

## Model Policy for Employment Transition

Most organisations will have in place a policy to ensure that equity is maintained in the workplace. Such policies might ideally include equal and fair opportunity for all prospective and existing employees in terms of employment, promotion, transfer, training and conditions of service: regardless of race, colour, religion, gender, transgender status, nationality, age, family responsibility / parenthood, pregnancy, political affiliation, criminal record, marital status, lifestyle or sexual preference, physical or intellectual disability / impairment and H.I.V. status. Where an employee of your organisation advises you of their intention to transition, the guidelines contained in this document will assist in providing a safe and supportive environment for the individual concerned and all other staff members.

### Transgender

Transgender is a term used to describe anyone who lives or wishes to live as a member of the opposite gender to their birth gender. It may also encompass, under a broad definition, anyone who presents or behaves ambiguously in relation to commonly accepted male/female gender expectations.

### Transition

Transition is the term used to identify that period of time required by the transgender person to change over from their birth gender to their preferred gender. Though this can be a lengthy period in reality, from a workplace perspective, it will probably be perceived as the day on which the employee presents in their new gender role.

### Workplace Policy

Most organisations will have in place a policy to ensure that equity is maintained in the workplace. Such policies might ideally include equal and fair opportunity for all prospective and existing employees in terms of: employment, promotion, transfer, training and conditions of service: regardless of race, colour, religion, gender, transgender status, nationality, age, family responsibility / parenthood, pregnancy, political affiliation, criminal record, marital status, lifestyle or sexual preference, physical or intellectual disability / impairment and H.I.V. status.

The application of such policy should aim to recognise and encourage employees solely on the basis of their abilities, aptitudes, performance, qualifications and skills.

### Transgender People in Transition

Where an employee of your organisation advises you of their intention to transition, the following guidelines will assist in providing a safe and supportive environment for the individual concerned and all other staff members.

(Note: the employee may or may not have canvassed their decision with some staff members before approaching management.)

Once advised management should discuss the situation in full with the employee to become aware of their issues and concerns. It is then advisable to seek expert advice and information. The Gender Centre can assist with questions relating to gender issues and the Anti-Discrimination Board of N.S.W. can provide legal advice. (Training Workshops can be arranged through both organisations).

Discussions with the employee should not be seen as an opportunity to attempt to dissuade them from their decision. Whilst management may find the disclosure surprising and unexpected it is important to be aware that the employee will probably have spent a number of years arriving at their decision.

Once management are fully conversant with the situation they should organise with the employee appropriate time frames leading up to the transition. These should be adequate to allow the implementation of a staff awareness program to prepare all staff members for the transition.

It is often useful to set the date of transition for the employee at the point of return from a period of leave. This helps to reduce any levels of confrontation that staff may experience on first meeting the "new" person.

Management should notify all staff members, (and relevant union organisations through delegates or the joint consultative committee) in writing of the employee's intended transition. This document should be prepared sensitively, reflecting the Workplace Policy and clearly indicating management's support. The best way to achieve this is to approach the issue matter-of-factly with a clear emphasis on management policy to treat all employees with respect and dignity.

The document (see example below) should also include advice on how to appropriately treat and address the individual concerned. These should include:

- New name under which the employee will be known;
- Use of appropriate gender references. (She, her etc if transitioning to female; Him, he etc. if transitioning to male. Emphasis should be placed on the unacceptability of derogatory references such as "it".);
- Access to appropriate facilities (Toilets / Change rooms of chosen gender);
- To be generally treated in the same way as all other members of staff belonging to his / her chosen gender (In no way should they be subject to harassment, snide remarks or jokes.);
- Open lines of communication between management and staff, including the transitioning individual, should be maintained. Staff should be encouraged to discuss with management any issues of concern that may arise. If there are concerns it is easier to resolve them if they are addressed promptly; and
- Where management succeeds in addressing all aspects of transition matter-of-factly and with a minimum of fuss, impact on the organisation's operations should prove negligible.

## Aims

- That the process has minimal impact on all concerned and on workplace efficiency;
- That the transitioning employee is treated with respect and dignity;
- That any staff concerns are addressed;
- That the workplace remains free of harassment or unfair treatment; and
- That staff will quickly adjust to employing correct name and gender references.

## Post Transition Phase

It is advisable to conduct a review of the process within three months of the original transition date, to ensure that aims have been met. If not, further training or reminder memos may assist in rectifying any continuing issues.

It is also worth noting that people transitioning will always be pre-operative (i.e. they will not have had surgical intervention though they will probably be undergoing hormone treatment). The option to have Sexual Reassignment Surgery remains the decision of each individual and does not affect their transgender status.

However, if the employee elects to have surgery and this is common knowledge to staff members, it can raise some emotive issues for some staff members. This may be the case even if the original transition phase was comfortably handled. Management should be aware of this possibility, both for staff members and in regard to themselves, and be prepared for further consultation or training if this occurs.