



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council



Dublin City Council
LGBT Staff Support Network

Gender Identity and Expression

Policy and Guidelines

Human Resources Department

This document forms part of the
Employee
Handbook



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Foreword from Head of Human Resources and Corporate Services

Gender is one of the equality grounds to be protected under the Employment Equality Acts 1998-2015. Dublin City Council has developed this Policy with Guidelines in recognition of the right of all citizens to gender self-determination, as enshrined by law in the Gender Recognition Act, 2015, and in equal recognition of our responsibility to help create an environment where employees can feel respected and supported at work in relation to their gender preference. The preparation of this Policy and Guidelines is also an Action of the Council's Lesbian, Gay, Bisexual, Transgender + (LGBT+) Staff Inclusion Strategy 2017-2020.

Dublin City Council values all our employees and seeks to ensure a positive and safe working environment. The concept of equality is also central to the Council's ethos of service excellence. We recognise that there can be differences between biological gender and gender identity, appearance and/or expression.

The Policy and Guidelines:

- outline the arrangements the Council will put in place to ensure the rights of our transgender employees are upheld;
- outline the supports available to our transgender employees; and
- outline the protocols for employees who are in the process of transitioning their gender identity at work.

The Council is committed to raising awareness and providing training on transgender issues in the workplace.

The objective of the Policy and Guidelines is to positively inform and assist the way that Dublin City Council supports our work colleagues and to help foster a greater understanding of gender expression and gender identity issues and experiences.

The successful implementation of this Policy and Guidelines relies on the support of every employee. Those in management roles have a particular role to play in engaging positively with their employees on this issue in a way that is both respectful and co-operative.

I wish to acknowledge the assistance of the Council's LGBT+ Staff Network and TENI (Transgender Equality Network Ireland) for their expertise and guidance in the development of the Policy and Guidelines. I also wish to acknowledge the work of the Equality, Diversity and Inclusion Office in developing this document.

A handwritten signature in black ink, appearing to read 'Mary Pyne', is positioned above the printed name.

Mary Pyne

Head of Human
Resources and
Corporate
Services

1.0 Policy

1.1 Key terms

There is a wide variety of language that is used to describe issues around gender identity and gender expression. A glossary of the most frequently used terms is set out in Appendix IV. It should be remembered however that language is continuously changing and that people may have their own personal preferences regarding the language they use to define themselves. The best way to ensure that you are using appropriate language is to politely ask.

1.2 Introduction and legislation

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.

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

Many trans (please see Appendix IV – Glossary of terms for an explanation of this term) people feel unable or prohibited from becoming their authentic selves especially at work and workplaces may lack the systems, facilities or attitudes to make that process easier. The purpose of this document is to support our trans colleagues so they can feel valued and included in their preferred gender and to assist them, their managers and co-workers if they wish to transition in the workplace.

The Council promotes, and is committed to supporting an inclusive environment for employees and visitors alike. This Policy and Guidelines outlines the Council's formal commitment to recognise and support all employees' gender identity and gender expression to further develop a positive, accepting and supportive work environment where every employee is treated with dignity and respect.

The Policy and Guidelines are informed by the legal rights conferred by the Employment Equality Acts 1998-2015, Gender Recognition Act, 2015, and Irish Human Rights and Equality Commission Act, 2014.

The Employment Equality Acts 1998-2015 prohibit direct and indirect discrimination, sexual harassment, harassment and victimisation in relation to nine equality grounds including gender. The gender ground is inclusive of protection for transgender people.

The Gender Recognition Act, 2015 enables trans people to achieve full legal recognition of their preferred gender by providing for the issuing of a Gender Recognition Certificate which enables trans people to have their preferred gender recognised by the State.

Other policies

The following documents may also be relevant:

- Dignity at Work Policy;
- Equality and Diversity Management Policy;
- Data Protection Policy and Guidelines;
- General Data Protection Regulations (GDPR);
- Customer Service Action Plan 2018-2020; and
- LGBT+ Staff Inclusion Strategy 2017-2020.

The Policy and Guidelines does not anticipate every situation that might occur with respect to trans employees. The needs of each trans employee will therefore always be considered on a case-by-case basis.

Policy and Guidelines review procedures

The Policy and Guidelines will complement existing equality policies adopted by Dublin City Council. The Equality, Diversity and Inclusion Office will monitor the general implementation of the Policy and Guidelines and will review it regularly in consultation with the LGBT+ Staff Network. The Policy and Guidelines will retain flexibility in terms of ongoing review and will be updated taking account of any new relevant legislation.

1.2 Who the Policy and Guidelines apply to

The Policy and Guidelines apply to all employees of the City Council, including volunteers (such as. Civil Defence), those engaged on Labour Activation schemes or internships and

those seeking work experience. It also applies to all applicants for employment and former employees. The Policy and Guidelines apply to conduct in the workplace, on Council property, at Council functions and activities and where one is representing the Council. They also apply to the use of electronic technology and electronic communication in the above locations and situations.

1.3 Gender identity and gender expression

Gender identity refers to a person's deeply felt identification as male, female or another gender or none. An individual's gender identity may or may not correspond with the sex they were assigned at birth.

Gender expression refers to the way in which a person expresses their gender identity as being masculine, feminine, a mixture of both, or neither, through their clothing, grooming, behaviour, posture, mannerisms, physical characteristics, speech patterns, etc.

Some people do not conform to societal gender norms and their gender expression may be different to what is considered stereotypically masculine or feminine. Non-binary refers to a person whose gender identity is neither male nor female, is between or beyond genders, or is some combination of genders.

Gender identity and gender expression are not necessarily linked to sexual orientation.

The process of changing gender presentation is called transitioning. Some trans people are satisfied with only coming out to their friends or social circles, in what is called social transitioning. Others may undergo gender reassignment which involves hormone therapy and surgery to change their physical characteristics to match the gender they identify with.

Transition is the process through which some trans people begin to outwardly live as the gender with which they identify, rather than the sex they were assigned at birth. Transition might include social, physical or legal changes, such as coming out to family, friends and co-workers and/or changing name, pronoun and gender marker on legal documents. It may also involve changing one's physical appearance, clothes and gender expression. Transition may involve medical assistance such as hormone treatment or surgery. It is important to note that trans people can transition without any medical intervention at all. Medical assistance is not necessary to transition, and some trans people choose not to, or cannot access, any medical process.

1.5 Dignity and respect

Dublin City Council prohibits all forms of discrimination, whether direct or indirect, on the grounds of gender identity and gender expression. The Council is committed to supporting an inclusive work environment of dignity and respect which promotes equality, values diversity and where everyone can develop to their full potential. The Council does not tolerate any form of bullying, harassment, sexual harassment and/or discrimination in the workplace. Any such incidents will be dealt with in accordance with the procedures outlined in the Council's Dignity at Work Policy.

1.6 Supporting a Trans-inclusive workplace

Please be aware that your trans colleague may be experiencing considerable emotional, cognitive, physical and social change. They are courageously embracing an integral part of their core identity. Be mindful of the impact that your actions, words and behaviour (direct and indirect) can have. Be sensitive, kind and supportive.

LGBT+ support and visibility in the workplace

The Council is committed to promoting LGBT+ visibility in the workplace in accordance with our LGBT+ Staff Inclusion Strategy. Visibility is important to raise awareness and to further develop a culture of respect where the diversity of all employees is acknowledged and valued. This includes our transgender colleagues.

Some people may need time to explore their gender identity and the Council accepts this and will facilitate employees who are going through this process. Such employees should be treated with understanding, sensitivity and respect.

If a trans employee approaches their manager in relation to gender identity or expression matters the manager should advise them of the role of the Equality, diversity and Inclusion Office in coordinating changes to all necessary records and that the office is available to provide advice and support in relation to matters covered by this Policy and Guidelines (the services of the Equality, Diversity and Inclusion Office is also available to managers). Managers should also advise trans employees of the availability of the LGBT+ Staff Network and Staff Support Services who can also provide advice and support (Please see **page 13, 3.0 Useful internal contacts and other agencies**). Managers and employees can contact the Equality, Diversity and Inclusion Office for advice and support in relation to matters covered by this Policy and Guidelines.

General good practice

It is important to respect a person's wishes with regard to the gender they present as, i.e. which name and pronoun (he/she/they) they would like you to use. If you are unsure of which pronoun to use ask the person respectfully and discreetly. If you make a mistake, simply apologise and don't focus on it too much.

Confidentiality

Always respect the person's confidentiality. Some trans people are open about their gender identity or expression, but others are not. Always respect the person's choice and do not share personal information about them with anyone without their explicit permission.

Respect people's boundaries. Do not be intrusive or ask personal questions.

1.6 Roles, Rights and Responsibilities

As a trans employee you have a right to:

- openly be who you are. This means expressing your gender identity without fear of consequences;
- be treated with fairness, dignity and respect;
- privacy and appropriate confidentiality of records. Disclosure of information will only happen with your consent;
- equal access to employment, promotional opportunities and training;
- reasonable and appropriate arrangements if your trans status or transition is affecting your engagement with work.

If you wish to disclose or avail of Council supports and/or change your employee records, as a trans employee you have a responsibility to:

- inform the Council of any support needs as soon as possible to allow appropriate arrangements to be put in place in a timely fashion;
- provide any documentation necessary for changing employee records in a timely manner.

Dublin City Council has a right to:

- request that you provide information and documentation from an acceptable professional source to establish the nature of reasonable arrangements to be put in place;
- request documentation from you which is necessary to change your records if applicable.

Dublin City Council has a responsibility to:

- oversee the implementation of the Council's Policy and Guidelines in relation to gender identity and gender expression in a fair and transparent manner;
- take all reasonable steps to provide appropriate support and

arrangements for trans employees;

- develop best practice and policy in line with legislation;
- raise awareness and provide advice and training on gender identity and expression to employees in the Council with the support of the LGBT+ Network.

2.0 Guidelines for transitioning in the workplace

When a trans employee decides to transition in the workplace they decide to begin to outwardly live as the gender with which they identify, rather than the sex they were assigned at birth. This is a time of change and they should feel supported in this. Their co-workers will also need to adapt to the changes and we should all be respectful and supportive of our trans colleagues. The Equality, Diversity and Inclusion Office can provide advice in relation to the process of transitioning in the workplace and the LGBT+ Staff Network Committee are available to offer further support and advice. Staff Support Services are also available.

Transitioning may involve one or more of a range of social, legal and/or medical changes. It is important to note that different people will have different needs, and that there is no set, standard model of transition.

The general procedure outlined below is offered as a guide for any process of transitioning in the workplace.

Please note that a trans employee may dress in a manner consistent with their gender identity or preferred form of gender expression but is otherwise required to comply with the same standards of dress and appearance as apply to all other employees in the workplace.

2.0 Right to Privacy

All information disclosed relating to a person's gender identity and expression must be treated as confidential and will only be disclosed with the prior consent of the person concerned. The only circumstances where the right to privacy can be breached is if there is a serious concern that there may be a threat to the safety or life of the person or unless otherwise required by law. All records held by Dublin City Council will be kept in accordance with the Data Protection Acts, Freedom of Information Acts, GDPR Regulations and other relevant Council policies. Records will be held in an appropriate HR filing system and only be made available to those directly involved and in accordance with the obligations and duties of the Data Protection Acts and Regulations.

2.1 Ensuring a positive experience

Communication, advice and support are important to ensure a positive experience for transitioning employees. This helps the person who is transitioning, their managers and co-workers adapt to the changes. A work environment that encourages open communication is a healthy environment in which employees feel valued and supported. Therefore, local communication between

transitioning employees, their managers and co-workers is encouraged so that the necessary information is provided and the necessary procedures are addressed in a timely manner.

If someone is socially transitioning only they may discuss this with their colleagues if they choose to do so.

However, legal or medical changes or non-legal name changes and pronoun changes will typically require a number of administrative steps to be taken. For example, legal changes and non-legal name changes and changes to pronouns require certain records to be altered. Medical changes may require time off for surgical procedures. Furthermore, if a person who is transitioning begins to live in their preferred gender, in principle they should be free to use the facilities which match that gender. However, occasionally certain matters may arise which require consideration.

2.2 The role of the Equality, Diversity and Inclusion Office

Trans people often feel more comfortable discussing related issues with peers and support organisations and some trans employees may initially make contact with the LGBT+ Staff Network for advice and support.

The Equality, Diversity and Inclusion Office, however, is the official designated contact point for transitioning employees and has responsibility for coordinating changes to all necessary records when an employee is transitioning. This office will ensure the employee is aware of the support available from the LGBT+ Staff Network and the availability of Staff Support Services. Anyone considering or beginning transition will also be advised of what needs to be done in their particular circumstances (if anything) and the Equality, Diversity and Inclusion Office will coordinate timely changes to all necessary records including official Human Resources and payroll records, local records, email address, Human Resources system, internal telephone directory and ID card.

If a legal name change is requested the employee must provide a copy of one of the following documents showing the new name: passport, birth certificate, driver's licence, Deed Poll, national identity card (country dependent). On receipt of the appropriate documentary evidence the Equality, Diversity and Inclusion Office will initiate a Managers Order to change the employee's official records.

Where name or pronoun changes are proposed, local records will need to be changed. If the employee has not informed their local manager and colleagues, it is recommended they talk to a senior colleague or their immediate line manager.

2.3 Local support

Local managers should be understanding and adopt a supportive role. They should be reassuring and discuss ways in which they can provide support and any assistance the transitioning employee may require.

Local managers should make the transitioning employee aware of the role of the Equality, Diversity and Inclusion Office and advise them to contact this office if they have not already done so. Managers should discuss with the employee how the transition will be communicated to co-workers (and business contacts where required).

A transition plan agreed with the manager can be helpful to ensure timely and appropriate communication and changes to records, as well as to discuss any time off required for medical procedures.

Local management should ensure that all local records are changed to the transitioning employee's preferred/affirmed gender by an agreed date. They should also ensure that any relevant organisational charts, mailing lists, websites, databases, e-mail addresses, computer logons and other references to the employee's new name have been updated locally.

2.4 Absence for medical procedures

Please note that medical aspects of transitioning are a private matter between doctor and patient. Transitioning employees are not required to reveal the particular medical details involved and they should not be asked about them.

Time off for medical procedures will be treated the same as for other scheduled medically necessary procedures. Any medical information, including surgery plans, that is disclosed voluntarily by an employee must be treated with the utmost confidentiality.

2.5 Informing colleagues of an employee's transition

The manner in which a transitioning employee's colleagues are to be informed should be agreed between the employee and local management.

In some circumstances the employee may wish to inform their colleagues themselves. With their agreement, a local manager may also be present to lend support. There may be situations where the employee wishes a manager to inform others. Managers should explain Council policy and expected codes of behaviour, offer training and be available to answer any relevant, appropriate questions the employee's co-workers may have.

Training should be requested through the Equality, Diversity and Inclusion Office, Human Resources Department.

2.6 Use of facilities

A trans person should be free to use the facilities (toilets, changing rooms, showers) which match their gender.

Trans colleagues are not required to discuss or seek permission to use private facilities with which they identify. Private facilities are those with single occupancy cubicles in toilets, changing rooms and showers.

When intending to use their gender-assigned facility a conversation with local management can help to ensure the trans person's accommodation needs are dealt with in a sensitive and compassionate manner.

The use of gender neutral facilities may be more appropriate in certain circumstances or may be preferred by some trans colleagues and the Council commits to providing such facilities.

2.7 Training and Awareness Raising

Training on Gender Identity and Expression will be provided to managers. Awareness of this Policy and Guidelines will be integrated into relevant employee training programmes such as induction and management development courses. In addition, training can be requested through the Human Resources Department.

3.0 Useful internal contacts and other agencies

Useful internal contacts

Address	Contact
Dublin City Council Equality, Diversity and Inclusion Officer Equality, Diversity and Inclusion Office Block 4, Floor 1 Civic Offices Wood Quay Dublin 8	Tel (01) 222 3136 Email lorraine.glynn@dublincity.ie
Dublin City Council LGBT+ Staff Network Block 4, Floor 4 Civic Offices Wood Quay Dublin 8	Tel (01) 222 6195 Email aimee.murphy@dublincity.ie
Dublin City Council Staff Support Services Unit 2 Ground Floor Marshalsea Court Merchants Quay Dublin 8	Tel (01) 222 5140
TENI (Transgender Equality Network Ireland) Unit 2 4 Ellis Quay Dublin 7	Tel (01) 873 3575 Email office@teni.ie
BeLong To Parliament House 13 Parliament Street Dublin 2	Tel (01) 670 6223 Email info@belongto.org

Appendix I – Transition checklist to assist managers

Support

Be supportive and understanding.

Make employee aware of this Policy and Guidelines and the role of the Equality, Diversity and Inclusion Office as the official point of contact and coordination for transitioning employees. This office also provides advice and support with regard to matters contained in this document.

Make the employee aware of the advice and support available from the LGBT+ Staff Network and the availability of the Council's Staff Support Service.

Timescale

When is transition taking effect?

Expected time scale of any medical procedures?

Updating records locally

Arrange for all local records to be changed by the time the transition takes effect.

- organisational charts, mailing lists, websites, databases, e-mail addresses, computer logons and other references to the employee
- any other local records

Use of different facilities

Consideration of the use of other gender or gender neutral facilities (toilets, showers etc.)

Communication

Who will need to be informed and what level of information should be provided?

Does the employee wish to tell colleagues (and business contacts) themselves?

Training

Training to be offered to colleagues – contact the Equality, Diversity and Inclusion Office

Appendix II – Promoting trans equality

Forms and Questionnaires

When designing forms and questionnaires consider whether it is necessary to request that respondents provide their gender. It should also be made clear what this information is to be used for as some trans people may be sensitive about disclosing this information. If it is necessary to request gender, bear in mind that some people prefer a further option in addition to 'male' or 'female'. Also, an option 'prefer not to disclose' is helpful. The following categories may be preferable

- Female
 - Male
 - Trans Female
 - Trans Male
 - Non-binary
-
- Other
 - Prefer not to disclose

Dress Codes (where applicable)

It is good practice to allow flexibility so that any dress codes do not reinforce binary gender choice or gender stereotypes.

Pensions

For pension benefits all employees can only be regarded as their legal sex.

References

References for current employees who have transitioned must make no reference to the person's former names or gender and must use the appropriate pronoun. If the Council receives a reference for someone who has previously transitioned which refers to them by a previous name, this information should be treated as confidential.

Appendix III – How to be trans supportive

Just ask discreetly!

Respect an individual's preferred use of name and pronoun. If you're unsure of which pronoun to use ask or use gender neutral language

Be sensitive!

Don't use language, make assumptions or ask questions that could be interpreted as offensive such as what's your real name.

Respect trust!

If someone chooses to be open with you about their gender identity/expression don't share personal information about them without their permission.

Appendix IV – Glossary of Terms

Gender identity – refers to a person's deeply felt identification as male, female or another gender or none. An individual's gender identity may or may not correspond with the sex they were assigned at birth.

Gender dysphoria – refers to a condition where a person experiences discomfort or distress because there is a mismatch between their biological gender and their gender identity.

Transgender or Trans – refers to a person whose gender identity or gender expression is different from the gender assigned at birth.

Cisgender – refers to a person who by nature or by choice conforms to gender based expectations of society (also referred to as "gender-")

straight” or “gender normative”).

Gender expression – refers to the way in which a person expresses their gender identity as being masculine, feminine, a mixture of both, or neither, through their clothing, grooming, behaviour, posture, mannerisms, physical characteristics, speech patterns, etc.

Gender variance – refers to all variations from expected gender norms.

This term acknowledges that many experience their gender in a way that does not fall within social expectations of being male or female.

Gender non-conforming – refers to a person who doesn’t conform to social norms of gender expression based on the expectations of masculinity and femininity.

Gender fluid – refers to a person whose gender identity and presentation may vary over time. A gender fluid person may at times identify as male, female or any other non-binary identity, or combination of identities.

Non-binary – is a catch-all category refers to a person whose gender identity is neither male nor female (**androgynous**), is between or beyond genders, or is some combination of genders. Some genderqueer people identify under the transgender umbrella while others do not.

Crossdressing and transvestite – describes a person who at times wears clothing, jewellery and/or make-up not traditionally or stereotypically associated with their assigned gender. There is generally no intention or desire on the part of the person however, to change their gender identity or assigned sex.

Trans – is an umbrella term which can be used without offence and encompasses the diversity of experiences within Trans Communities. This term can include a range of diverse identifications such as, but not limiting to: transsexual; transgender; crossdresser; genderqueer; gender variant; differently gendered.

LGBTIQ – Lesbian, Gay, Bisexual, Transgender, Intersex, Queer.

Queer – an umbrella term to refer to all LGBTIQ people. Some people however, feel that the word has been hatefully used against them for too long and are reluctant to embrace it.

Sex - The designation of a person at birth as male or female based on their anatomy (genitalia and reproductive organs) or biology

(chromosomes and hormones).

Intersex – an umbrella term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that does not fit the typical definitions of either male or female. Although intersex people do not always identify as trans- gender or do not consider themselves covered by the trans umbrella, the Policy and Guidelines equally apply to intersex people.

Transsexual – describes a person whose gender identity is ‘opposite’ to the gender assigned to them at birth. Transsexual people identify with, or have a strong desire to live and be accepted as, a gender different to that which they were assigned at birth.

Transition – refers to the process of changing gender presentation. Transition may involve social, legal, medical and/or surgical changes.

Transphobia – a strong dislike, hatred, sense of disgust or fear related to trans people.

Trans ally – someone who tries to challenge transphobia wherever it appears whether it be in themselves or others.

The following terms are generally considered to be offensive to the trans community:

Sex change; sex swap; tranny; pre-op; post-op; shemale; heshe; transsexual (when used as a noun, such as, ‘a transsexual’); transgender (when used as a noun, such as, ‘a transgender’); gender-bender (specifically when used in relation to a transitioning person); hermaphrodite (this term is widely held to be offensive – the term now in use is ‘intersex people’).

For further definitions see, for example, the Glossary of Trans Terms of Transgender Equality Network Ireland (TENI), <http://www.teni.ie>



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