

Gender reassignment discrimination: top ten myths

- Myth:** Gender reassignment has to involve medical procedures or supervision.
Fact: That has not been the case since the Equality Act 2010. A person who chooses to reassign his or her gender and live permanently as the opposite sex without having any hormonal or surgical treatment is protected.
- Myth:** Employees with non-binary gender identities (identifying neither as man nor woman) are not explicitly protected against discrimination.
Fact: Someone with a non-binary identity may be protected if they are discriminated against because they are thought to be considering, thought to be going through or thought to have gone through gender reassignment from man to woman or woman to man, regardless of whether this is true.
- Myth:** One case of gender reassignment can be very similar to another.
Fact: No two gender reassignment situations are likely to be exactly the same, so as much as possible follow the employee's lead and agree steps.
- Myth:** If someone is transitioning it indicates their sexual orientation.
Fact: A person's gender reassignment may have nothing to do with their sexual orientation, nor should it imply any particular sexual orientation.
- Myth:** If I unintentionally refer to someone who has transitioned as 'he' instead of 'she', then that will always be regarded as discrimination.
Fact: As a rule, colleagues should be given a little time to adjust to an employee presenting in the opposite gender.
- Myth:** As an employer, I'm entitled to ask a job applicant anything.
Fact: Absolutely not. Avoid asking them questions of a personal nature unrelated to the job and their application. Do not ask or comment about their gender, or ask whether they hold a gender recognition certificate.
- Myth:** If an employee or job applicant tells the employer about their gender reassignment, then that information is 'out there' and can be shared.
Fact: No, treat it as sensitive, personal and confidential information unless the employee clearly agrees other specific arrangements.
- Myth:** 'Transvestite' is another way to describe a 'transsexual' person.
Fact: Use the term 'cross-dresser' - 'transvestite' tends to be regarded as an offensive term by 'trans' communities. 'Cross-dressers' wear clothes usually worn by the opposite sex. As they are unlikely to do this permanently, they are not 'transsexual' people under the Equality Act.
- Myth:** People want to change gender because they have mental health problems.
Fact: A person can be distressed because they feel they are the opposite gender - the NHS says this is not mental illness. However, a person questioning their gender may worry and/or be stressed if they experience a negative reaction from others - this can lead to mental health problems.
- Myth:** An employer can simply decide not to employ a 'transsexual' person.
Fact: In very limited circumstances it may be lawful as what is known as an 'occupational requirement'. However, this has to meet strict criteria and can be difficult to prove.

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Gender reassignment discrimination: key points for the workplace from:

www.acas.org.uk/genderreassignment