



IS-BWYLLGOR Y GWEITHLU A DATBLYGU SEFYDLIADOL WORKFORCE & ORGANISATIONAL DEVELOPMENT SUB-COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	16 January 2020
TEITL YR ADRODDIAD: TITLE OF REPORT:	Supporting Transgender Staff in the Workplace Policy
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Lisa Gostling – Director of Workforce and Organisational Development
SWYDDOG ADRODD: REPORTING OFFICER:	Kim Warlow – Head of Workforce – West

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Ar Gyfer Penderfyniad/For Decision

ADRODDIAD SCAA SBAR REPORT

Sefyllfa / Situation

This draft is an update of an existing policy which has been in place within Hywel Dda University Health Board (HDdUHB) since 2013 and which has been periodically updated to take account of changes to legislation and fluidity of language around gender identity and expression.

The Supporting Transgender Staff in the Workplace Policy is being brought to Workforce and Organisational Development Sub-Committee for decision.

Cefndir / Background

The policy outlines workplace guidelines for addressing the needs and issues that arise in the workplace when a trans person is recruited or transitions during their term of employment. It also aims to ensure that staff who are considering, are undergoing, or who have undergone transition are fully supported at all stages. Also, that they are aware of the protection afforded by the Equality Act 2010 and that they may continue to undertake their duties in an environment that is free from discrimination, victimisation and harassment. Where incidents may occur, the policy would support staff to feel confident in reporting incidents, so that appropriate action may be taken. The policy also assists as a prompt to managers and other staff supporting trans employees to implement other policies consistently and fairly.

The policy includes the following:-

An **overview of transitioning**, which emphasises that transitioning involves different steps and activities for different people, and makes clear that timescales, activity and communication will be driven by the person transitioning.

- A **clear message** that the organisation and the individual's line manager will be fully supportive, and will ensure they do not suffer detriment, bullying or harassment as a result of transitioning.

- An overview of **legislation and further resources**, including information about confidentiality, the Gender Recognition Act (2004) and the Equality Act (2010), while also acknowledging that the current law is insufficient in its terminology and framework.
- Information about **key entitlements and considerations**, including data protection, DBS checks, updating records and internal systems, facilities, time off for medical intervention and dress codes.
- **Frequently asked questions for trans staff**, including “Where can I get confidential advice around transitioning?” and “Will all colleagues be informed of my transition?”.
- A **breakdown of responsibilities** for different employees and links to specific guidance.
- **A guide for line managers** about how to support an employee who’s transitioning. This should include advice on developing a plan led by the individual.
- **Definitions of key terms** as an appendix to the policy, allowing you to easily change and add to it in line with best practice.

Asesiad / Assessment

It is the intention of HDdUHB to protect the right of all staff, volunteers, applicants and members of the public to be treated with fairness, dignity, respect and professionalism. HDdUHB recognises the benefits of a diverse and inclusive workforce and the benefits of experience that trans employees can bring to the organisation.

Having a policy aimed at supporting transgender staff in the workplace demonstrates HDdUHB’s willingness to embrace diversity and acts as a resource for both staff and managers. The policy contributes to reducing the risk of legal challenge in relation to the protected characteristic of “gender reassignment” as defined in the Equality Act 2010 and demonstrates a commitment to respecting the gender identities of our staff.

Stonewall’s **LGBT in Britain – Trans Report (2018)** found that one in eight trans employees (12 per cent) have been physically attacked at work. It also found that half of trans people (51 per cent) have hidden or disguised the fact that they are LGBT at work because they were afraid of discrimination.

This policy will enable and support trans employees to be themselves in the workplace and protect them from discrimination. It will also promote knowledge and acceptance among employees who do not identify as trans, encouraging them to step up as trans allies.

Argymhelliad / Recommendation

The Workforce and Organisational Development Sub-Committee is requested to receive the Supporting Transgender Staff in the Workplace Policy for approval.

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

Sub-Committee ToR Reference: Cyfeirnod Cylch Gorchwyl yr Is-Bwyllgor:	5.1.15 Consider and approve Workforce Policies.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol:	N/A

Datix Risk Register Reference and Score:	
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	7. Staff and Resources 7.1 Workforce
Amcanion Strategol y BIP: UHB Strategic Objectives:	2. Living and working well.
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Statement	Support people to live active, happy and healthy lives

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Equality Act 2010 Stonewall's LGBT in Britain – Trans Report (2018)
Rhestr Termau: Glossary of Terms:	Included within the body of the report
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw yr Is- Bwyllgor : Parties / Committees consulted prior to Workforce & Organisational Development Sub-Committee:	Enfys Members (HDdUHB LGBTQ+ staff network Stonewall Employment Policies Review Group Global Consultation Staff Partnership Forum

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	Having a policy supporting trans staff in the workplace could potentially assist in reduced costs associated with sickness absence and employment tribunals.
Ansawdd / Gofal Claf: Quality / Patient Care:	Having a policy supporting trans staff in the workplace will assist staff who are considering, are undergoing or who have undergone transition to remain in employment in HDdUHB. They will then be able to use their personal experience as trans individuals to help deliver services to trans individuals in a way that is sensitive to their particular needs and supports HDdUHB values.
Gweithlu: Workforce:	The policy could assist in attracting and retaining a more diverse workforce who would contribute to creating an inclusive working environment.
Risg: Risk:	No risks identified.

Cyfreithiol: Legal:	Non-compliance with the duties of the Equality Act 2010 risks the issue of a letter of non-compliance by the Equality and Human Rights Commission and legal challenges through judicial review and employment tribunals. Having a policy to support trans staff in the workplace would assist in avoiding this.
Enw Da: Reputational:	The policy is designed to reduce the likelihood of reputational damage by prescribing fair and equitable treatment of trans staff. The policy will enable and support trans employees to be themselves in the workplace and protect them from discrimination. It will also promote knowledge and acceptance among employees who do not identify as trans, encouraging them to step up as trans allies, thereby promoting an inclusive image of HDdUHB. .
Gyfrinachedd: Privacy:	The policy prescribes procedure for sharing sensitive personal information in relation to the trans status or trans history of existing or potential staff.
Cydraddoldeb: Equality:	<ul style="list-style-type: none"> • Has EqIA screening been undertaken? Yes (see attached) (if yes, please supply copy, if no please state reason) • Has a full EqIA been undertaken? No The policy was assessed as having a positive impact.