation and/or gender identity.

Intersex: A term used to describe a person who may have the biological attributes of both 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.

Asexual (or ace): Someone who does not experience sexual attraction.

Aromantic: having no interest in, or desire, for romantic relationships.

Non-binary: An umbrella term for a person who does not identify as only male or only female, or who may identify as both.

Pansexual: Refers to a person whose emotional, romantic and/or sexual attraction towards others is not limited by biological sex, gender or gender identity.

Pronouns: Words we use to refer to people's gender in conversation – for example, 'he' or 'she'. Some people choose to be referred to with gender neutral language and use pronouns such as they/their and ze/zir.

Sexual orientation: A person's physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, pansexual, or straight, just like non-transgender people.

Transition: The process of changing one's gender from the sex assigned at birth to one's gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one- or two-step process that happens more quickly. Transition may include "coming out" (telling family, friends, and co-workers); changing the name and/or sex on legal documents; and, for many transgender people, accessing medical treatment such as hormones and surgery.

- **Transgender:** An umbrella term that can be used to describe people whose gender identity and/or expression is different from their sex assigned at birth:
- A person whose sex assigned at birth was female but who identifies as male is a transgender man.
- A person whose sex assigned at birth was male but who identifies as female is a transgender woman.

Some people described by this definition don't consider themselves transgender – they may use other words or may identify simply as a man or woman. A person does not need to identify as transgender in order for an employer's non-discrimination policies to apply to them.

Trans history: A person who identifies as male or female or a man or woman but was assigned differently at birth. This is increasingly used by people to acknowledge a trans past.



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Combining game-changing technology and people analytics, contemporary policies, and ground-breaking coaching and learning services, the group is a powerhouse in evolving employee experiences. Our experts share a deep understanding of today's complex HR landscape, delivering advice, insights, analytics and interventions that make a real impact.

Together, we're committed to raising awareness and supporting our customers in advancing equality and eliminating discrimination for LGBTQIA+ individuals in the workplace.

To find out more, watch our insightful Gender Identity webinar [here](#).

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