



Supporting trans and gender diverse people in the workplace policy

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Policy author: Diversity and Inclusion Manager

Policy owner: Head of People and Culture

Approval authority: Diversity and Inclusion Steering Committee

Division/Professional Service: People and Culture

Purpose

This policy outlines the support available to employees who are trans or gender diverse (TGD).

The purpose of this policy is to:

- Promote a safe and respectful workplace in which TGD people feel they can come forward for help and support; and
- Guide the response of managers/supervisors of employees who are transitioning in the workplace.

Scope

This policy applies to all employees at the Institute who identify as TGD. A reference to employee in this policy should be read as meaning a reference to Institute employees and students.

Policy

1. Privacy

- 1.1. TGD people have the right to discuss their gender identity or expression openly or to keep that information private. It is up to the employee to decide when, with whom and how much to share their private information.
- 1.2. Employees must respect privacy and confidentiality in relation to TGD people. Employees should not disclose information that may reveal an employee's TGD status to others. Personal or confidential information may only be shared with the TGD employee's consent.

2. Employee records

- 2.1. The Institute will change an employee's personal records to reflect a change in name or gender upon request of the employee. Some records like those relating to pay and superannuation may require a legal name change before the person's name can be changed. The majority of records can be changed to reflect a person's preferred name without proof of legal name change.

- 2.2. The Institute will make every effort possible to quickly update any photographs so the employee's gender identity and expression are represented accurately.
- 2.3. If a new or transitioning employee has questions about their personal records or ID documents, they can contact their People and Culture business partner.

3. Names/Pronouns

- 3.1. An employee has the right to be addressed by their preferred name and pronouns.
- 3.2. In the case of a newly transitioned employee, in everyday written and verbal communication, the new name and pronoun should be used by all staff when the employee indicates they are ready.
- 3.3. The intentional or persistent refusal to respect an employee's gender identity (e.g. intentionally referring to the employee by a name or pronoun that does not correspond to their gender identity) can constitute harassment under the Institute's *Appropriate Workplace Behaviour* policy and relevant state and federal laws. If you are unsure what pronoun a transitioning colleague prefers, you can politely ask them how they would like to be addressed.
- 3.4. The Institute has introduced the new gender marker Mx as a non-gender specific title for those who do not wish to identify with a particular gender. Mx can be used by any individual regardless of gender or marital status. Note that in a way similar to the broader population, some TGD people prefer no marker.

4. Transitioning on the job

- 4.1. The Institute will develop a workplace transition plan in consultation with the transitioning employee if the employee wishes to do so. The content of the plan should be determined through discussions between the employee's business partner, manager/supervisor and the transitioning employee and any other support people the transitioning employee would like to include.
- 4.2. Transition plans will include information relating to when the change will occur and what the transition involves (e.g. name change and use of bathrooms/change facilities).
- 4.3. The aim of a transition plan is to ensure transitioning employees are treated with respect and dignity, that any concerns from employees are addressed and that the workplace remains free from inappropriate workplace behaviours such as discrimination.
- 4.4. The Institute will seek to make any reasonable adjustments required for an employee who is transitioning. For example, employees may need to modify their duties whilst transitioning e.g. physical changes such as loss of muscle mass, voice changes from hormones, and sun sensitivity resulting from electrolysis.
- 4.5. TGD employees who elect to disclose information to their colleagues should discuss their options and wishes with their manager/supervisor.
- 4.6. The Institute has published the *Developing a transition plan for trans and gender diverse employees* procedure to assist with the development of a transition plan.

5. Bathrooms/Change rooms

- 5.1. TGD people are entitled to use toilets and other facilities that correspond to their gender identity.
- 5.2. The Institute has a range of accessible facilities, both gender neutral and single gender, that are designed to ensure privacy and dignity, and be inclusive for all.

6. Uniforms, Dress Codes and Personal Protective Equipment

- 6.1. The Institute does not have a dress code that restricts an employees' clothing or appearance on the basis of gender. TGD people have the right to dress consistently with their gender identity or gender expression.
- 6.2. All staff must adhere to the *Personal Protective Equipment* policy when working in wet laboratories or other hazardous environments and the staff responsibilities in an SPF workplace.

7. Workplace behaviour

- 7.1. The Institute is committed to providing a safe and inclusive environment for all employees.
- 7.2. The Institute expects the highest standard of behaviour and conduct in the workplace which includes treating others with dignity, courtesy and respect as is set out in the *Appropriate Workplace Behaviour* policy.
- 7.3. Inappropriate behaviour includes discriminating against, harassing or bullying another employee(s) or any other person.
- 7.4. Examples of discrimination based on gender identity may include (but are not limited to):
 - Deliberately using incorrect pronouns (such as 'he' instead of 'she')
 - Denying someone a promotion opportunity or changing the nature of their job such as taking someone off outward facing roles such as dealing with customers/clients
 - Making jokes or ostracising someone because of their gender identity
 - Repeatedly using a previous name after being alerted to this behaviour
 - Denying someone's gender identity
- 7.5. Complaints of discrimination will be dealt with under the Institute's *Appropriate Workplace Behaviour* Policy.

8. Recruitment and selection

- 8.1. Recruitment and selection must be done in line with the Institute's *Recruitment and Selection* policy which outlines that all parts of the selection process must be free of unlawful discrimination based on protected characteristics such as gender identity.

9. Support and information

9.1. Institute staff can access free, confidential professional counselling from our Employee Assistance Program.

10. Leave

10.1 Employees who are transitioning may require time off work to access medical and other services, and in these circumstances the Institute will provide the employee access to:

- Up to five days transitioning leave
- Paid Personal/Carer’s Leave
- Paid Annual Leave
- Additional unpaid transitioning leave (if required)

10.2 Leave associated with transitioning may be taken as a fraction of a day, single day, or consecutive days.

Related Documents

Developing a transition plan for trans and gender diverse employees procedure
Leave and Institute holidays policy
Appropriate Workplace Behaviour policy
Personal Protective Equipment policy
Recruitment and Selection policy

Legislation

Applicable Legislation and Regulations used and referenced in this policy (as updated and amended from time to time), includes but is not limited to the following:

- Australian Human Rights Commission Act (1986) (Cth)
- Sex Discrimination Act 1984 (Cth)
- Work Place Gender Equality Act 2012 (Cth)
- Fair Work Act 2009 (Cth)
- Victoria Equal Opportunity Act 2010 (VIC)
- Victorian Occupational Health and Safety Act 2004 (VIC)

Definitions

| Term | Definition |
|--------------------------------|--|
| Trans and Gender Diverse (TGD) | <p>TGD as an umbrella term to describe people whose gender identity or expression is different from that which was assigned at birth, or that which is expected of them by society.</p> <p>Some people may make a permanent physical transition through medical processes such as surgeries and hormones, while other forms of gender expression may be achieved by a legal change of name, or by changing their style of dress.</p> <p>There is no one 'correct' or 'complete' way for TGD people to express themselves. Choices may be made dependent upon a range</p> |

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| | <p>of factors including health, finances or personal preference. TGD people include (but are not limited to) those who describe themselves as trans, transgender, transsexual, FTM (female to male), MTF (male to female), genderqueer, non-binary, transman, transwoman, boi, crossdresser, androgynous, third gendered, two spirited, Sistagirl/Brotherboy.</p> <p>Source: Transgender Victoria</p> |
| Gender identity | A person’s internal deeply-felt sense of being man, woman or outside this binary, regardless of the sex they were assigned at birth. |
| Gender expression | A person’s characteristics and behaviours such as appearance, dress, mannerisms, speech and social interactions, that may be perceived as masculine or feminine. |
| Non-binary/genderqueer | Non-binary or genderqueer, is a catch-all category for gender identities that are not exclusively masculine or feminine. Genderqueer people may express a combination of masculinity and femininity, or neither, in their gender expression. |
| Transitioning | A process whereby a person moves to living as their authentic self regarding their gender identity and expression. Transition can include: coming out to family, friends, and/or co-workers; changing name and/or sex on legal documents; hormone therapy; and possibly (though not always) some form of surgery. |

Roles and Responsibilities

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| Approval Authority | <i>Diversity and Inclusion Steering Committee</i> |
| Responsible Division/Department | People and Culture |
| Policy Owner | Head of People and Culture |
| Policy Author | Diversity and Inclusion Manager |

Review

This policy is to be reviewed by 13 November 2021

Version History

| Version | Approved By | Policy Author | Approval Date | Effective Date | Action |
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| 1.0 | Diversity and Inclusion Steering Committee | Diversity and Inclusion Manager | 29 October 2018 | 13 November 2018 | |
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References

Transgender Victoria www.transgendervictoria.com

The Gender Centre Inc. Human resource transgender policy www.gendercentre.org.au

Transgender Law Center Model transgender employment policy www.transgenderlawcenter.org