

Workplace
gender transition
policy and
guidelines



Human Resources



Workplace gender transition policy and guidelines

Dublin Bus, as part of its Equality, Diversity and Non-Discrimination Strategy, is committed to managing a workplace that integrates, benefits from, and achieves equality for our diverse employees, as well as promoting an inclusive workplace that celebrates and supports diversity.

For the majority of people their innate sense of being male or female – their gender identity – matches their sex assigned at birth and they do not have any questions over their gender identity. However, there are a small number of people whose gender identity does not match their sex assigned at birth. These are trans people. Many will undergo the process of aligning their life and physical identity to match their gender identity, and this is called transitioning.

Individuals will always view themselves and their experience in a unique way, and will have personal preferences in terms of the language that their employers use, but we use the umbrella term “trans” in this guidance.

People can change gender without any medical intervention. Medical processes are not essential to transitioning. Some people choose not to, or cannot, undergo a medical process but are still trans. In July 2015 the Gender Recognition Act was signed into law. This means that persons over the age of 18 can self-declare their true gender identity and allows them to apply for a new birth certificate, passport or driving licence that reflects this change. This new law means that Ireland is one of the few countries that allows a person to declare their true gender without medical or state intervention.

Just as there are gay, lesbian and bisexual employees in Dublin Bus there are also employees who are trans. Some are out — i.e., open about their gender identity or expression — and others may not be.

However, given that many transitioning employees must come out to their employers in order to live consistently with their gender identity full-time, employers necessarily become involved in an employee's transition.

These gender transition guidelines were created to help foster dialogue and understanding of trans issues in the workplace and to underpin Dublin Bus's position as an employer committed to ensuring a workplace that celebrates and supports a workplace of diversity and equality.

They include recommendations for employees, managers and Human Resources on how to provide a welcoming and supportive environment for employees transitioning in Dublin Bus. The company recognises that each individual trans employee will have different experiences and requirements, and as such this policy is flexible and should be used as a guideline for employees and managers.

These guidelines focus primarily on trans people who are gender binary and on gender transition. These policy and guidelines

will be updated as best practice develops in other trans areas including gender fluidity and gender expression.

Dublin Bus is committed to supporting our trans employees, including employees who identify as non-binary, and we will work in collaboration with them to ensure that our policies and processes are supportive and inclusive of them.

If you have questions concerning your rights or responsibilities as an employee or manager, please contact the Human Resources Department.

Overview

Dublin Bus includes gender identity in its Equality, Diversity and Non-Discrimination Strategy to clarify that discrimination against trans individuals, whether employee or customer, is prohibited. This policy is consistent with our workplace philosophy that all employees should be treated fairly and with respect.

This is also in line with our Dignity and Respect Policy which relates to the bullying, harassment and sexual harassment at work of our employees.

Gender identity is also now covered under the Gender Recognition Act 2015.

An employee's failure to comply with the above policies could result in disciplinary action, up to and including termination of their employment.

We will not tolerate our customers, contractors or people we do business with discriminating against our employees because of their gender identity. If we find this is happening we will take action. For example, we may: cancel our contract with them; stop providing them with a service; or keep them out of our buildings or off our buses if necessary.

Key terms

Gender identity

Gender identity refers to a person's innate, deeply felt psychological identification as male or female, which may or may not correspond to the person's body or designated sex at birth (meaning what sex was originally listed on a person's birth certificate). Gender identity is distinct from the term "sexual orientation". Trans people may identify as straight, gay, lesbian or bisexual.

Gender expression

Gender expression refers to all of the external characteristics and

behaviours that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine or neutral in one culture may not be assessed similarly in another.

Trans

Trans people are individuals whose gender identity and/or gender expression differs from the sex they were assigned at birth. Trans is an umbrella term that includes people of different gender identities and gender presentations and includes people who are transsexual, cross-dressers or otherwise gender non-conforming.

Many trans people wish to live as a member of the gender with which they identify and this may involve changing names, hormone therapy or surgery. The process is referred to as 'transitioning' (see below). Not all trans people wish to transition. Some people do not identify as either male or female but see themselves as being on a gender spectrum between male and female and would consider themselves as being both.

Non-binary

Non-binary is an umbrella term for gender identities that fall outside the gender binary of male or female. This includes individuals whose gender identity is neither exclusively male nor female, a combination of male and female or between or beyond genders. Similar to the usage of transgender, people under the non-binary umbrella may describe themselves using one or more of a wide variety of terms e.g. gender fluid, bigender and gender neutral.

Transitioning

Transitioning is a process through which some trans people begin to live as the gender with which they identify, rather than the one assigned at birth. Transitioning might include social, physical or legal changes such as coming out to family, friends, co-workers and others; changing one's appearance; changing one's name,

pronoun and sex designation on legal documents (e.g. driving licence or passport); and medical intervention (e.g. through hormones or surgery).

A medical transition may include hormone therapy, sex-reassignment surgery and/or other components and is generally conducted under medical supervision based on a set of standards developed by medical professionals.

Transsexual

A Transsexual person identifies as 'opposite' to the sex assigned to them at birth. The term connotes a polarised view of gender between female and male, moving from one polar identity to the other. The term 'transsexual' is contentious. Historically the term was used to describe a trans person who has had gender reassignment surgery. However many trans people reject the term, given it can be incorrectly interpreted as focusing on sexuality or sexual behaviour rather than "gender identity"

Crossdressers and transvestites

A transvestite or crossdressing person is someone who at times wears clothing, jewellery and/or make-up not traditionally or stereotypically associated with their assigned sex. There is generally no intention or desire to change their gender identity or assigned sex, and has no relation to sexual orientation.

Intersex people

An intersex person is someone who was born with a condition where their reproductive or sexual anatomy doesn't fit the typical definitions of female or male. There are many different intersex conditions, and the issues faced by intersex people can be similar to those faced by trans people. However, there can be significant differences between the experiences of trans people and intersex people (for example, an intersex person might undergo gender assignment surgery rather than reassignment). Many intersex people do not identify as trans.

Sexual orientation

“Sexual orientation” is the preferred term used when referring to an individual’s physical and/or emotional attraction to the same and/or opposite gender. “Heterosexual,” “bisexual” and “homosexual” are all sexual orientations. A person’s sexual orientation is distinct from a person’s gender identity and expression.

Transphobia

Transphobia is the fear, dislike or hatred of people who are trans, or are perceived to challenge gender ‘norms’ of male or female. Transphobia can result in individual and institutional discrimination, prejudice and violence. You do not have to be trans to suffer transphobia. Common examples are making derogatory comments about a man being ‘sissy’ or a woman being ‘butch’: the underlying premise is that there is a ‘normal’ way for men and women to look and behave, and that diverging from that is abnormal.

Derogatory or offensive language

The following terms are generally considered to be offensive to trans people:

- Sex change
- Sex swap
- Tranny
- Transgenders
- Pre-op
- Post-op
- Shemale
- HeShe
- Transsexual (when used as a noun e.g. 'a transsexual')
- Transgender (when used as a noun e.g. 'a transgender')
- Gender-bender (specifically when used in relation to a transitioning person as opposed to an individual who plays with their gender presentation)
- Hermaphrodite (this term is widely held to be offensive – the term now in use is 'intersex people')
- Lady Boy

Inaccurate usage

- Transgendered – not a synonym for transgender (similar to 'woman-ed' or 'Catholic-ed')
- Transsexuality – the correct medical term, where appropriate, is 'transsexualism'
- Gender identity confusion
- Born a man
- Born a woman
- Trapped in the wrong body (some trans people find this phrase apt, many others feel it over-simplifies a more nuanced experience)

Guidelines for employees

If you are a trans employee, you have the right to be who you are openly. This includes expressing your gender identity without fear of consequences. When an employee begins transitioning, it means a change for the workplace. The trans employee, co-workers and management need to respond, accept and adapt to the change.

It is vital to provide a welcoming and supportive environment for employees who want to transition at work. Transitions are often highly individual and there is no singular way to transition on job. Transitioning is an experience unique to that person and each person's experience of the process can be different.

Notification of transitioning

An employee beginning the transitioning process should contact their immediate supervisor / manager and Human Resources, and be prepared to speak about their intentions, needs and concerns. Contact should be made by the employee well ahead of the employee's planned transition date. If an employee needs assistance in order to make these contacts, the employee should contact the Equality and Diversity Officer, Human Resources at 01 7033094.

If the initial contact is made with Human Resources, it is important at some point that the employee's immediate supervisor / manager becomes part of their support team.

Transitioning employees should be prepared to help educate their manager and Human Resources in order to understand clearly what their needs may be. It is Dublin Bus's aim to devise and implement a policy that meets best practice and, more importantly, the needs of its employees who identify as being trans. As with all things, policies develop over time and it is critical to have the support and involvement of employees who are trans to ensure its ongoing effectiveness.

Internal and external resources to assist transitioning employees in this educational effort are listed at the end of this document.

Appearance standards

Dublin Bus has the right to regulate employee appearance and behaviour in the workplace for reasonable business purposes. A trans employee is permitted to dress consistently with their gender identity and is required to comply with the same standards of dress and appearance, including uniforms, as apply to all other employees in their workplace and similar position. The decision as to when and how an individual expresses their gender identity remains the employee's choice.

Customer contact employees

As with all employees, trans employees with customer contact responsibilities are held to the same appearance standards as other employees.

Customer preference does not justify denying an employee the right to dress consistently with their gender identity.

Dublin Bus's commitment to maintaining a positive work environment and to conducting business in a positive, professional manner will be communicated to customers by consistently displaying our Equality, Diversity and Non-Discrimination Strategy.

Restroom access

Access issues related to restrooms and other sex-segregated facilities (e.g., locker rooms) will be handled with sensitivity not only to Dublin Bus' obligation to provide transitioning employees with the same level of facilities access available to all other employees, but also to the responses of co-workers and the comfort of the employee. Trans employees will be permitted to use the facilities that correspond to their gender identity. However, usage of reasonable single-occupancy or unisex facilities may be considered for a temporary period during the employee's

transition process or on an ongoing basis dependant on consultation with the employee.

A transitioning employee will not be required to use the restroom of their designated sex at birth after they have begun socially, medically or legally transitioning.

Additional recommendations

Dublin Bus will consider feasibility of single-occupancy or unisex restrooms in future office facilities.

Health benefits for trans employees

Trans employees of Dublin Bus are eligible for and not excluded from the CIÉ Welfare Scheme which sets out the sickness benefit for Dublin Bus employees.

The Employee Assistance Programme (EAP) is also available to trans employees who may wish to avail of the free independent and confidential counselling services it provides to Dublin Bus employees. The Dublin Bus EAP is provided by Abate Counselling and they can be contacted on Freephone **1800 222 833**.

Right to privacy

Dublin Bus is committed to respecting the right to privacy. All information disclosed relating to a person's gender identity and expression will be treated as confidential. Confidential information will only be disclosed with the person's prior consent.

The principle that no confidential information will be passed on to third parties without the express permission of the individual concerned applies unless there is a serious concern that there may be a threat to the safety or life of the individual or is otherwise required by operation of law.

Information held by Dublin Bus complies with the requirements of the Data Protection Act and relevant Dublin Bus policies. In

order to comply with the above principles, Dublin Bus employees must take all necessary precautions to ensure the safekeeping and accuracy of all records containing personal information. Where information is recorded or shared, the terminology used must be respectful. You may use this policy as a guide for what is acceptable language.

Guidelines for managers and Human Resources

If an employee informs you of their intention to transition, or if an employee is currently in the transitioning process, your support is critical. Not only will your actions positively impact the outcome of the transition but it will also limit work disturbances and encourage productivity.

It may be frightening to an employee to make themselves vulnerable to a person upon whom their job depends. If you are not familiar with trans individuals, seek information from the resources listed at the end of this document or allow the employee to educate you. Be open-minded and discuss with the employee their needs and concerns.

Human Resources will provide advice and assistance for supervisors working with a transitioning employee.

Supervisors should be careful of personal opinions regarding an employee's professional appearance. If the employee dresses or behaves inappropriately, this issue should be dealt with in the same manner it would with any other employee. Contact Human Resources if you have any questions or concerns.

Statement of confidentiality

The trans status of an employee is considered confidential and should only be disclosed on a need-to-know basis, and only with the consent of the employee. However, transitioning employees are encouraged to participate in the necessary education of their co-workers at whatever level they are comfortable.

Initial conversation

Immediately reassure the employee that the company will be as supportive as possible.

Assure the employee that he or she is covered by the existing policies outlined in the “Overview” section of this document.

Make it clear to the employee that your conversation will be held in confidence and inform the employee that you want to discuss how you and the company can assist them during their coming out or transition. Ask the employee for their suggestions on what you can do to help.

Confirm who will be the company’s main point of contact (manager or Human Resources) to manage the transition and schedule a meeting with the employee to discuss and agree upon an action plan to assist the employee in his or her transition.

Ask the employee if they wish to inform their manager and co-workers themselves, or prefer that this to be done for them. Then determine the best timing for that process.

Ask the employee if they expect to change their name. If yes, ask what name and pronoun the employee will use (he, she, they or no pronoun) and when the employee will want you to begin referring to him or her using the new name and/or pronoun.

Discuss the expected timeline and anticipated time off required for medical treatment, if known. Explain that normal sick pay and leave policies will apply.

Discuss and agree upon the procedure for adhering to the company’s dress code and agree on the timing in which the employee will begin his or her transition at work. This will probably be the point at which the individual begins to present consistently with his or her gender identity, including change of name,

pronouns, dress, grooming, appearance and restroom use. The employee may feel more comfortable working in a different position during his or her transition. Discuss whether the employee prefers to remain in his or her current position or be redeployed. If a redeployment is requested the manager should contact the HR Department to discuss this.

Provide the employee with the available resources outlined in the “Resources” section of this document. Ask them to inform you of anything else you can do to be of assistance.

Addressing concerns of co-workers and clients

A lack of knowledge about trans issues has the potential for creating misunderstanding and tension in the workplace. Remind all employees that they are expected to conduct themselves in accordance with company policies.

In addition to the initial workgroup meeting at which the employee’s manager announces the transition (see Appendix A), offer training or briefing sessions for employees on trans issues; this will help promote a positive work environment for all employees.

Training or briefing sessions should be completed prior to the employee’s transition. This provides important information to co-workers, managers and clients on what to expect when the individual begins his or her transition. Establishing some level of comfort as to what the transition is and why it is happening is important for preventing future misunderstandings or issues.

Employees who raise concerns about a trans co-worker should be provided with the Dublin Bus Equality, Diversity and Non-Discrimination Strategy, and Dignity and Respect Policy. They should be informed that they must work cooperatively with their co-workers regardless of their gender identity and that failure to do so could result in corrective action, up to and including

termination of their employment.

If employees express concern regarding the appearance of a trans co-worker after reviewing the Dublin Bus policies or if they are curious about the change in appearance, the manager may meet with employees individually to inform them of the change and to answer questions.

If employees have concerns with a trans co-worker's usage of a restroom or other sex segregated facility after reviewing the Dublin Bus policies, the employee with the concern may be permitted to use a different or single-occupancy facility, if such facilities exist at that work location.

Pronoun and name changes

Employee records and work-related documents should be retained under the individual's legal name (as reflected on identification documents verified at the start of employment) unless and until the individual makes a legal change.

The trans status of an employee is considered confidential and should only be disclosed with the consent of the employee as per the "Right to privacy" section above.

Where a person's legal name does not match their new name, the new name should be used on all documentation, such as email, phone directory, company identification card or access badge, name plate, etc., except where records must match the legal name, such as on payroll and insurance documents.

In everyday written and oral speech, the new name and pronouns should be used when the employee is ready.

Note on pronouns: If a co-worker is transitioning and you are not certain which pronouns to use, it is appropriate to respectfully ask what name and which pronouns you should use. In general, it is considered insensitive to refer to someone by the wrong pronouns once you have established which set of pronouns they prefer.

Parenthood / next of kin records

Section 19 of the Gender Recognition Act 2015 states that if a person is issued with a gender recognition certificate, it shall not affect the status of the person as the father or mother of a child born prior to the date of transitioning. This must be taken account of when dealing with pensions, next of kin, privilege tickets etc.

Leave benefits for transgender employees

Managers should provide sufficient flexibility to meet the employee's needs for appointments subject to operational requirements. Time off for medical procedures is to be treated the same as other scheduled medically necessary procedures.

Surgeries

The process of transitioning may include one or more surgeries. In addition to genital surgery, surgeries can include facial feminisation or other feminising procedures for those transitioning from male to female, or chest reconstruction or other surgeries for those transitioning from female to male. Recognise that a transitioning employee may or may not have these surgeries for any number of personal reasons and, furthermore, that surgery in and of itself is not the goal of a gender transition.

As with other aspects of the transitioning process, plans should be discussed and communicated only with affected parties in order to manage expectations and to minimise disruption. Medical information, including surgery plans communicated by an employee, should be treated confidentially.

Dublin Bus resources for employees and managers

Job-Related Planning for a Gender Transition (see Appendix A)

Human Resources representatives

Occupational health nurse or medical employees within CIÉ

Medical Department

Employee Assistance Program

External Resources for employees and managers

Transgender Equality Network Ireland (TENI) – www.teni.ie

Human Rights Campaign Foundation

— <http://www.hrc.org/topics/transgender>

Human Resources Department

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Appendix A

Job-related planning for a gender transition

These are the recommended steps for an on-the-job transition for a trans employee at Dublin Bus. We recognise that this experience is unique to each individual and as such the suggested steps below can be amended to suit the employee's needs.

Advance preparation

The trans employee meets with Human Resources or their local manager. The employee shares their gender identity and intent to transition.

The same Human Resources representative(s) / local manager and the employee meet with the employee's local manager / Human Resources representative(s) to share the employee's intent to transition.

Additional recommendations

The Human Resources representative and immediate manager should meet with the other local managers for informing, garnering support and involving them appropriately in the announcement of the transition.

The appropriate set of stakeholders should be identified to plan the transition. This will include the employee, their manager and the Human Resources representative. If necessary, involve others as appropriate, such as the Chief Medical Officer or the Employee Assistance Program. The stakeholders should become familiar with educational resources, including company policy and books on the subject.

1. Consider which people in the company you may need to have engaged at some point during the transitioning process and when they need to be engaged.
2. Consider any specific issues that need to be addressed sooner rather than later.

A joint plan should be developed between employee and manager, Include solutions to the issues listed here:

- The date of the transition, i.e., the first day of the change of gender presentation, pronoun usage and name. Recognise that the date of the transition will be driven primarily by the employee's situation and concerns.

- How employee's workgroup, clients and/or vendors will be informed of the change. Before the general announcement, the employee may choose to talk to some of their co-workers to disclose their plans on a one-on-one basis.

- Whether there will be an educational workshop on gender transition ("") given to employees.

- What changes will be made to records and systems, and when.

- How the current policies against discrimination, harassment and benefits will protect this employee.

- How the dress code will be followed.

- The expected plan for use of gender-specific facilities, such as restrooms.

- Any time off required for medical treatment, if known.

Make advance arrangements for name changes to be effective on the day of transition, so that nameplates, badges, etc. will be available on the first day.

See the list in "**The first day of full-time workplace gender transition**" below. Consider how long certain Human Resources functions take (e.g., legal name changes in Human Resources systems, company directory, etc.).

The day of the announcement

Hold a workgroup meeting, or include this in an already-scheduled face-to-face meeting. Teleconference in any non-local stakeholders.

Everyone in the workgroup whom the employee interacts with often should be included. Do not do this by email. A handout is optional in conjunction with the face-to-face meeting. The employee should choose whether to be personally present at this meeting, depending on comfort level.

The manager of the workgroup (the department head, for example) should make the announcement, in conjunction with the highest level manager in the group, to show support. The manager should:

- Make it clear that the transitioning employee is a valued employee and has management's full support in making the transition.

- Explain company policy and recommendations.

- Stress that on the transition day the employee will present him- or herself consistently with his or her gender identity and should be treated as such; for example, he or she should be called by the new name and new pronouns.

- Lead by example. Use the new name and pronouns in all official and unofficial communication.

- Make it clear that the transition is "no big deal" and that work will continue as before.

- Answer people's questions.

- If a gender transition workshop is part of the transition plan, announce it. It should be offered before the day of transition.

The first day of full-time workplace gender transition

On the first day of transition, the employee's manager should take these steps, much as they would for a new or transferred employee:

- Issue a new company identification badge with a new name and photo.
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- Update any organisation charts, mailing lists and other references to the new name.
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- Issue paperwork for the Human Resources employee database, effective the first day of transition, to change the following:
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- a) New name
 - b) Change the gender marker (“M” or “F”)
 - c) Update the email address if it contains the old name
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The manager should plan to be on site with the worker the first day to make introductions, support the worker, ensure respectful and inclusive treatment and make sure that work returns to normal after a few hours.

Ongoing reviews will be arranged every three months for the first year between the employee, line manager and the Human Resources Department, to assess if there are any issues to be resolved, changes that need to be made etc.

Employee Assistance Programme

The Employee Assistance Programme is an independent, confidential counselling service available to all Dublin Bus employees who can avail of up to six free sessions per year. The service is provided by Abate Counselling who can be contacted on Freephone 1800 222 833. Dublin Bus is not given the names of those using the service or any information on the issues discussed.

**Human Resources Department
May 2017**



Promoting an inclusive workplace

