

## Guidance

# G1904

# Guidelines for transgender employees and their managers

Applies to all of TfL

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## 1 Purpose

The purpose of this document is to provide guidance on TfL's approach towards supporting employees who are proposing to undergo, are undergoing or have undergone gender reassignment during recruitment processes and in employment. It should be read together with any relevant TfL policies

## 2 Scope

This Guidance applies to all employees of TfL and its subsidiaries.

## 3 Guidance

Transport for London (TfL) is committed to and promotes the principle of equal opportunities for all employees, contractors, casual workers and agency workers. TfL aims to treat employees and applicants for jobs fairly, equally and with dignity and ensure that no unlawful discrimination occurs on the grounds of age, disability, nationality, ethnic or national origin, gender, marital status, race, religious beliefs, sexual orientation or gender reassignment.

TfL recognises that this is a sensitive issue and we recommend that any Line Manager dealing with a matter relating to these guidelines should, in the first instance, contact their People Management Advice (PMA) Specialist.

## 4 Guidance for transgender employees and their managers

### 4.1 Useful Terms and definitions

The following terms and legislative references are commonly used regarding transgender people.

**Trans/Transgender** means a person who changes his or her name and personal details and lives in the gender role as a member of the opposite sex to that recorded at birth. The majority of transgender people undergo various degrees of medical treatment, which can include hormone therapy and genital re-constructive surgery. For the purposes of this document the term transgender covers people who may define themselves as transsexual, transgender, gender variant or other self-definitions which encompass the situations mentioned above.

**Transsexual person** is the term most closely associated with the legally protected characteristic of 'gender reassignment', and means a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's gender assigned at birth, by changing physiological or other attributes of gender. The law does not require a person to undergo a medical procedure to be recognised as a transsexual person.

**Gender Reassignment** is the process of changing or transitioning from one gender to another. This may include surgery, and a person is normally required to undergo counselling and to live in their aspired to gender for at least a year before this happens. Equally, some people choose not to have surgical treatment.

**Transition** means the physical, psychological, social and legal process undertaken by an individual to change their gender.

**The Equality Act 2010 (EA)** provides protection for transsexual people, who are defined under the EA as persons who are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of their sex. The General Duty contained within the EA directs public sector authorities (including TfL) subject to the general equality duty to have due regard to the need to eliminate unlawful discrimination and other conduct prohibited by the EA, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

**The Gender Recognition Act 2004** gives transgender people the right to apply for full legal recognition in their acquired gender subject to meeting prescribed conditions. Following a successful application, the transgender person is issued with a Gender Recognition Certificate (GRC) and the law regards them for all purposes as being in their acquired gender. Individuals who have applied for and been issued with a GRC have no obligation to inform TfL of that fact.

**Aspired to Gender** means the gender to which a transgender person is planning to transition.

**Acquired Gender** means the legal gender in which a transgender person lives following gender reassignment.,

**Gender Neutral** means a person who does not identify themselves as male or female. They may also opt to use an alternative title, such as Mx or Misc instead of Mr, Mrs, Miss or Ms.

## 4.2 Job applicants

Any job applicant who is proposing to undergo, is undergoing or has undergone gender reassignment will not be required to disclose their status as part of any recruitment and selection process.

TfL welcomes applications for employment from all sections of the community including transgender people, and where applicants choose to disclose that information we are committed to providing appropriate support throughout the recruitment and selection process. Both internal and external candidates should be advised of these guidelines where appropriate. They should be reassured that information relating to their transgender status will be treated in confidence and that any decision will be based solely on merit.

## 4.3 New joiners

However, where a Line Manager is aware that an employee has undergone gender reassignment prior to joining TfL or while in a different department and does not wish to disclose this information to colleagues, the Line Manager must keep the information confidential.