When is the right time to disclose your trans status to an employer? Find out about the law in this area and get advice on weighing up the pros and cons.

**Finding trans-positive employers**

Many of the UK’s employers are now recruiting employees based on their merit – regardless of gender, sexuality, age, colour, class, disability or any other difference. This is because they’re recognising the business advantage of creating a work environment that draws people from a broad social spectrum.

Even so, some employers struggle to embrace the challenges that are involved in recruiting a diverse workforce. Evidence suggests that transsexual people in particular may face more discrimination than other groups. It may not be blatant discrimination, but purely a lack of knowledge around the issues facing trans people.

Legislation has made it illegal for employers to discriminate against trans people in the workplace. However, despite statutory protection against discrimination, some employers are better prepared to recruit trans people than others.

In general, you may find that public sector organisations are more likely to have included specific reference to the rights of trans people in their policies of fair practice. However, an increasing number of private sector companies are also developing inclusive policies.

**Tips for spotting trans-positive organisations**

- An equal opportunities policy; look for policies that relate specifically to the recruitment of trans people. Ask the human resources department for information.
- Employers who have won awards for equal opportunities or inclusivity in the workplace, such as the Employers Network for Equality & Inclusion (ENEI) awards.
- Look at the terminology employees have used in their policies. The use of 'gender identity' or other appropriate terminology would suggest that they have recognised the importance of this and researched best practice.
- A specific policy on transitioning within the workplace. For example, UNISON has a useful and practical guide for employers to support staff undergoing gender reassignment.
- Any other policies that would protect a trans employee. Those of particular interest may relate to confidentiality, harassment, allocation of resources (such as office space and equipment), access to development (such as training, secondment, internal job vacancies and promotions), pensions and insurance.
- In larger companies the employer may have a dedicated 'equality and diversity' or even a 'sexual harassment' officer. This would suggest that they take issues relating to trans people seriously.
Disclosing your trans status when marketing yourself to employers

As a trans person you may have faced some big hurdles in your life that you could use as examples of your strengths and your capabilities. There are a number of positive selling points to market yourself as a strong, adaptable individual and may include the following:

- an ability to overcome obstacles
- an ability to persevere against adversity
- highly developed communication and negotiation skills
- the confidence to make difficult decisions
- self-organisation skills
- an innovative and constructive approach to problem solving

If you’re targeting graduate employers, you may find that many of your personal experiences provide you with rich examples of the competencies they require. But remember that it’s not necessary to disclose any of your trans history, or your intent to begin the transition process, if you do not want to.

When is the right time to disclose your trans status?

You’re not legally required to disclose your circumstances to an employer, unless there’s a ‘genuine occupational requirement’ (GOR) related to the job. Even so, it’s good to weigh up the pros and cons of disclosure to your employer/potential employer. Your individual circumstances will influence these greatly, particularly at the earliest stages of your transition.

Regardless of whether or not you’re pre or post transition, or whether or not you have a gender recognition certificate (GRC), you may need to consider your personal experiences to date and how comfortable you feel with yourself as this may impact on your decision whether or not to disclose.

The earliest opportunity to disclose your status is the application stage. If you’re not yet transitioning, or are not yet in possession of a GRC, then you are still obliged to declare your sex at birth on the application form if asked. Many forms still have a gender question, though this is often part of the equal opportunities-monitoring section, which is detached from the rest of the form.

If your presenting gender differs from the sex on your birth certificate, but you do not intend to transition, you need to declare your sex at birth on the job applications. Even if you’re in possession of a GRC, you are still able to raise the issue of your transition, if you wish to, elsewhere on the form.

If you have not yet transitioned you may find it more appropriate not to inform the employer of your intentions at this stage, or the interview stage, as once you are in employment you’ll be protected by employment law. There is certainly no legal obligation to disclose at the interview stage.

Whether you disclose at the application, interview stage or at all, keep in mind the following:

- Research the organisation’s commitment to recruiting a diverse workforce. Even if they’ve stated a commitment to diversity they may still need some educating on your personal situation and the impact, if any, that it may have on your work.
- If you wish to, you can talk about how your experiences have had a positive impact on your life and your potential as an employee in interviews.
If you do disclose your situation or are in the process of transitioning you will need to be ready to work with the employer to assist your smooth integration into the workforce. Co-operative approaches to disclosing to colleagues within the organisation work well. This may be particularly appropriate if you are transitioning within a workplace you are already employed in.

Know the relevant legislation and be ready to remind the employer of their obligations to you if needed. They may even welcome the insight you are able to provide on accommodating trans people into the workforce.

If you believe a crime has been targeted at you because of your trans status you could consider reporting it as a hate crime to the police. Other incidents that aren't criminal offences can also be reported as hate incidents. More information on how to report can be found at True Vision.

Don't forget that there are several organisations to help, advise and support you.

Your rights around trans issues
What does trans mean? A transsexual person is defined by The Gender Trust as a person who feels an overwhelming desire to transition and fulfil their life as a member of the opposite gender. Most transsexuals actively desire and complete gender confirmation surgery. Transgender is a person who transitions to live in the gender role of their choice but has not undergone, and generally does not intend to undergo, gender confirmation surgery.

Here are the major Acts of Parliament that outline your rights as a trans person:

**Equality Act 2010 (England, Scotland and Wales)**
This act consolidates previous equality legislation and provides protection against discrimination, harassment and victimisation on the grounds of gender reassignment.

The act widens the definition of gender reassignment to include those who 'propose to undergo, are undergoing or have undergone a process (or part of a process) of having their sex reassigned'. It is therefore not necessary to be undertaking medical treatment.

Those perceived as transsexual people – as well as those associated with them such as family, friends and colleagues – are protected from unlawful treatment. In general, discrimination arises when a transsexual individual is treated less favourably than another because of their gender reassignment.

Section 149, the public sector Equality Duty, also requires public authorities to publish information used to arrive at objectives supporting trans equality, and to report outcomes that achieve trans equality. This information can be of particular assistance if you're seeking public sector employment.

Schedule 9, Occupational Requirements, does allow for exceptions where the requirement not to be a transsexual person is “a proportionate means of achieving a legitimate aim”. The responsibility is on the employer to prove such an exception applies. In general, a requirement that restricts an occupation to people of a particular sex should also be open to transsexual people of that
acquired gender. The Codes of Practice published by the Equality and Human Rights Commission are clear that such exceptions will be rare and on a case-by-case basis.

In Northern Ireland the sex discrimination regulations (gender reassignment) of 1999 make it unlawful to discriminate in employment and vocational training on the grounds that a person intends to undergo gender reassignment, is undergoing gender reassignment or has undergone gender reassignment.

**Gender Recognition Act 2004**
This UK-wide Act came into force in April 2005 and allows transsexual people to seek full legal recognition of their gender identity.

It allows transsexual people to apply, through the Gender Recognition Panel, for a gender recognition certificate (GRC). Anyone who has lived in their acquired gender for two years, intends to do so permanently, and can provide medical evidence is able to apply. This means that they:
- for all legal purposes, have the same rights and responsibilities associated with their gender identity.
- can marry a person of the opposite gender/ be entitled to a civil partnership.
- are eligible for the state retirement pension (and other benefits) at the age appropriate to the new gender.
- can apply for a new birth certificate, which does not disclose the fact that their gender has changed, and in effect will be just as if it has always been that way.

The act also reinforces the right to privacy. Once a transsexual person has a GRC, any disclosure that the person was born a different gender to that in which they now live is a criminal offence.

If a Disclosure and Barring Service (DBS) check, formerly known as a Criminal Records Bureau (CRB) check, is required as part of a recruitment process then applicants must disclose any previous names and/or gender to the DBS. Transgender applicants can make use of a special application procedure established by the DBS so that their previous name is not disclosed to an employer.

**Further information**
- **Beaumont Society**
  [http://www.beaumontsociety.org.uk/Index.html](http://www.beaumontsociety.org.uk/Index.html)
- **Gender**
- **Gender Identity Research and Education Society**
  [http://www.gires.org.uk/](http://www.gires.org.uk/)
- **Depend**
  [http://www.depend.org.uk/frameset.html](http://www.depend.org.uk/frameset.html)
The Gender Trust
http://gendertrust.org.uk/

Scottish Transgender Alliance
http://www.scottishtrans.org/

TransgenderNI
http://www.transgenderni.com/

The Equality Act 2010

Gender Recognition Panel guidance
http://www.justice.gov.uk/tribunals/gender-recognition-panel

Equality and Human Rights Commission
http://www.equalityhumanrights.com/

Press for Change
http://www.pfc.org.uk/index.html

True Vision
http://www.report-it.org.uk/home