

# Legal protection and good practice for gender variant, transsexual and transgender people in the workplace

Gender Identity Research and Education Society

*[www.gires.org.uk](http://www.gires.org.uk)*



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## Abstract

This document explains the law and good practice in regard to **gender variant**, **transsexual** and **transgender** employees (see **glossary of terms**), and the issues that an employer has to address when employees propose to change their **gender role**. Employers should expect about 1% of the workforce to experience and/or express their gender in ways that do not conform to the typical binary man/woman model. Often these individuals hide these feelings or expressions because they fear a transphobic reaction from their employers and co-workers. Nonetheless, 20 per 100,000 in the general population have already sought medical treatment and this number is doubling every five years.<sup>1</sup>

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<sup>1</sup>GIRES (2009) Gender variance in the UK: Prevalence, incidence, growth, and geographic distribution

## CONTENTS

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### Contents

<b>1 Benefits to the Employer</b>	<b>4</b>
<b>2 Summary of the Law and Good Practice</b>	<b>4</b>
2.1 Gender Recognition Act, 2004 . . . . .	6
2.2 Human Rights Act 1998 . . . . .	6
<b>3 Memorandum of Understanding</b>	<b>7</b>
3.1 Issues to be Discussed . . . . .	8
<b>4 The Role of Occupational Health/Welfare</b>	<b>10</b>
<b>5 Understanding the treatment timescales</b>	<b>10</b>
<b>6 Dress and Appearance Code</b>	<b>11</b>
<b>7 Use of Single Sex Facilities</b>	<b>11</b>
<b>8 Informing Colleagues</b>	<b>12</b>
<b>9 Dealing with the Media</b>	<b>14</b>
<b>10 Privacy of personal records and references</b>	<b>14</b>
<b>11 Health and Safety</b>	<b>15</b>
<b>12 Insurance Matters</b>	<b>15</b>
<b>13 Pensions and Retirement</b>	<b>16</b>
<b>14 Other gender variant &amp; transgender people</b>	<b>16</b>
<b>15 Further Information, Advice and Training</b>	<b>16</b>
<b>16 Useful Links</b>	<b>17</b>
<b>17 Glossary of Terms</b>	<b>17</b>

## 1 Benefits to the Employer

Most employers are aware of the need to show a positive approach to **transgender** people and other groups with 'protected characteristics'. An accepting environment in which diversity is celebrated, ensures that valuable staff are recruited and retained. Yet, at present 40% of the people who would like to transition feel unable to do so in the work environment<sup>2</sup>, and are, therefore, working under great stress and are unlikely to reach their potential.

## 2 Summary of the Law and Good Practice



The recent passage of the 2010 Equality Act into law will strengthen and unify the existing laws that protect **gender variant**, **transsexual** and transgender people. Some current laws will be repealed and the protections they afford will thereafter be provided by the new Act following its commencement in October 2010 and during 2011. The law in this area may continue to evolve, so it is important that public and private employers ensure continuity

of support for those with the protected characteristic of **gender reassignment**, by ensuring that good practice is embedded in their equality and diversity policies.

To date, transsexual people, that is, 'those proposing to undergo, undergoing or having undergone' gender reassignment— a process known as '**transition**' — are specifically protected against discrimination and harassment in the workplace, by the 2010 Equality Act which embraces the 1999 Gender Reassignment Regulations, under the Sex Discrimination Act (1975) and the amendment in 2008 that extended this protection to 'goods, facilities, service and premises'. The 2010 Act broadens the scope of 'gender reassignment' protection, to cover individuals whether or not they are under medical supervision, and to protect those who are associated with transsexual people, such as partners, spouses, other family members or carers, and also those perceived to be transsexual (who may be variously described as 'gender variant', 'trans' or 'transgender' people). Equality law now requires those in the public sector to have due regard to

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<sup>2</sup>Whittle, S, Turner, L, Al-Alami, M (2007) *Engendered penalties: transgender and transsexual people's experiences of inequality and discrimination*.

## Summary of the Law and Good Practice

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the needs of those described above, in educational institutions: schools, further and higher education. In schools, protection against harassment is disapplied, but any incidents that would otherwise be regarded as harassment because of gender reassignment, would amount to a 'detriment', and are, therefore, covered under discrimination law. It is particularly important in schools to teach positive attitudes and ensure that teachers and pupils, who transition their gender roles, are treated with respect (schools may like to refer to the GIRES/Home Office document on Transphobic Bullying<sup>3</sup> which contains material that may be helpful to all employers).

The proactive approach to protecting the broad range of transgender people under the incoming Equality Duty requires public sector employers, and those contracted by them to have due regard to the needs of transgender people by considering the impact on them of the employers' policies and procedures. These must be designed with trans issues in mind.



Good practice in both public and private workplaces, should ensure that the spirit, as well as the letter of this combination of laws is embedded in all practices and policies so that transgender people generally are confident of their welcome in the workplace. Employers and co-workers must be aware of their obligations:

- not to discriminate against transgender people;
- not to harass transgender people or create a hostile environment by using transphobic language (whether or not this is in the presence of a transgender person);
- not to victimise a transgender person who has complained about a transphobic incident;
- not to penalise a transgender person who takes time off for treatment associated with gender reassignment;
- to maintain the privacy and dignity of transgender people;
- to ensure that measures are in place to protect and assist a person who is undergoing transition.

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<sup>3</sup> *Transphobic Bullying: can you deal with it your school?*

### 2.1 Gender Recognition Act, 2004

The Gender Recognition Act, 2004 enables those who have transitioned permanently to acquire a **Gender Recognition Certificate** (GRC), confirming their new gender status 'for all purposes'; the birth certificate is automatically replaced for those whose birth was originally registered in the UK. In these circumstances there are heightened privacy requirements for documentation or information that reveals a previous gender status, and those who have learned of the gender reassignment status in their 'official capacity' would commit a criminal act, if they divulged this information without the express permission of the individual concerned. Pre-existing marriages or civil partnerships must be annulled before a GRC is awarded.

The lack of a **Gender Recognition Certificate** must not be used to disadvantage a trans person. Asking to see a GRC is nearly always inappropriate; it may be regarded as harassment, and negates one of its central purposes, that is, to provide privacy. Nor should a birth certificate be required. Identification can usually be provided by Passports or driving licences.

A Gender Recognition Certificate is not needed in order to change one's name, pronouns, or gender of presentation at work. Trans people will typically have lived in their affirmed gender for at least 2 years before being granted their GRC. Transitioning and continuing to work is, for many transsexual people, a requirement if genital surgery is sought.

### 2.2 Human Rights Act 1998

The Human Rights Act 1998 is implicit in all the above legislation. The Act requires **transgender** people to be treated with respect, dignity and fairness, and with regard for their need for privacy.

**Equality and Diversity policies and practices should be well-publicised throughout organisations, and they should be explicit in procurement policies, so that those bidding for contracts for supplying services to, or on behalf of public bodies, are aware of the expectation that all relevant strands of diversity will be protected. It is important that 'gender reassignment' (or alternative terminology if preferred) is mentioned specifically in policy documents.**

### 3 Memorandum of Understanding

Employers often act to address gender identity issues in their workforce, when the occasion arises. They are ill-prepared and are, therefore, likely to act inappropriately, causing discomfort to the trans person concerned. Fear of an inappropriate response may prevent people from **transitioning** which will, in turn, mean that their performance will be less than optimal.

One of the most important factors in facilitating the successful **transition** of an employee who is undergoing a change of **gender role**, is to discuss thoroughly with the individual how to handle it. Both the individual and the manager will need to agree the actions proposed to ensure there is mutual understanding about what needs to take place. Nothing should be done without the consent of the individual.

If this is a new area for an employer it is helpful to develop an understanding that this is part of a potentially life saving medical treatment and is not undertaken lightly by the person experiencing it. Nor are medical decisions about treatment taken without careful prior assessment<sup>4</sup>. Above all it is not a choice. By the time of transition, the individual's profound and persistent gender discomfort has become intolerable and living in a gender role that accords with the innate gender identity has become an urgent necessity.

The employer, therefore, needs to make it clear that in the event of an employee transitioning, measures are in place to facilitate this. It is suggested that an agreed 'Memorandum of Understanding' be drawn up in each case, covering a number of possible topics, outlined below. The **transsexual** member of staff and the line manager (or other senior member of staff) should sign this document. The agreement does not represent a binding and unchangeable arrangement, but rather a commitment by the employer to engage with, and support, the employee at all stages.

Whilst the initial meetings and the drafting of the document can be undertaken by the staff member's line manager or support manager, a member of the Human Resources Department is encouraged to take an active role in the negotiations and to meet with the transsexual member of staff to discuss the detail of the Memorandum before it is signed. This must be done with the agreement of the transsexual person. It is important that this confidential information is not spread around the office or workforce in an uncontrolled and unenlightened way.

The transsexual member of staff may wish to have the assistance and support of a colleague during this process.

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<sup>4</sup> see GIRES leaflet

## Memorandum of Understanding

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The implementation of the Memorandum should be reviewed at least every three months, but should also be reassessed at each significant stage of the process, and at any time upon request by the employee.

**The Memorandum is a confidential document.** There needs to be agreement on where copies should be kept and who should have access.

### 3.1 Issues to be Discussed

Issues, which may be considered by the individual and the manager, include:

- Whether the individual wishes to stay in the current post during or after **gender reassignment** or, if possible, would prefer to be redeployed.
- Whether there are duties within the role that should not be undertaken at specific times within the process (for instance heavy physical work)<sup>5</sup>.
- What risks may arise for the individual in the workplace as a result of the transition, for instance in relationships with external parties or arising from **media intrusion**, and how they will be dealt with.
- Projected timescale**, if known, of the medical and surgical procedures and the time off required for **medical treatment**, including discussion as to what effect this will have on the employee's pay and promotion. Time off for treatments associated with gender reassignment are specifically protected under the 2010 Equality Act.
- The expected point or phase of **change of name, personal details and social gender**. Name change may occur without any legal process but, before documentation is changed, it is usual for a Statutory Declaration (made before a solicitor or in a Magistrates' Court) or a Deed Poll document to be obtained, and possibly a doctor's letter.

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<sup>5</sup>Note: A few occupations may involve a Genuine Occupational Qualification (it may be necessary for the work to be performed only by a person of one specific gender). An agreed re-deployment, possibly as a temporary measure, may be advised. **Transsexual** people should not be dismissed on these grounds. Those with GRCs must be regarded as being of the post-**transition** gender status for the purposes of GOQs, but others may be just as suitable who do not have GRCs. Common sense should prevail. More information can be found in the GIRES <http://gires.org.uk/transpeople.php#t3/> publication on Trans service users' rights (page17)

## Memorandum of Understanding

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- Whether the individual wishes to inform management, **colleagues** and associates or would prefer this to be done by someone else who is agreed to be suitable.
- When the disclosure is to take place and the depth of the disclosure, so that appropriate support can be provided for the individual and for other staff.
- Whether training or **briefing of colleagues** will be necessary and at what point and by whom this will be carried out; advice in this regard should be taken from the Human Resources Department or the employer's 'trans' or LGBT champion.
- What amendments will be required to **records** and systems and the safeguards of their security.
- What the implication are for **pensions** and **insurance**.
- Whether a **transsexual** individual is adequately covered by existing policy on issues such as confidentiality, harassment<sup>6</sup> and **insurance** and if not how these will be amended.
- Agreeing any **dress code** or uniform requirements.
- Agreeing the point at which the individual will commence using **single sex facilities** in the new **gender role**, for example toilets and changing areas. This should occur from the time that people **transition** their role at work.
- Liaison with any clients or external agencies in respect of any outstanding matters in which the transsexual individual is currently involved.
- Where CRB checks are required, following a change of name, a special procedure may be accessed<sup>7</sup>.

Considered and well-documented negotiations should be able to identify and deal with potential areas of conflict before they arise. Nothing should be done without the consent/knowledge of the individual.

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<sup>6</sup>Discussion and examples of workplace harassment of gender variant people may be found [on the GIRES website](#).

<sup>7</sup>[CRBSensitive@crb.gsi.gov.uk](mailto:CRBSensitive@crb.gsi.gov.uk) and [EHRC Guidance](#).

### 4 The Role of Occupational Health/Welfare

The role of Occupational Health will be to advise the employer on fitness for work and fitness for role issues as well as provide appropriate advice on medical issues, which may impact on an individual's ability to carry out the full scope of the job. Advice on absence relating to treatment for **transgender** purposes should also be sought (in line with current policy for attendance management). A person experiencing gender **gender dysphoria** should be offered the opportunity to be referred to Occupational Health for advice.

Occupational Health cannot seek to replace the specialist medical advice, assessment and support required by individuals who are considering **gender reassignment** and would not presume to offer any opinion to individuals who are considering this. However OH are able to offer confidential support and counselling for those who are suffering emotionally at what can be a distressing and confusing period of their lives.

Post surgery, advice may also be needed regarding any temporary adjustments which may be required to assist an individual to return to work, who may not initially be able to undertake all aspects of their substantive role.

Any individual referred to Occupational Health can expect the issues to be dealt with in the strictest of confidence, as would be expected from any other practitioners providing care.

### 5 Understanding the treatment timescales

This is a general guide only and it is paramount to take individual needs into account on every occasion. Timescales may change over time, and be unpredictable if treatment is in the NHS. It is not necessary for people to have time off work in connection with hormone therapy. Some surgical interventions, for instance, chest reconstruction for **trans men**, may happen early in the **transition** process, but genital surgeries, which may or may not be undertaken, will usually not be scheduled until the end of the first year of treatment in any event.

It is good practice to discuss as far as possible in advance the time away from work that an individual will need in undergoing gender reassignment treatment. Consultations and hospital appointments may require full days away from work in addition to any time required for surgical procedures. Flexibility should be allowed for individuals to undergo treatment. It is important to remember that it may constitute unlawful discrimination if

## Use of Single Sex Facilities

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an individual is treated less favourably when undergoing gender reassignment treatment than others who are absent from work for other medical reasons.

## 6 Dress and Appearance Code

It is good practice to allow enough flexibility in the dress code to accommodate the process of **transition** from one **gender role** to another. For example, in the transition from male to female, flexibility should be allowed over hair length and style, jewellery and make up. If the individual is working with the public, a temporary redeployment out of the public gaze may be appropriate, with the agreement of the individual concerned, may be appropriate. Where necessary, a new uniform should be fitted and ready well in advance of the change of gender role.

## 7 Use of Single Sex Facilities

Good practice indicates that facilities such as toilets and changing rooms should be accessed according to the full-time presentation of the employee in the new gender role. The Human Resources Department and the individual should agree the point at which the use of facilities such as changing rooms and toilets should change from one gender to another. In the case of *Croft v. Royal Mail Group PLC 2003*, the Court of Appeal held that an employee who was undergoing male to female **gender reassignment** had not been discriminated against on the ground of sex when her employer refused to let her use the female toilet immediately and instead required her to use a gender-neutral disabled toilet as a temporary measure. In the Court of Appeal's view it was inherent in a situation involving the use of toilet facilities by employees undergoing gender reassignment that there be a period during which an employer is entitled to make separate arrangements for those undergoing the change.

Trans people may not wish to be regarded as disabled. Employers may consider changing the labelling on some facilities so that they are gender neutral. Greater privacy may be provided by having more cubicles, and by having partitions that extend from floor to ceiling, and doors that extend to the floor

A person who has acquired a **Gender Recognition Certificate** must be treated for all purposes as having the new gender status and may always use the toilets appropriate to his or her legal gender status.

## 8 Informing Colleagues

Following discussions between the manager and the individual, it should be established whether the **transsexual** individual wishes to inform colleagues about transsexualism and the proposed transition. Many transsexual people wish to keep their transsexual status private, whilst others are willing to discuss it confidentially or openly. There is no need or obligation for an individual to disclose his or her **transgender** status as a condition of employment nor is there any obligation on the employer to inform colleagues and the public that a member of staff is intending to undergo, is undergoing or has undergone gender reassignment. Such information is necessary only where the relationship, with a person who knew the individual prior to his or her change of status, is to continue. So, unless the individual requests otherwise, the details should only be shared with such a person.

It is usually good practice for the employer to take responsibility for informing those who need to know, though the known wishes of the individual concerned are of paramount importance in this regard.

In some circumstances the **transsexual** person may wish to disclose these matters personally to some or all of his or her contacts. If this is the case the employer will need to know when the disclosure is to take place and how much information will be disclosed in order to provide appropriate support to the members of staff involved.

Levels of disclosure may vary depending on the size of the company and the extent to which the individual proposing to change gender role has face to face contact with co-workers.

The following example involves a **trans woman**, but exactly the same approach could be used for a trans man, with the pronouns and names reversed:

**Level one:** a trans woman has a private interview with the CEO, senior manager or line manager;

**Level two:** the CEO (or other manager) calls a meeting of those colleagues who work closely with the trans person, and explains the situation and provides basic information; the trans woman joins the group for lunch and makes it clear that she is happy to talk about it and welcomes any questions;

**Level three:** an e-mail written by the trans person is sent out to all other employees in the same building, perhaps along the following lines.

## Informing Colleagues

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Dear Colleagues,

I am writing to you because I know that it wouldn't be possible to speak to you all individually. I wanted to tell you my news personally, rather than leaving you to hear it via someone else. There are going to be some big changes in my life that I would like to share with you.

I have been seeing a specialist doctor for a while, who confirms what I have recognised for many years. I identify as a woman, and I always have. Because I don't look like a woman, I have lived with a feeling of great discomfort, which I have tried to ignore, repress or overcome. This uncomfortable experience is called gender dysphoria. Most of you will have heard of people in my situation being described as transgender, or just trans.

I have reached the point where I cannot continue in my old gender role. I shall be away for three weeks and will return in September. From then on I will be living and working as a woman. I am still the same person, and I shall continue to do the same job. In that respect nothing will change. My appearance and the way I dress will change, of course, and I will no longer be known as Michael but as Susan. Pronouns are tricky, but I am sure I can count on you all to refer to me as 'she'.

We have great values in our organisation; we celebrate diversity and we treat each other as equals, so I am confident that all of you will give me the support that I need through this rather difficult phase of my life.

Please feel free to come and ask me about anything that you don't understand, or would like to know. I don't mind answering questions, and if you have uncertainties, I would much rather you spoke to me directly about them.

Regards

M/Susan

## 9 Dealing with the Media

Given the sensitivity of **gender reassignment**, there is always the possibility of intrusion from the media. However, with recent changes in the law and wider public understanding of the subject, this has tended to be less common. The employer should prepare a media strategy, indicating how to respond to enquiries regarding a **transsexual** employee. In the interests of confidentiality the name and specific post of the individual should not be revealed. If the identity of the individual becomes known to the media, the individual's risk assessment should be reviewed immediately. It may be necessary to protect the individual with additional control measures such as redeployment away from contact with members of the public. It may also be necessary to help the individual move from the present address if besieged by the media or otherwise harassed at home. The wishes of the individual must be considered in any response given to the media.

Our organisation is proud of its employment policy and its commitment to equality and diversity among its employees. We support all our staff, we treat them with respect and have due regard for their privacy and well-being, regardless of their age, disability, gender, gender reassignment, pregnancy/ maternity, race/ethnicity, religion or belief, or sexual orientation.

**Press release**

## 10 Privacy of personal records and references

The utmost discretion is needed when dealing with telephone calls. Staff working in offices where members of the public may make incoming calls, should be specially trained to understand the need for privacy and the importance of using correct pronouns

The respective forms used for security checks and medical screening will seek information that will lead to identification of transsexual status. This information will remain 'confidential' and the disclosure of this information will be restricted to those personnel involved in these two procedures, who will be required to honour that confidentiality. Any subsequent paperwork that indicates the individual's transsexual status will not be accessible to other personnel.



## Insurance Matters

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Where it is reasonable and practical, it is good practice for employers to update their records to ensure that any references reflect current name, title and gender. In some cases it may be necessary to retain records relating to an individual's identity at birth for example **pension** or **insurance** purposes. Access to any records showing the change of name and other details associated with the individual's transsexual status such as records of absence for medical treatment should be restricted to staff who require such information to perform their specific duties.

These documents should be stored securely in a sealed envelope, separately from the files of other employees, rather than in a filing cabinet. **Transsexual** people in employment may choose voluntarily to disclose at a secondary level, for example, answering an equal opportunities questionnaire, or asking for support from a line manager. Again, strict confidentiality should be observed. **Breaches of confidentiality will be treated in the same serious manner as disclosure of personal details of any other employee. Where an employee holds a Gender Recognition Certificate, this information is 'sensitive'. Those who obtain such information as part of their job — therefore, in an 'official capacity' — could be committing a criminal offence if they shared this information with anyone else, unless this is authorised by the trans individual concerned.**

## 11 Health and Safety

Employers should ensure that ongoing Risk Assessments are carried out for transsexual employees. equipment and also that, for instance, post operatively, the work is not too strenuous. Trans women may lose upper body strength when having hormone treatment.

## 12 Insurance Matters

Employers registering staff for corporate insurance and benefits policies are advised to inform their underwriters if they know of a trans employee's status, since some insurers automatically invalidate a policy if a major fact such a **gender reassignment** is not disclosed. The employer should inform the employee before disclosing the information. If an employer is unaware that an employee has a reassigned gender, the obligation to disclose falls upon the employee, who could also be held liable in the event of an accident for which no valid insurance cover exists.

## **13 Pensions and Retirement**

Everyone born after April 1955 now receives state pension at 65. But women born before 1950 can claim state pension at 60, and those born between 1950 and 1955 can claim it at a point between 60 and 65. For state pension purposes, transsexual people can only be regarded as the sex recorded at birth until they have obtained a new birth certificate under the provisions of the Gender Recognition Act 2004. Otherwise, those born prior to April 1955 can only claim state pension at the age appropriate to the sex on the original birth certificate - that is for transsexual women at age 65 and for transsexual men at 60<sup>8</sup>. It is the responsibility of the employer to take suitable steps to keep confidential the reason for the individual's apparently early or late retirement.

## **14 Other gender variant & transgender people**

The above guidelines deal with employers duties to people who are proposing to undergo **transition** at work, are undergoing transition or have previously transitioned, rather than those who change their **gender role** on a part-time basis. However, as mentioned in the **opening section**, in certain circumstances, those believed to be, or perceived as, undergoing gender reassignment, may be covered against harassment and discrimination. In any case, it is good practice to provide equal treatment to all **transgender** people, whether or not they intend to undergo full-time and permanent transition to a new gender role.

## **15 Further Information, Advice and Training**

The Gender Identity Research and Education Society (GIRES) will be very pleased to help any employer or employee undertaking a transition at work. This includes providing a training workshop for the staff involved in or affected by the transition process. Contact should be made with the charity via the addresses or telephone numbers given on **its website**.

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<sup>8</sup>Under recent case law, a transsexual woman is entitled to receive a state pension from the age of 60 without a Gender Recognition Certificate if she reached that age before 4 April 2005 when the Gender Recognition Act came into force.

## Glossary of Terms

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### 16 Useful Links

UNISON guide on the rights of trans workers, "[Bargaining for Transgender Workers' Rights](#)".

The Amicus guide, entitled "[Combating Homophobia and Achieving Equality for LGBT Workers - A Negotiator's Guide](#)", which includes substantial sections on trans issues.

ACAS guide entitled "[The Equality Act Whats new for employers](#)"

Gender Recognition Panel: [General Website](#)

Criminal Records Bureau: There is a special procedure in place to safeguard the identity of transsexual people. Contact Clare Blackburn, CRB Investigation Manager, who will discuss this matter in confidence with you on 0151 676 1523.

Freepost NWW5699A  
PO Box 165  
Liverpool  
L3 1ZY

Enclosures should be double-enveloped and marked "Private and Confidential."

### 17 Glossary of Terms

#### Affirmed gender

'Affirmed' gender may be used to describe the post-[transition gender role](#). Sometimes it may be called the 'new' role. These terms are often preferred to the term 'acquired' gender. [Transsexual](#) people are not acquiring a new [gender identity](#), but they are affirming their inner, and until transition, hidden, gender identity.

## Glossary of Terms

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### Gender Identity

*Gender Identity* describes the psychological identification of oneself as a boy/man or as a girl/woman. There is a presumption that this sense of identity will evolve along binary lines and be consistent with the sex appearance. Where this is the case, people may be described as cisgender.

### Sex

Sex refers to the male/female biological development—the phenotype. In an infant, the sex is judged entirely on the genital appearance at birth. Other phenotypic factors such as karyotype (chromosomal configuration) are seldom tested unless a genital anomaly is present. There is a presumption that an apparently male infant will identify as a boy, and vice versa.

### Gender Role

The gender role is the social role—the interaction with others which both gives expression to the inner **gender identity** and reinforces it. Despite the greater gender equality in modern Western culture in terms of: the subjects studied in school and at university; the choice of friends; work and domestic arrangements; dress and leisure pursuits, there is still a presumption of conformity with society's 'rules' about what is appropriate for a man or a woman, a boy or a girl, especially in terms of appearance. Too great a transgression often causes anxiety and discomfort in those who witness it.

### Gender variance/ gender dysphoria / gender identity disorder

It is now understood that the innate gender identity, although powerfully influenced by the sex of the genitalia and the gender of rearing, is not determined by these factors. There is evidence that sex differentiation of the brain may be inconsistent with other sex characteristics, resulting in individuals dressing and/or behaving in a way which is perceived by others as being outside cultural gender norms; these unusual gender expressions may be described as *gender variance*. Where conforming with these norms causes a persistent personal discomfort, this may be described as *gender dysphoria*. In many, this includes some level of disgust with the

## Glossary of Terms

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phenotype, since this contradicts the inner sense of gender identity. Gender dysphoria is not a popular term with those experiencing the condition since it has become associated with the **DSM-IV** 'clinical diagnosis' of gender identity disorder published by the American Psychiatric Association. Both these descriptions imply a diagnosis of 'pathology' and mental illness, whereas the more neutral term, *gender variance*, denotes that these departures from stereotypical gender experience and expression are part of a natural, albeit unusual, human development.

### Transsexualism

When **gender variance** is experienced to the degree that medical intervention is necessary to facilitate a permanent transition to a **gender role** that accords with the **gender identity** thus alleviating the intense discomfort, it may be regarded as *transsexualism*. In the United Kingdom, those who are intending to undergo, undergoing or having undergone gender reassignment, under medical care are protected in law. Those who have changed their role permanently may obtain legal recognition of their new gender status in accordance with the **Gender Recognition Act**.

### Gender Confirmation Treatment

Those **transitioning** permanently usually have gender confirmation treatment that includes hormone therapy and often surgery to bring the sex characteristics of the body more in line with the gender identity. Such surgery is sometimes referred to as gender reassignment surgery.

### Transgender

*Transgenderism* has had different meanings over time, and in different societies. Currently, it is used as an inclusive term describing all those whose gender expression falls outside the typical gender norms; for example, those who cross-dress intermittently for a variety of reasons including erotic factors (transvestism), as well as those who live continuously outside gender norms, sometimes with, and sometimes without, medical intervention. There is a growing acknowledgement that although there is a great deal of difference between say, a drag artist and a **transsexual** person, there are nonetheless areas in the **transgender** field where the distinctions are more blurred; for example, a person who cross dresses intermittently for some years, may later transition fully to the opposite role.

## Glossary of Terms

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### Transition

*Transition* is the term used to describe the point at which a permanent change of gender role is undertaken, in all spheres of life—in the family, at work, in leisure pursuits and in society generally. Some people make this change gradually, however, others emerge overnight.

### Trans men and trans women

The expression *trans* is often used synonymously with **transgender** in its broadest sense. Sometimes its use is specific; for instance, those born with female phenotype but identifying as men may be referred to as *trans men*; and those born with male phenotype but identifying as women may be referred to as *trans women*. Where trans people have **transitioned** permanently many prefer to be regarded as men and women, without any reference to their former **gender role** or previous trans status.

### Sexual Orientation

Sexual Orientation is a separate issue from **gender identity**. Trans people may be gay, straight, bisexual or, occasionally, asexual. Their sexual relationships may remain the same through the transition process, or they may change.

### Gender Recognition Act (2004)

Under the **Gender Recognition Act**, trans people who experience severe **gender variance** described above, and have medical treatment for the condition, may apply to the **Gender Recognition Panel (GRP)** for a **Gender Recognition Certificate (GRC)**. The GRC then entitles them to recognition of the gender stated on that certificate "for all purposes". Where the birth was originally registered in the UK, the GRC may be used to obtain a new birth certificate. Over **2,600 people** have now made successful applications for legal recognition of their new gender status to the Gender Recognition Panel (GRP). Those seeking a change of gender status must provide the GRP with evidence of a 'diagnosis' of persistent **gender dysphoria**, and must convince it of their intention to live in the new role for the rest of their lives. This is a paper exercise and does not require the applicant to appear in person. Details of medical treatment and relevant

## Glossary of Terms

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dates are required. Genital surgery is not a requirement, although where it has taken place, applicants must supply details.

The distinctions between those who qualify for GRCs and those who do not, are not necessarily medical. Trans individuals who are legally married, and do not wish to dissolve that marriage, are not permitted to have a GRC. An Interim GRC of 6 months duration may be obtained, but it confers no legal rights and serves only as a way of dissolving the marriage, whereupon it may be converted immediately to a full GRC.

The GRC gives trans people the right to marry someone of the opposite sex, and to have a civil partnership with someone of the same sex ([Civil Partnership Act, 2004](#)).