

UNITECH INDUSTRIES GROUP

GENDER REASSIGNMENT

POLICY & PROCEDURE

1. POLICY AIM

Our commitment

The organisation is committed to ensuring that transsexual people are treated with respect and that it does not discriminate unlawfully. This commitment is an important aspect of its overall commitment to providing equal opportunities in employment.

This policy is intended to assist the organisation to put this commitment into practice and to help the organisation, transsexual people and other employees to deal with any practical issues that may arise. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The organisation has a separate dignity at work policy that deals with these issues.

2. INTRODUCTION

The process aims to ensure that everyone understands the processes relevant to their area of work and regarding employees who may be affected by gender reassignment either before or during employment. Everyone is required to respect the sensitivity and confidentiality surrounding anyone involved with gender reassignment either directly or indirectly.

3. STAFF WHO NEED TO MAKE THEMSELVES AWARE OF THIS PROCEDURE

- Human Resources Manager
- Board of Directors
- All management and staff as required.

PROCEDURE

4. TRANSSEXUALS AND GENDER REASSIGNMENT

Transsexual people are those who decide to adopt the opposite gender to that assigned at birth because they do not feel that their gender identity matches that assigned to them. Gender reassignment is the process of changing to the new gender identity. This may involve surgical treatment, but some transsexual people will not undergo surgery for personal reasons, such as age, health or finance. The process of gender reassignment will normally involve a period of at least one year when the transsexual person must live and work in the gender to which he/she is reassigning (the "real life test") and hormone treatment. If the person decides to undergo surgery, this will follow the real-life test.

5. THE LAW

The Gender Recognition Act 2004 allows transsexual people who have undergone gender reassignment to apply for a gender recognition certificate as of April 2005. When a full gender recognition certificate has been issued, the person is considered in the eyes of the law to be of the acquired gender. There is no obligation on an individual to apply for a gender recognition certificate and there may be good personal reasons, such as an existing marriage, why someone has not applied for one.

There are special laws protecting the privacy of someone who has a gender recognition certificate: a person may commit a criminal offence if he/she discloses information about the gender history of someone with a gender recognition certificate without that person's consent.

The Equality Act 2010 makes it unlawful to treat someone less favourably than other people in relation to employment or vocational training on grounds that he/she proposes to, starts or has completed a process to change his/her gender.

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It is no longer necessary for the individual to be under medical supervision to be protected, so it is sufficient if he/she decides to live as a member of the opposite sex but does not undergo any medical procedures. The protection applies whether or not the individual has a gender recognition certificate. Harassment or bullying on grounds of gender reassignment is unlawful discrimination.

There are some limited exceptions where it is lawful to prevent someone doing a job on grounds of gender reassignment, for example where not being a transsexual person is an occupational requirement for the job, and the employer can demonstrate that it is a proportionate means of achieving a legitimate aim. The exceptions do not apply to someone with a gender recognition certificate.

It is unlawful to victimise someone because he/she has supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so.

An employee who discriminates against another employee on grounds of gender reassignment may be held liable for unlawful discrimination and be required to pay compensation as well as, or instead of, the organisation.

6. RECRUITMENT

A job applicant's gender identity status is irrelevant to the recruitment process, except in the rare circumstances where an occupational requirement applies to the job. If the organisation is relying on an occupational requirement, it will need to make this clear in the recruitment material. The organisation will not ask questions about gender identity status and job applicants are not required to volunteer information about it, unless an occupational requirement makes this relevant. A job applicant with a gender recognition certificate is never required to disclose his/her gender history.

If during the recruitment process information is disclosed about a job applicant's gender history, for example because certain documents are in a previous name, the organisation will keep the applicant's gender history confidential and will not take this into account in the selection process, unless an occupational requirement makes this relevant. In accordance with its equal opportunities policy, the organisation will assess candidates for employment objectively against the requirements that are necessary for the effective performance of the job.

If disclosure from the Disclosure and Barring Service (DBS) is required as part of the recruitment process, applicants must disclose any previous names and/or gender to the DBS. Transsexual applicants may make use of the special application procedure established by the DBS so that their previous name is not disclosed to the organisation.

7. EMPLOYMENT

It will not normally be necessary for the organisation to be made aware of the gender history of an employee who has undergone gender reassignment. If the organisation becomes aware of information relating to an employee's gender history, it will keep this information confidential. The organisation will not disclose information about an employee's gender history to a third party without the employee's consent. Any records that the organisation needs to keep that relate to an employee's previous gender, for example relevant qualifications in a previous name, will be kept confidential, with only specified staff having access to them. When the organisation no longer needs to keep those records, it will destroy them.

The organisation will not take account of an employee's gender identity status or history in making employment decisions except where necessary and permitted by law.

The gender history of an employee with a gender recognition certificate will never be relevant to employment decisions. An employee with a gender recognition certificate will be treated in accordance with his/her acquired gender for all employment benefits including pensions and insurance.

An employee who has undergone gender reassignment but does not have a gender recognition certificate may be required to disclose his/her gender history for insurance or pension purposes. This information will be passed only to those people who require it for these purposes and will be kept confidential.

The organisation will make it clear in information about insurance whether the insurance providers require disclosure of gender history. A transsexual employee has an obligation to disclose necessary information to the insurance company if the organisation is not aware of the employee's gender history. If the organisation is aware of the employee's gender history, the organisation can supply the information to the insurance company with the employee's consent.

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The organisation will make it clear in information about the occupational pension what information is required and any implications that gender reassignment has on the occupational pension.

8. DIGNITY AT WORK

The organisation has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with. Disciplinary action will be taken against employees who bully or harass other employees.

9. DEALING WITH THE TRANSITION

The organisation will be supportive of any employee who expresses an intention to undergo gender reassignment and will work with him/her to try to ensure as smooth a transition at work as possible.

The organisation will appoint, in consultation with the employee, a manager/mentor to be the employee's principal point of contact. That manager/mentor will agree with the employee an action plan for managing the transition at work. Matters to be addressed may include the following.

- **The employees' job:** Consideration will be given to whether the employee wishes to stay in the same job and location or, if possible, to move post and/or location. In the rare cases where an occupational requirement applies to the post, a change of job may be required.
- **Time off:** The employee may require time off for medical or other treatment. Time off for these purposes will be treated no less favourably than time off for illness or other medical appointments.
- **Change of social gender:** Consideration will be given to:
 - when the employee expects to change name and to start presenting at work in the new gender;
 - how work colleagues and clients are to be informed of the change;
 - whether the employee wishes to inform colleagues and clients of the change or have someone from the organisation do this;
 - what information or training is to be given to managers and work colleagues;
 - the point at which the employee will start to use any single-sex facilities, such as toilets, in his/her new gender. In the absence of such facilities these will need to be provided.
- **Dress codes:** If there is a dress code applying to the job done by the employee consideration will be given to what, if any, flexibility may be required to accommodate the transition.
- **Records:** Consideration will be given to changes to records and systems that may be needed. After gender reassignment has been completed, records relating to the transition will be destroyed. The organisation will create a new personnel record to ensure confidentiality.

10. PROCEDURE REVIEW

As with all policies, procedures and documentation implemented by the Unitech Industries Group, the basis of this procedure has been formed on statutory law and/or legal guidance. All staff are invited to comment on this policy and suggest ways in which it might be improved. Any suggestions should be sent to the Group HR Manager who will liaise with the Group Board of Directors responsible for this document.

Approved and Signed on behalf of the Unitech Industries Group

Nick Imlah



Group Managing Director

Date:

17/3/23

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