

Transgender and work

Your rights in employment
and vocational training



Women. Men. Different. Equal.
Equal Opportunities Commission

Equality and
Human Rights
Commission

equalityhumanrights.com

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This leaflet provides advice to individuals who are undergoing gender reassignment. It may also be a useful source of information for people who are not familiar with transgender issues.

Introduction

Transsexualism affects an estimated 5,000 people in the UK. Medical treatment to enable transsexual people to alter their bodies to match their gender identity is highly successful. The process is known medically as gender reassignment. The Sex Discrimination Act (SDA) was amended in May 1999 to protect transsexual people against discrimination in employment and vocational training.

Real life test refers to the transition period in gender reassignment during which the individual must live and work in the new sex.

Your rights under the Sex Discrimination Act (SDA)

You have the right not to be discriminated against at work because of the fact that **you intend to undergo, are undergoing or have undergone gender reassignment.**

This means you are protected from harassment, redundancy and dismissal and less favourable treatment in recruitment, promotion, pay, access to work-related benefits and vocational training.

The law applies to you whether you are an agency worker, temp, professional partner, apprentice, trainee, subcontractor or other kind of contracted worker.

To make a claim under the SDA, you need to show that your gender reassignment is the main reason for your treatment.

Exceptions

Discrimination on grounds of gender reassignment may occasionally be permitted where, for example:

- A particular gender is a requirement for a job, e.g. women's refuge worker.
- The job involves conducting intimate searches.
- The job involves working in someone's home.

Temporary exceptions may apply during the transition process where:

- Individuals have to share accommodation.
- Personal care services are provided to vulnerable individuals.

Even so, your employer has a responsibility to assess each situation carefully and act reasonably in the circumstances, e.g. considering alternatives such as reassigning duties.

During your transition and the Real Life Test

You should meet with your employer to agree how your transition will take place.

Some of the issues you may need to discuss are:

- The timescale for any medical or cosmetic treatment.
- When and how to inform colleagues and clients.
- When to change your name, personal details and social identity.
- The need for flexibility in the dress code, where applicable.
- Amending personnel records.
- Using single-sex facilities.
- Ensuring hostile or negative reactions among the workforce are addressed effectively.
- Whether you wish to stay in your current post or request redeployment.

Confidentiality

Legally, you do not have to disclose your transgender status or previous identity to your employer. Where you do so, e.g. for references, you are entitled to strict confidentiality.

Your legal status

You have the right to change your personal details and to live as a member of the opposite sex to that recorded at birth. You can change your name and official documents, e.g. driving licence, passport or medical card, to reflect your new gender identity.

Gender Recognition Act

The Gender Recognition Act 2004, which came into force on 4 April 2005, further provides individuals with the right to change their legal gender by means of a Gender Recognition Certificate. This certificate automatically leads to a new birth certificate in the acquired gender with all its attendant rights and responsibilities. This includes the right to marry.

A trans person who is already married is obliged under the Act to divorce to gain a Gender Recognition Certificate. He or she will then be able to register a Civil Partnership to regain the legal status of their relationship.

The Equality and Human Rights Commission gives information and advice about age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation.

The current regulations can be found in ***A Guide to the Sex Discrimination (Gender Reassignment) Regulations 1999***. Available from DTI Publications Orderline on:
Telephone: **0870 1502 500**
Fax: **0870 1502 333**
Website:
www.dti.gov.uk/publications

You can get more information on transgender issues from:

Press for Change

Website: **www.pfc.org.uk**
Email: **letters@pfc.org.uk**

The Gender Trust

Telephone: **07000 790 347**
Website:
www.gendertrust.org.uk
Email:
info@gendertrust.org.uk

Next steps

If you think you have been unfairly treated at work because of your transgender visit the Commission's website, call our helpline, or contact your union for information and advice.

This leaflet can be downloaded from our website:
www.equalityhumanrights.com

If you require this leaflet in a different format, for example large print, contact our helpline.

This leaflet was originally produced by the Equal Opportunities Commission which, from 1 October 2007, became part of the Equality and Human Rights Commission.

While every effort has been made to ensure that the information in this reprinted publication is correct, the Equality and Human Rights Commission cannot guarantee its current factual or legal accuracy, and cannot take responsibility for any loss arising out of its use.

Contact us:

You can find out more or get in touch with us via our website at: www.equalityhumanrights.com or by contacting our helpline:

Telephone: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630

Mon, Tue, Thur, Fri: 9am–5pm.

Wed: 9am–8pm

Free, confidential advice and information

Calls from BT landlines are charged at local rates, but calls from mobiles and other providers may vary. Calls may be monitored for training and quality purposes. Interpreting service available through Language Line, when you call our helpline.

Equality and Human Rights Commission

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