Trans and Non-Binary Inclusion Policy

1 Introduction

1.1 Quakers in Britain (QIB) are Quaker employers and seek to uphold Quaker values in the workplace. Friends hold that all people are equal in the eyes of God, and all have access to the same “inner light”. In 2021, Quakers in Britain made a commitment to “acknowledge and affirm the trans and gender-diverse Friends in our Quaker communities”. Our aim is to uphold the Quaker testimony to apply equality in all our employment practices.

1.2 QIB is committed to ensuring that its employees who are trans, identify as non-binary, or are gender non-conforming are treated equally and with dignity and respect in its workplaces.

1.3 QIB’s aim is to foster a welcoming, inclusive, and supportive workplace culture, free of discrimination. We believe that all people have the right to express their gender identity authentically. We also believe that creating a work environment in which everyone feels respected and valued is important. This policy is intended to help us achieve those goals.

1.4 At QIB, we are committed to creating a safe and inclusive culture for all. We recognise that trans and non-binary staff may face unique challenges, and we want to assure them that we are here to support them in any way that we can. This policy aims to guide managers, colleagues and volunteers who are supporting staff and volunteers who identify as trans, non-binary and gender non-conforming.

1.5 QIB staff, volunteers, and contractors are reminded that discriminating against anyone based on gender identity or expression is never acceptable. Where discrimination occurs, we will respond to policy breaches and take action in line with our procedure.

2 Scope

2.1 Everyone has the right to express their gender identity and expression authentically.

2.2 This policy applies throughout the employment relationship and to all staff, agency workers, volunteers, job applicants, consultants and contractors. Staff will be informed about this policy at induction and will receive periodic reminders. Consultants and contractors will be given a copy of our Dignity at Work Policy as well as this document when contracting for us.

2.2 This policy includes volunteers, consultants, service providers and customers who identify as trans, non-binary, or gender non-conforming.

3 Related policies and procedures

3.1 The following policies should be read in conjunction with this policy:

- Equality Policy
- Dignity at Work Policy
- Dignity at Work Procedure
- Disciplinary Policy
- Disciplinary Procedure

4 Policy principles

4.1 This policy ensures that all people, regardless of their gender identity or expression, are treated with respect and without discrimination, bullying or harassment. This policy outlines our commitment to supporting trans and non-binary staff and ensuring that they have the same opportunities and benefits as all other employees.

4.2 Employees and staff are not required to disclose their gender identity or transition status. However, if employees choose to do so, QIB will provide them with any necessary time off for medical appointments, help them update their database records and identification, and provide them with access to resources and support groups.

4.3 Disrespect, discrimination, harassment or bullying of trans, non-binary and gender non-conforming staff will not be tolerated. Any such behaviour by staff will be dealt with under the terms of the disciplinary procedure, where appropriate. Consultants or sub-contractors who contravene this policy will be reported to their organisations. In the case of self-employed contractors, an

investigation will be conducted, with the contract for services being terminated if contravention of this policy is established.

4.4 Confidentiality and data protection matters will be handled with the utmost sensitivity and respect for trans, non-binary and gender non-conforming staff and volunteers.

4.5 We are committed to continuously promoting awareness and understanding of gender identity and trans inclusion issues, which includes providing trans inclusion training for staff.

5 Definitions

5.1 We are committed to using up-to-date and inclusive terminology in referring to trans and non-binary people and will refer to best practice organisations and the trans community for guidance. This policy will be updated regularly. For a current list of inclusive language, see Appendix A.

6 Legal obligations

6.1 QIB's aim is to ensure that its employment practice meets and, where possible, exceeds statutory requirements. The legislative framework relevant to trans, non-binary and intersex people in employment is set out in four pieces of legislation: the Equality Act 2010, the Gender Recognition Act 2004, the Data Protection Act 2018 (UK) and the Human Rights Act 1998. An overview of the Acts is set out in Appendix B.

7 Monitoring

7.1 As part of the recruitment process, candidates are encouraged to complete equal opportunities monitoring forms. Gender identity information will be treated confidentially, with names not being used, and only processed by the People Team for statistical purposes.

8 Support staff through medical transition

8.1 Staff and volunteers are not required to disclose their gender identity or transition status to anyone, including their employer.

8.2 Trans employees will be supported through their transition (if they choose to transition). This may include:

- Providing time off for medical appointments. QIB allows employees to have paid time off at the time of transition. It is accepted that the time off needed will vary according to each individual circumstance. The absence should be treated as special leave, rather than sick leave. The usual sickness absence monitoring processes and actions do not apply in such cases.
- Help with updating employee records and identification.
- Providing access to resources and support groups.
- Providing time off work for treatment and recuperation as necessary.
- Assistance with the process of determining when and how the employee will return to work in their new gender.

9 Names and pronouns

9.1 With agreement from the staff member, QIB will take all necessary steps to ensure that a change to the staff member's name and pronouns is respected, and that any infringement is dealt with in accordance with the organisation's Dignity at Work Policy. Necessary changes will be made (but are not limited) to:

- the staff member's personnel records, including those held on the People database
- photographs
- email addresses and IT systems
- staff name badges
- business cards, where applicable

Please note that some official records might need to wait for the confirmation of the legal name change, while some information can be changed before this. The People Team will liaise and help staff concerned with this process and honour their wishes on the timing of the latter.

9.2 As with any official change of name, colleagues will need to formalise this through the UK Deed Poll Office before some work records can be changed.

10 Support

10.1 If trans, non-binary, or non-gender conforming employees have any concerns or need support during their employment with QIB, they should speak to their line manager or the People Team in the first instance.

10.2 QIB will support employees who are transitioning and undergoing gender reassignment, through ongoing engagement with the People Team.

10.3 Support is also available through QIB's Employee Assistance Programme (EAP).

10.4 QIB will also support an employee whose family member is undergoing transition. An employee who discloses this will be treated sensitively, and time off will be granted to deal with the challenges to family life that this may present.

11 Customer-facing roles

11.1 We have a zero-tolerance policy for discrimination based on gender identity or expression. This policy also informs the way in which we expect customers to treat our staff, which is respectfully and without discrimination. Anyone experiencing or witnessing discrimination should report it to their manager or Human Resources immediately. We will support any trans or non-binary employee experiencing discrimination, which means we may offer redeployment to an alternative position or identify other forms of support, as needed.

12 Facilities – toilets and changing rooms

12.1 QIB does not expect its trans, non-binary or non-gender conforming employees to be asked to use the accessible toilet facilities.

13 Confidentiality

13.1 It is an employee's decision as to whether or not to reveal their gender status and history. QIB will respect their right to privacy.

13.2 All records that include an employee's gender history will be confidentially destroyed unless there is a specific reason for keeping them. If others need to be made aware of the employee's transition (for example, to make a change to a record), QIB will obtain the employee's consent and restrict the information on a need-to-know basis.

13.3 Where there is a need to retain documentation that reveals an employee's gender history, it will be stored securely in line with data protection legislation. The information will be held electronically in a secure environment (password protected) that can only be accessed with the consent of the employee concerned. Only named individuals (agreed as part of the action planning process) will be allowed access to this information.

13.4 Where an employee discloses information about their gender history, either verbally or in writing, this will be treated as confidential.

14 Gender recognition certificate

14.1 QIB will not ask a trans employee or job applicant for a gender recognition certificate.

14.2 All employees are entitled to have all of their workplace records changed to reflect the name and gender that they have adopted. However, some documents, such as pensions documents, National Insurance and tax records, require a Gender Recognition Certificate in order to be amended. In cases where an employee has changed their personal information on some documents but not others, it is important for the People Team to consider how these different documents are stored and who has access to them, so that the employee is not inadvertently "outed" if a member of staff is able to link up old and new documents. The People Team should also inform the transgender employee which documents contain old information.

15 Criminal record checks

15.1 Some roles in QIB that involve working with children or other vulnerable groups (for example in Children & Young People) will require the post holder or potential post holder to undergo a Disclosure and Barring Service (DBS) check. Where such a check is required, the DBS offers a confidential checking service for transgender applicants (England and Wales only). Information about the transgender process can be found by phoning the DBS sensitive applications helpline on 0151 676 1452 or by emailing: sensitive@dbs.gsi.gov.uk In Scotland, call 0800 609 6006 or email: info@disclosurescotland.co.uk

16 Recruitment

16.1 An applicant is not required to declare their trans status or history during the recruitment process. The issue is not relevant to the process, and questions about a person's status must not be asked by recruiting managers.

17 Complaints

17.1 We take all complaints seriously. QIB will ensure that all complaints will be investigated and handled fairly. We aim to create a safe and supportive environment for trans and non-binary people who make complaints. This includes having a zero-tolerance policy for discrimination based on gender identity or expression.

18 Other sources of support

Stonewall – a lesbian, gay, bisexual, and transgender rights charity in the UK.

www.stonewall.org.uk

LGBT Foundation – provides information for lesbian, gay, bisexual, and trans communities.

www.lgbt.foundation

The Gender Trust – provides support for people affected by gender identity issues.
www.gendertrust.org.uk

TransLondon – a peer support group for all members of the trans community.
www.translondon.org.uk

Employer's Network for Equality and Inclusion website
https://www.enei.org.uk

ACAS – (Advisory, Conciliation and Arbitration Service). ACAS provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law.
www.acas.org.uk

APPENDIX A - DEFINITION OF TERMS

Gender identity

A person's perception of their gender identity, which may vary from the sex that they were assigned at birth.

Gender questioning

A person who is unsure whether they identify as a man, woman or neither.

Gender expression

The way in which a person expresses their gender identity – for example, through dress, hair length or style, or the way they act or speak.

Gender fluid

A person whose expression of their gender may change from day to day. For example, they may identify as a man on some days and a woman on others.

Affirmed gender

The preferred term of trans organisations to describe a person's gender identity after transition.

Transgender

An inclusive, umbrella term used to describe the diversity of gender identities and expressions for all people who do not conform to common ideas of gender roles[i].

"Trans" or "transgender" describes people whose gender identity differs from the sex assigned to them at birth. The term covers people:

- intending to undergo, undergoing, or who have undergone gender reassignment at any stage;
- who identify as having a gender that is different from that which they were assigned at birth, and are planning to have or who have had medical interventions such as surgery or hormones;
- who identify as having a gender that is different from that which they were assigned at birth, but who are not planning any medical interventions.

Non-binary

This term is used to describe a person who does not identify exclusively as male or female, or may have another sense of gender. They may define themselves as both, neither or something different. They may or may not seek medical interventions to align their body with their non-binary gender identity.

Intersex

This term describes a person who may have physical/biological attributes of both sexes, or whose physical/biological attributes do not fit traditional assumptions of what constitutes male or female. People who are intersex may identify as male, female or non-binary.

Transitioning

This is a term used by "transgender" people to include a series of social, psychological, emotional and sometimes medical steps a person undergoes to present the gender identity that they feel is correct for them[ii]. The process can include (but is not limited to) telling family, friends, employers, and colleagues of their intention to transition. It can also involve dressing differently, using a different name and pronouns (e.g. she, he, or they) and changing official documentation. People are different, and not every person who transitions regards themselves as trans.

Cisgender (adj) (abbreviation: cis)

This term refers to a whole range of people who find their gender identity or gender expression matches the gender assumptions made by others about them when they were born. The term was created to challenge the assumption that cisgender people (as opposed to transgender people) are always the standard in discussions about gender and sex. It is not a derogatory term.

APPENDIX B – LEGAL CONTEXT

There are four pieces of legislation that are relevant to trans, non-binary and intersex people in employment.

Equality Act 2010

The protected characteristic in the Equality Act 2010 that relates to trans, non-binary and intersex people is called 'gender reassignment'. Individuals are protected from discrimination on the grounds that they:

- intend to undergo gender reassignment,
- are undergoing gender reassignment,
- have at some time in the past undergone gender reassignment.

Gender reassignment is described in the Act as: "a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex." Whilst 'gender reassignment' has medical connotations, there is an emphasis in the Equality Act on the social transition (rather than medical transition) of the trans person.

Protection from discrimination is also extended to:

- any person who is associated with the person who has the protected characteristics, for example a person's partner/spouse/family member/carer who may be a child or adult/son/daughter/family member.
- any individual who is assumed or thought to have the protected characteristic by another person.

It is also unlawful for any person to instruct someone else to discriminate against a person with one or more protected characteristics.

Gender Recognition Act 2004

The Gender Recognition Act 2004 (GRA) enables a person to change their legal gender, provided it is male or female. The UK does not currently recognise a third or non-binary gender category in law.

The GRA enables a person to obtain a gender recognition certificate (GRC), which leads to the issue of a new birth certificate. The GRA confers the right to marry and be regarded for HMRC purposes (such as pensions) as a member of their self-determined gender (provided it is male or female). It also works to ensure that the person has the right to confidentiality over their trans status or gender history.

The GRA also enables a person who is staying in a marriage with their spouse to either convert the marriage based on the original marriage date with original witnesses or to set the same date or new date with the same/different witnesses in recognition of the change in law for same sex marriage (Marriage (Same Sex Couples) Act 2013).

The GRC has strict privacy provisions which must not be breached by any person acquiring such information in an 'official capacity'. Disclosure to a third party without the trans person's consent would constitute a criminal offence (GRA s22).

It is unlawful to reveal that an individual has, or may have, applied for a Gender Recognition Certificate unless that person has given permission. Nobody should ever ask to see someone's GRC – they are under no obligation to disclose it. It is good practice to treat a person without a GRC exactly the same as one with a GRC. Everyone's confidentiality should be respected.

A person does not have to undergo any physical medical intervention to receive a GRC. However, they do have to be over 18 and fulfil the other requirements laid down in the Act, which include providing medical letters and a declaration that their change of gender expression is permanent.

A GRC does not render a person's gender identity any more or less valid, or make them any more or less vulnerable to discrimination.

The government is currently considering reforming the GRA 2004. It ran an open consultation which closed in October 2018. The GRA will now go through the parliamentary stages; this is expected to take up to two years.

Data Protection Act 2018 (UK)

The Data Protection Act 2018 (DPA 2018) complements the EU's General Data Protection Regulation and adds provisions that are specific to the UK. It has introduced stricter rules and tighter controls regarding personal data. Information about a person's trans status is considered 'sensitive personal data' under the Data Protection Act 1998. QIB will treat this data as 'special category data' under the new DPA 2018. This type of data is subject to tighter controls than other personal data. Everyone's confidentiality should be respected. Explicit consent is required before it can be collected, used or shared.

Personal data must be properly safeguarded following the seven data protection principles, which include ensuring that personal data is accurate, secure and processed fairly and lawfully.

Failure to change a person's title, name and gender when requested could lead to the following:

- Disclosure of personal information that is used, held, or disclosed unfairly, or without proper security
- Failure to ensure that personal information is accurate and up to date
- Processing of data likely to cause distress to the individual.

There is no obligation (unless in exceptional circumstances) to inform colleagues or students that a staff member or a student is trans, non-binary or intersex.

Information about a person's gender identity, gender history or sex characteristics is personal and is considered to be confidential.

QIB must seek the permission of the trans, non-binary or intersex person to disclose any information to others. This should be on a confidential, strictly need-to-know basis only. Disclosure of a person's trans status without permission constitutes a violation of the DPA (see Roehampton's Data Protection Policy).

The Human Rights Act 1998

Article 8 of the European Convention on Human Rights, as enacted under the Human Rights Act 1998, protects a person's rights to a private and family life. This can include a person's right to remain private about their identity, but also to live in a particular way or express oneself in a particular way.

Information that relates to a person's trans, non-binary or intersex status is owned by the individual; therefore, the individual retains the right to choose to share it (or not). Following this principle, anything that is considered to be personal information (e.g. records, images and letters) should be kept secure and not shared without the express permission of the individual.

However, there are exceptions to this (and other Acts mentioned above), in terms of situations in which it would be lawful to share this information without permission. Examples of this include a safeguarding issue or if a crime has been committed.

Date Issued:		Date of next review

[i] Definition taken from Stonewalls' Beyond Barriers leaflet.

[ii] Taken from the ACAS Guidance "Gender Reassignment Discrimination: Key Points for the Workplace_ August 2017.