



Northern Ireland  
Assembly

## **Transgender Policy**

### **Staff Handbook Section (insert)**

#### **Policy Statement**

1. The Northern Ireland Assembly Commission (the 'Assembly Commission') is committed to equality of opportunity and to creating an environment where everyone is treated with respect, including transgender staff.
2. The Assembly Commission will not tolerate discrimination, bullying or harassment on the grounds of reassigned gender.
3. This Policy establishes how the Assembly Commission will comply with relevant equality legislation and ensure that transgender staff are treated with respect and provided with appropriate support.

#### **Scope of Policy**

4. The scope of this Policy includes:
  - Assembly Commission staff; and
  - Inward secondees, agency workers and contractors (*paragraphs 51 to 55 refer*).

#### **Policy Objectives**

5. The objectives of this Policy are to:
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- Ensure that staff who intend to undergo, are undergoing, or have undergone gender reassignment<sup>1</sup> are treated with fairness and are supported in order to create a workplace that is safe and inclusive to all staff.
  - Provide managers with support and guidance to assist staff undergoing gender reassignment.
  - Outline the procedure to be applied whenever staff indicate that they wish to undergo gender reassignment.
  - Provide details of the support that should be given to staff undergoing gender reassignment and explain how this interacts with other Human Resources policies.
  - Address how complaints relating to incidents of transphobic bullying or harassment may be raised.
6. Additional information is also provided in the Transgender Policy Glossary of Terms; the Guidance for Managers; and the Guidance on Assisting and Supporting Transgender Visitors and Other Users of Parliament Buildings.

## **Legislative Basis**

7. The Sex Discrimination (Northern Ireland) Order 1976<sup>2</sup> (as amended) ('the 1976 Order') makes it unlawful to discriminate against a person on the grounds of their sex in the areas of employment, training, education, provision of goods, facilities or services, and the disposal and management of premises.
8. This legislation protects individuals from direct discrimination, harassment and victimisation if they are planning to undergo, are undergoing or have undergone gender reassignment.

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<sup>1</sup> The Sex Discrimination (Northern Ireland) Order ('the 1976 Order') 1976 defines "*gender reassignment*" as "*a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such a process*".

<sup>2</sup> As amended, inter alia, by: The Gender Reassignment Regulations (Northern Ireland) 1999; the Sex Discrimination (Amendment of Legislation) Regulations 2008, the Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2011; and Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2012.

9. The 1976 Order provides that less favourable treatment on grounds of gender reassignment is a form of discrimination to which the 1976 Order applies.
10. The protections of the 1976 Order relating to discrimination on grounds of gender reassignment extend only to a person who meets one of three conditions:
  - He or she *intends to undergo* gender reassignment.
  - He or she *is undergoing* gender reassignment.
  - He or she *has undergone* gender reassignment.

## **Definitions of Transgender and Transitioning**

### **Transgender**

11. Transgender is a term used to describe a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of that sex.

### **Transitioning**

12. People who have decided that they wish to live permanently in a different gender from the one they were assigned at birth will undergo a process to be recognised as such. This process is referred to as 'transition'.
13. For many transgender people, transitioning does not have an end or a stage by which it is considered finished, but is instead an ongoing process that continues throughout their lives. However, for the purposes of this Policy, staff can be said to have transitioned when they present permanently in the gender to which they identify.

## **Standards of Behaviour**

14. Transgender staff must be treated with fairness and dignity and afforded the rights to which they are entitled under law, free from any form of harassment or inappropriate behaviour.
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15. Furthermore, through its Equal Opportunities Policy, the Assembly Commission has a commitment to oppose all forms of discrimination and create an environment where everyone is treated with respect.

16. With this in mind, there are fundamental behaviours which all staff are expected to observe when dealing with any transgender colleague:

- Transgender staff should be addressed by their chosen name and not as the name by which they were previously known.
- Transgender staff should be addressed by their chosen pronouns, and not the pronouns that would have described their sex as assigned at birth.
- Whilst it may take time for others to adjust to a colleague's new gender identity, deliberate use of a previous name or pronoun constitutes a form of harassment and by doing so, could breach the Dignity at Work Policy and Standard of Conduct Policy.
- Transgender staff are free to use the restrooms and facilities belonging to the gender with which they identify from the point at which the individual begins to present permanently in the sex to which they identify.
- If staff feel they have been subject to harassment or inappropriate behaviour because of their gender reassignment, they should speak to their line manager or the Human Resources Office in the first instance.

## **Available Support for Assembly Commission Staff**

### **Creation of a Gender Transition Plan**

17. Staff who are intending to undergo, are undergoing or have undergone gender reassignment can seek support from their line manager and/or the Human Resources Office.

18. The first step that should be taken if you are or are planning to transition is to have a conversation with your line manager. Managers will be aware that this conversation can be difficult for you and so sensitivity will be exercised and confidentiality emphasised and adhered to.

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19. The Human Resources Office will have to be informed at some point in the transition process and the same standards of confidentiality will be employed.

20. Whilst the Assembly Commission will make every effort to support transgender staff, this support relies on effective communication between you and your line manager. Thus, in this first instance at least, the onus is on you to notify your line manager of your transgender status so that the requisite support can be offered.

21. The reason for notifying your line manager and the Human Resources Office is to establish the key information surrounding your transition so they can support you, and agree the next steps to be taken.

22. The results of this meeting should be recorded in a written Gender Transition Plan which should be signed by you, your line manager, and a representative from the Human Resources Office.

23. The Gender Transition Plan does not represent a binding unchangeable agreement, but a commitment to engage with, and support you as far as possible through your transition. Progress against this Gender Transition Plan should be reviewed at least every three months and at any significant point during the transition process.

24. The Gender Transition Plan should be treated as confidential and the original retained by the Human Resources Office, with copies made available to you and your line manager.

25. The Gender Transition Plan should cover the following areas:

- The name and pronouns by which you wish to be known.
  - An approximate timescale for the process. This will reflect the nature of your transition i.e. if you are undergoing a surgical transition, you would need to take medical leave to an extent that staff who are not transitioning
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surgically would not. There is no typical timescale for transition and it will depend on your specific needs.

- Where your transition includes a medical element, if there are duties within your current role that should not be undertaken at specific times within the process.
- An explanation of how transitioning interacts with systems such as iTrent, including payroll, and at which point your new identity should be reflected on systems.
- A schedule of records that need to be updated and who should be involved in updating them. You can update some directly, such as AsslSt, whereas others will require staff in other business areas to update records on your behalf.
- Documents you need to provide in your acquired gender in order to have systems updated.
- How and when you wish to communicate your gender reassignment to your work colleagues, through formal or informal means. This will give you control over how the news of your transition is handled.
- The point at which you will begin to present permanently in the gender to which you identify and use the restrooms and facilities appropriate to your gender.
- Where relevant, any uniform requirements.

26. You or your line manager can seek advice from the Human Resources Office at any stage during the development of the Gender Transition Plan or throughout the transition process.

### **Identification**

27. Transgender staff can change their legal name by making a statutory declaration of name change. However, you may not wish to change your name immediately, or at all. Alternatively, you may wish to be known by a shortened version of your name. If you have indicated that you wish to be known by a chosen name, this choice will be respected.

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28. When you identify with the gender you are reassigning to, whether or not you have had gender confirmation surgery, you will be referred to using the pronoun you prefer. This could be 'he' or 'she'. Further information on definitions and terminology can be found in the Glossary of Terms.
29. If you are in possession of a Gender Recognition Certificate (GRC), the Assembly Commission recognises it has no right to request it. However, there may be circumstances where the Assembly Commission requires documents in your identified gender for administrative purposes such as updating Finance or HR records.
30. Where the Assembly Commission requires identity documentation for administrative purposes, it will be mindful of the cost implications of obtaining updated documents for you in your reassigned gender, and show flexibility wherever possible.

### **Managing Absence**

31. There is no maximum or minimum time that will be granted to staff who are undergoing a medical or surgical gender confirmation process as the process is unique for each person.
32. From a line management perspective, you will be offered the same support as would be offered to staff undergoing any other serious medical procedure.
33. As appointments and absence relating to gender reassignment are considered medical treatment, they will be managed in accordance with the Managing Attendance Policy.
34. If you will be absent from work for surgery related to your gender reassignment, you are encouraged to discuss this with your line manager so that both of you can plan for your absence.
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35. Transitioning can require attendance at appointments which, while not medical, are critical to your sense of gender. Such appointments should be covered by annual leave or credit time. Line Managers are encouraged to be as flexible as possible to support attendance at such appointments.

### **Record Keeping**

36. The Data Protection Act 2018 requires that personal data must be accurate and relevant. To this end, the Assembly Commission will ensure that all documents and public references within its control reflect the identified gender of staff.

37. Where documents have been taken or copied prior to transition, such as exam certificates collected at the point of recruitment, every effort will be made to update these records with equivalent documents that reflect the reassigned gender. It is your responsibility to provide these documents.

38. The Human Resources Office will be responsible for retaining and maintaining these records in accordance with the Retention and Disposal Schedule.

39. During the process of updating records, it may be necessary for the Human Resources Office to engage other business areas to make them aware of your transition.

40. Following gender reassignment, your records will refer to you in your new name and gender.

41. Although not exhaustive, the following list provides an indication of who should be notified of your gender reassignment:

- Usher Services in relation to your security pass.
  - IS Office in relation to your website contact details, AsslSt contact details, updated photo and IT systems, such as email.
  - Building Services in relation to updating internal telephone directories.
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- The Human Resources Office in relation to your employment information and Learning and Development.
- The Finance Office in relation to payroll and pension information.

42. In some instances, it may be necessary to retain original documents relating to your sex as assigned at birth, such as for pension or insurance purposes. However, once you have obtained a Gender Recognition Certificate, these must be replaced with your new details.

### **Pensions**

43. Generally reassigning gender will not impact on your pension rights as your pension age will be determined by the type of pension scheme you are subscribed to.

44. Unless there are any changes to your personal circumstances, there should be no changes to death benefits payable to dependants as a result of transition alone.

45. The Assembly Commission's Finance Office is responsible for informing Civil Service Pensions (CSP) about any changes to your personal data. Therefore, you should advise the Finance Office Pensions Team of any changes to your personal details arising from this Policy as soon as possible after your notice of transition. The Pensions Team will notify CSP accordingly.

46. For staff born after 5 April 1955, a change of sex due to gender reassignment will not affect your state pension age. Those staff born earlier than this date should contact HM Revenue and Customs for further advice.

### **External Sources of Support**

47. Staff can find further support by contacting the Welfare Support Service or Inspire Workplaces. Additionally, Trade Union Members can access support via the NIPSA LGB&T Group.

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## **Training**

48. All Assembly Commission staff will be provided with training on this Policy and its content.
49. Managers will be provided with specific training on their role in applying this Policy.
50. Front facing staff will be provided with specific training on how this Policy applies in their engagement with building users.

## **GUIDANCE FOR INWARD SECONDEES, AGENCY WORKERS, AND CONTRACTORS**

51. The Assembly Commission is committed to providing a working environment that is supportive and inclusive.
  52. To this end, inward secondees, agency workers, and contractors have a right to be treated with equality and dignity, and to carry out their work free from harassment and inappropriate behaviour.
  53. Inward secondees, agency workers, and contractors have the right to have their transgender identity respected. This means they have the right to:
    - Be addressed by their chosen name and not the name by which they were previously known.
    - Be addressed using their chosen pronouns.
    - Use restroom facilities appropriate to the gender to which they have reassigned.
  54. Where an agency worker or inward secondee feels that they have been treated unfairly or have been the subject of inappropriate behaviour on the grounds of their gender reassignment, they should in the first instance raise
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the issue with their Assembly Commission line manager for resolution. If they are unhappy with the outcome and wish to raise a formal complaint, they should do so with their employer. Their employer will then liaise with the Assembly Commission to resolve the matter.

55. Where a contractor feels that they have been subjected to inappropriate behaviour due to their gender reassignment, they should raise the matter with their employer. Their employer can then liaise with the relevant contract manager in the Assembly Commission to resolve the matter.

## **General Information**

56. Answers to Frequently Asked Questions and a Glossary of Terms are provided at the end of this Policy.

57. This Policy is effective from 1 March 2023.

## **Related Policies, Guidance and Forms**

58. A number of documents are referenced in this Policy and can be found in the Staff Handbook or in the relevant area on AsslSt.

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## FREQUENTLY ASKED QUESTIONS

### **a) What is the process for a person who has transitioned?**

For many transgender people, the process starts with the person in question choosing to live openly in the gender they wish to reassign to, and then undertaking social and legal steps that accompany it.

For someone seeking gender confirmation surgery, initial psychological analysis is undertaken to determine if the person is experiencing gender dysphoria. If that is found to be the case, under NHS rules, the person must live in their acquired gender for two years before surgery can take place. During this time, the person will undergo a number of treatments in order to change their physical characteristics.

### **b) Will the person need to change their name?**

Transgender people will often use a name appropriate to their reassigned gender. This name is used exclusively in all facets of the person's life.

### **c) How do I, as a non-transgendered person, refer to my colleague who has transitioned?**

Ask the person in a respectful way.

Once a transgender person has made known their preferred name, this name should be used in all circumstances, rather than their birth name. If you make a mistake and accidentally refer to the person by their birth name, apologise.

A person who identifies as a certain gender should be referred to using the pronoun they prefer, regardless of their surgical status.

### **d) Will transgender staff be expected to use the restroom facilities associated with their sex as assigned at birth?**

Transgender staff should use the restroom facilities that are appropriate with their reassigned gender. This will be at the point that the staff member begins to present permanently in the gender to which they identify.

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**e) Can I tell others about this situation?**

Confidentiality must be maintained at all times for staff who have undergone, are undergoing, or are considering undergoing gender reassignment.

It is up to the member of staff in question how and when they wish to communicate with their colleagues about their transgender status.

There will be situations where managers have to inform the Human Resources Office about the transgender status of their staff, but this should, as far as possible, be done with the consent and understanding of the staff involved.

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## **GLOSSARY OF TERMS**

The appropriate language relating to gender is ever-evolving and can change quickly. With this in mind, this Glossary of Terms relating to gender has been developed. The document can be updated to reflect language surrounding gender as it develops.

If you have any questions or suggestions regarding this document, please contact the Human Resources Office.

### **Definitions**

- Coming out** When a person first tells someone/others about their transgender status.
- Deadnaming** Calling someone by their name given at birth after they have changed their name. This term is often associated with transgender people who have changed their name as part of their transition.
- Gender** Often expressed in terms of male and female, gender may be assumed from the sex assigned at birth but can also be culturally determined. The World Health Organisation<sup>3</sup> states that: “Gender is used to describe the characteristics of women and men that are socially constructed, while sex refers to those that are biologically determined.”
- Gender Confirmation Surgery (GCS)** Also called Sex Reconstruction Surgery (SRS). Refers to procedures that help people transition to their identified gender. Not all transgender people choose to, or can afford to, undergo medical surgeries.
- Gender dysphoria** Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex as

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<sup>3</sup> <https://www.euro.who.int/en/health-topics/health-determinants/gender/gender-definitions>

assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the sex they were assigned at birth.

**Gender identity** A person's innate sense of their own gender, whether male or female, which may or may not correspond to the sex assigned at birth.

## **Gender**

**reassignment** Another way of describing a person's transition. To undergo gender reassignment usually means to undergo a medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender.

The Sex Discrimination (Northern Ireland) Order 1976 makes it unlawful to discriminate against an individual on the grounds of sex in the areas of employment, training, education, provision of goods, facilities or services, and the disposal and management of premises.

The Gender Reassignments Regulations (Northern Ireland) 1999 amended the Sex Discrimination Order to make it unlawful to discriminate on the grounds of gender reassignment in employment and training.

The Sex Discrimination (Amendment of Legislation) Regulations 2008 extended protections from discrimination on the grounds of gender reassignment to the provision of goods, facilities, services and premises.

## **Gender**

### **Recognition**

**Certificate (GRC)** A Gender Recognition Certificate enables transgender people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all transgender people will apply for a GRC. You do not need a GRC to change your gender identity at work or to legally change your gender on other documents such as your passport.

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<b>Intersex</b>	A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female, or non-binary.
<b>Sex</b>	Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' and 'female'.
<b>Transphobia</b>	The fear or dislike of someone based on the fact they are transgender, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, transgender.
<b>Transsexual</b>	Originally a medical term to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. This term is still used by some although many people prefer the term trans or transgender.

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