

HR-Focus: Transising

Medical treatment during employment Time required

Transsexual people undergoing medical and surgical procedures related to gender reassignment may require some time off from work. Assessment by a qualified professional may take several months or years and appointments may involve the individual traveling long distances, and so are likely to be a day in duration each time.

Following this stage there is typically a period of one or more years before the individual is accepted for reconstructive surgery, and the time required for this will vary greatly, from one week to around twelve weeks, depending on the nature of the surgery undertaken. Employers should try to allow some flexibility so that employees may undergo this treatment.

Good practice example: S was employed in a small voluntary sector project. The management committee was able to allow her to use annual leave to attend appointments with her psychiatrist. But surgical procedures required several weeks off, which the project could not afford. However an arrangement was reached whereby S took a combination of sick leave and unpaid leave, enabling a temporary worker to be brought in to cover her absence. Because this was planned in good time, S was able to manage her financial and personal affairs comfortably, and the project ran smoothly in her absence. Agreeing a process

The most important factor in the successful management of an employee's transition from one sex to the other is to discuss with them how they would prefer to handle it, and to follow a process agreed with them. Issues which may be considered include:

- Whether the employee is to stay in their current post or be redeployed
- the expected timescale of the medical and surgical procedures
- the expected point or phase of change of name, personal details and social gender
- what time off will be required for medical treatment
- whether the employee wishes to inform line manager, colleagues and clients themselves, or would prefer this to be done for them
- what amendments will be required to records and systems
- whether a transsexual employee is adequately covered by existing policy on issues such as confidentiality, harassment and insurance and if not how these will be amended
- whether training or briefing of colleagues or clients will be necessary, and at what point and by whom this will be carried out
- how to handle any harassment, hostile reactions or unwanted media interest

Good practice example: D was a popular and respected teacher in a comprehensive school when he announced his intention to transition to male. In consultation with D, the head teacher and governors drafted a plan of action to include:

- telling colleagues
- telling parents
- telling pupils
- handling the inevitable media interest

In the event, having been well briefed, parents and pupils were happy to accept D in his new role. Dress Codes

Employers should allow some flexibility in dress codes to accommodate the process of transition from one sex to the other. They are supported in this by the [U.K.] Disability Discrimination Act 1995, which prohibits discrimination on grounds of appearance. Practical details such as who pays for a new uniform (if this is required as a result of a change of social gender) should be dealt with according to the employer's usual policy on similar issues (for example weight loss or gain), or negotiated with the employee.

Good practice example: M was working as a sales assistant when she began her transition to female. Her employer discussed the possibility of temporary redeployment out of the public gaze, but M preferred to remain with her team. The company dress code was therefore relaxed along similar lines as for Muslim women and other groups, giving M flexibility over hair length and style, jewellery and make-up, prior to the point at which she felt comfortable in a skirt rather than trousers and without reference to any specific point of change of social gender. For a period some customers perceived her as female and others as male, but M felt happy to accept this, and indeed used the perceptions of customers as an indicator of when to begin presenting as unequivocally female. Informing colleagues, clients and the public

There is no general need or obligation to inform colleagues, clients and the public that an employee is undergoing gender reassignment. Such information is necessary only where the relationship with someone who knew the person prior to their change of status is to continue. It is usually good practice for employers to take responsibility for informing those who need to know, although the wishes of the individual should be respected as far as possible. In some

circumstances the transsexual person may wish to be the one to make a personal explanation to some or all of their contacts; in this case the employer will need to know when the disclosure is to take place and at what depth, so that they can agree and provide appropriate support. Education should take place on two levels: general information about transsexualism, and specific information to enable people to understand the situation of the particular person involved. At the point of change of social gender, it is common for transsexual people to take a short time off work and return in their new name and gender role. This is often used as an opportunity to brief contacts. In all cases, the legal obligations of management should be explained, and the unacceptability of harassment made clear.

Good practice example: T worked for a local authority. She agreed with her employer that she would herself explain to long standing clients about her impending transition, but that they would also be interviewed by a manager and those who expressed unease would be offered a new contact. Her employer arranged briefing by outside trainers for all her colleagues.

Use of single sex facilities

Employer and employee should agree the point at which the use of facilities such as changing rooms and toilets should change from one sex to the other. An appropriate marker for using the facilities of the employee's "new" sex is likely to be the change of social gender. It is not acceptable to insist on a transsexual employee using separate facilities, for example a disabled toilet. "Women Only" space

It is consistent with this Code of Practice that transsexual women should be admitted to any spaces or resources reserved for "Women Only" (rather than transsexual men).

Good practice example: A woman's centre was used by a wide range of women, including some transsexual women, some of whom disclosed their status. The centre initially responded with a policy of admitting only "women born women"; however following lobbying, education and consultation with all users, the centre agreed a policy of access to "all individuals identifying and living as women full-time in all spheres of life". Prolonged incapacity for work

There is always a small possibility that complications arising as a result of medical treatment for transsexualism could result in a prolonged incapacity for work. If incapacity continues beyond the normal expectations for the process undergone, a transsexual employee could be retired on medical grounds in the same way as any other person who becomes unfit for duty.

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