

HR Focus: Employment

Records and confidentiality Current personnel records for transsexual people should not refer to a previous name, and records made prior to a change of name should be updated. Because of the anomalous legal status of transsexual people, it may be necessary for some records (e.g. with regard to pensions and insurance) to retain a reference to legal sex.

Access to records showing the change of name and any other details associated with the individual's transsexual status, such as records of absence for medical treatment in this connection, should be restricted to senior staff who "need to know" for specific reasons. "Need to know" refers to those directly involved in the administration of a process, for example the Examining Medical Officer, or the person who authorises payments into a company pension scheme. It does not refer to colleagues, clients or line managers, and breaches of confidentiality should be treated very seriously, as would any other gossip about a personal medical or social situation. Transsexual people in employment may choose voluntarily to disclose at a secondary level, for example, answering an equal opportunities questionnaire, or asking for support from a line manager. Again strict confidentiality should be observed.

Career development loans
Transsexual people may face an additional financial burden of medical loans if they pay for some or all of their medical and surgical treatment privately. They may also have experienced lengthy periods of unemployment and have missed the usual opportunities for developing skills which enhance their employment prospects. Employers are encouraged where possible to make special provisions regarding the administration of career development loans to accommodate this.

Good practice example: J was employed as an administrator, but lacked up to date IT skills because he had been out of the job market for some time owing to his transsexualism. His employer agreed to an interest free loan to enable him to undertake a correspondence course, in addition to paying for extra in-service training.

Harassment
Employees are entitled to expect support from their employer and protection from harassment by other members of the workforce and members of the public. In the case of an individual harassing an employee, for example, a member of the public objecting to being served by them, or a colleague making personal remarks to a third party, the issue should be dealt with in the same way as discrimination against any other minority group. Harassment policies and procedures developed to protect other vulnerable groups should be adapted to include this minority group and the usual penalties for breaching them should apply. Where an employee is being harassed by the media, they should be protected, and consideration should be given, in consultation with the person concerned, to strategies which minimise personal exposure and the need for self defense. Employers or employees may address a complaint to the Press Complaints Commission.

Good practice example: R, a university researcher, was "outed" to the media by a colleague. Coverage in the national press was given to the colleague's personal view that R should not be admitted as a member of a women's college because of her ambiguous legal identity (all transsexual people in the UK are currently obliged to live with legal ambiguity, whereby their social identity and most documentation reflects the gender with which they identify, whilst their legal status remains that recorded at birth). R, who had not made a secret of her status to her employer, but who was not widely known as transsexual, found herself the subject of gossip and controversy. Her employer protected her from direct media harassment at work, and made its own statement to the effect that the matter was between them and R, and that they were entirely satisfied with her qualifications and abilities to undertake the work for which she was employed. Colleagues were supportive, and the issue was swiftly ended.

Reproduced on this website with kind permission of Gender Trust. Please note, this information has been written with a focus on employment and the legal framework in the United Kingdom.