



A Guide to  
Equality and  
Diversity  
in the Third Sector

*olmec*

***Gender  
identity***



## *EQUALITY STRAND*

This chapter on gender identity has been updated and taken from the publication by Olmec *A Guide to Equality and Diversity in the Third Sector (2008)*. The update has been commissioned by the National Equality Partnership with contributions to the update received from GenderShift Ltd. A full copy of the Guide can be downloaded from Olmec's website: <http://www.olmec-ec.org.uk/documents/website%5CPublications%2FGuide%20to%20Equality%20and%20Diversity%20in%20the%20Third%20Sector.pdf>

# Gender identity

Despite increased levels of protection, transgender people still suffer significant levels of discrimination. For example, 47% of transgender people do not use public, social or leisure facilities for fear of being discriminated against<sup>1</sup>. Many transgender people suffer with housing because of harassment from neighbours. It is important for all third sector organisations to be aware of these issues because there may be an employee or future employee who is transgender and the organisation may deliver services to trans people.

It is also important that organisations are aware of their legal obligations and the difficulties that many people face at work. A quarter of transsexual people have felt the need to seek new employment as their employers cannot guarantee that a job will be free from harassment<sup>2</sup>.

## Definitions

**Gender:** A term developed in the late sixties, early seventies to describe those aspects of our sexual identity that are culturally constructed, nurtured, as opposed to our sex which is physiologically developed.

**Gender Identity:** A person's inner sense of identification as male or female or of being perceived as male or female.

**Gender Dysphoria:** An anxiety, uncertainty or persistently uncomfortable feelings experienced by an individual about their assigned gender which is in conflict with their internal gender identity,<sup>3</sup> usually accompanied by strong identification with the opposite gender and a desire to live as or to become a member of the opposite gender.

**Gender Expression:** A person's perceived gender determined largely by their clothing, and behaviour. Many trans people go to considerable lengths, to ensure that their gender expression enables them to "pass" effectively in their acquired gender often by extreme stereotypical gender expression. Being "read" as trans can often lead to transphobic and homophobic responses from others.

**Gender Reassignment:** A process whereby, under medical supervision, a person undergoes surgical and hormonal intervention for the purpose of reassigning gender by changing their physiological or other characteristics of sex.<sup>4</sup>

**Intersex:** Being born with genitals that are in some way ambiguous, a condition that is still often treated by early surgical intervention. Some believe that gender dysphoria is an Intersex condition because there is evidence that the condition is the result of foetal development. Some Intersex people are also later diagnosed with gender dysphoria where their initial gender assignment has been incorrect.

1. Whittle, S et al. (2007) *Engendered Penalties: Transgender and Transsexual People's Experience of Inequality and Discrimination* (Communities and Local Government: West Yorkshire) <http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/transgender.pdf>
2. Ibid.
3. The Gender Trust - <http://www.gendertrust.org.uk/n2/p25.php?id=2>
4. Women and Equality Unit (2005) *Gender Reassignment: A Guide for Employers* (DTI: London) <http://www.equalities.gov.uk/PDF/Gender%20reassignment%20-%20a%20guide%20for%20employers%202005.pdf>

**Trans:** A broad term now used to describe all people who experience a degree of Gender Dysphoria. The term 'Trans Man' is used to describe someone born female bodied with a male gender identity and 'Trans Woman' for a person born male bodied with a female Gender Identity.

**Transgender:** A term initially introduced by Virginia Prince to describe a person with gender dysphoria who feels a consistent and overwhelming desire to live their life in the gender that is opposite to that assigned to them at birth but who chooses not to undergo surgical or hormonal treatment. The term has increasingly become used as a broad umbrella term to describe all trans people although the term Trans is now preferred.

**Transsexual:** A medical term to describe a person who through the use of hormones and surgery takes on the characteristics of the opposite sex to that which they were assigned at birth. They live permanently in the gender role appropriate to that sex. They may have undergone, are undergoing or intend to undergo full gender reassignment surgery.

**Transvestite:** The clinical name for a cross-dresser or a person who dresses in the clothing of the opposite sex. Most transvestites experience some degree of gender dysphoria but largely for social reasons have chosen not to undergo gender reassignment or to live their life in the gender that is opposite to that assigned to them at birth. Many ultimately transition later in life. 42% of people not living permanently in their preferred gender role are prevented from doing so because they fear it might threaten their employment status.<sup>5</sup>



5. Whittle, S et al. (2007) *Engendered Penalties: Transgender and Transsexual People's Experience of Inequality and Discrimination* (Communities and Local Government: West Yorkshire) <http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/transgender.pdf>

6. <http://www.pfc.org.uk/node/571>

Hal and Bengie No.7 Source: Press for Change.<sup>6</sup>

## Legislation

### Sex Discrimination Act 1975

The Sex Discrimination Act 1975 as amended by the Sex Discrimination (Gender Reassignment) 1999 Regulations protects people who intend to undergo, are undergoing or have undergone gender reassignment against discrimination and harassment on the grounds of gender reassignment in employment and related areas and vocational training (including further and higher education). This covers all aspects of employment, including recruitment and selection processes, employment related benefits, and facilities, including training, career development and references. There are a few exceptions to this.

An employer may be able to discriminate where:

- They can show that there is a genuine occupational qualification (GOQ) which means that the job has to be done by someone of a particular sex.
- The job involves working in a private home where there would be close physical or social contact, or knowledge of the intimate details of a person's life, and the employer can show that people would object to being cared for by someone of the birth gender of the person.<sup>7</sup>

These exceptions do not apply to someone who has acquired a Gender Recognition Certificate even if they have not undergone gender reassignment. The employer would only be able to discriminate in the same way that would be permitted to an employee with the same gender. There are some exemptions for religious organisations where employment of a trans person would conflict with the strongly held religious convictions of a significant number of the religion's followers.

[www.justice.gov.uk/whatwedo/genderrecognition.htm](http://www.justice.gov.uk/whatwedo/genderrecognition.htm)

### Gender Recognition Act 2004

The purpose of the Gender Recognition Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition will follow from the issue of a full gender recognition certificate by a Gender Recognition Panel. Before issuing a certificate, the Panel must be satisfied that the applicant:

- has, or has had, gender dysphoria,
- has lived in the acquired gender throughout the preceding two years, and
- intends to continue to live in the acquired gender until death.<sup>8</sup>

Once an individual has been granted a Gender Recognition Certificate (GRC) they are afforded all the rights and responsibilities appropriate to their acquired gender and may apply to have their birth certificate changed to reflect their acquired gender. The GRC is a confidential document and no one is entitled

7. Taken from the Woman and Equality Unit (2005) at DTI's report p.9

8. Taken from Explanatory Notes to Gender Recognition Act 2005 chapter 7 [http://www.opsi.gov.uk/Acts/acts2004/en/ukpgaen\\_20040007\\_en\\_1](http://www.opsi.gov.uk/Acts/acts2004/en/ukpgaen_20040007_en_1)

to see it and a trans person should never be asked to produce it. S 22 of the Gender Recognition Act makes it a criminal offence for anyone who has acquired information about a trans person's previous gender to disclose that information – the penalty on conviction may be as high as £5000. There are limited exemptions in respect of religious belief, health and credit, criminal justice and government officials.

### Civil Partnership Act 2005

People who have a Gender Recognition Certificate are able to form a Civil Partnership with someone of the same gender. Any trans person who is married at the time of applying for Gender Recognition must first obtain a divorce before their Gender Recognition Certificate can be issued. Once divorced they will then be able to enter into a civil partnership with their now same sex partner. It is usual for the divorce, issue of the gender recognition certificate and the civil partnership to all take place on the same day, but many trans people still object and have declined to seek gender recognition because of this.

### The Gender Equality Duty (Under the Equality Act 2006)

Public authorities must pay due regard to the need to eliminate discrimination and harassment on grounds of gender reassignment, and promote equality of opportunity in the fields of employment and vocational training. All public sector employers are required to consult with staff and service users to identify where discrimination and harassment is taking place and put in place and monitor plans to take reasonable measures to eliminate it. Employers must ensure that trans employees are adequately covered by workplace policies.

### EC Goods and Services Directive 2004/113/EC

The Directive makes discrimination against trans people in the delivery of goods, services and premises unlawful. It was meant to be brought into UK law by the 21st December 2007 but there were delays due to objections from Northern Ireland. The Sex Discrimination (Amendment of Legislation) Regulations 2008 (which implement 2004/113/EC) came into force in April 2008 making it illegal to discriminate against anyone who is planning to undergo, is undergoing or has undergone gender reassignment, in the delivery of goods services and facilities. Organisations should ensure that when they are doing work on equalities that employees who are making decisions about the provision of services to clients and service users are aware of these regulations. Employers can be held liable for the acts of their employees.

**Law and Practice:** Technically only those people who are planning to undergo, are undergoing or have undergone gender reassignment are protected by the legislation and could therefore take legal action in the event of a discrimination event. In practice, certainly in the delivery of goods and services, it is not possible to know if someone is not planning to undergo gender reassignment and most public sector organisations have therefore developed policies that treat all people according to their gender expression.

## Resources

### ***Gender Reassignment: a Guide for Employers (Women and Equality Unit) (Now part of the Government Equalities Office)***

A guide designed by the Woman and Equality Unit to give information to employers on how the law applies to them and to help them with any issues that may arise from someone in the workplace undergoing gender reassignment treatment.

### ***Meeting the Gender Duty for Transsexual Staff (Equal Opportunities Commission now absorbed into the Equality and Human Rights Commission - EHRC)***

The Equal Opportunities Commission published this toolkit for public authorities although it is also relevant to third sector organisations that would legally be considered to be public authorities and others that want to implement good practice.

### ***Gender Reassignment: Guidance for Managers and Supervisors (Equal Opportunities Commission – Now EHRC)***

Toolkit produced by the Equal Opportunities Commission for managers and supervisors who are working with someone undergoing gender reassignment surgery

### ***EHRC: Transgender and work - your rights in employment and vocational training***

This leaflet from the Equality and Human Rights Commission 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.

[http://www.equalityhumanrights.com/uploaded\\_files/publications/rights\\_transgender\\_work.pdf](http://www.equalityhumanrights.com/uploaded_files/publications/rights_transgender_work.pdf)

### ***The Gender Trust: Transsexualism and Gender Reassignment: Recommendations for Management Guidelines***

This publication costs £8.00 including postage and packaging and can be obtained from the Gender Trust.

<http://www.gendertrust.org.uk/>

## Engendered Penalties: Transgender and Transsexual People's Experience of Inequality and Discrimination

This report was commissioned as part of the Equalities Review.

<http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/transgender.pdf>

### Department of Health: Trans Publications and Support

The Department of Health have a number of publications and support services addressing LGBT and Trans specific issues which are of particular value for organisations delivering health related services.

<http://www.dh.gov.uk/en/Managingyourorganisation/Equalityandhumanrights/Genderidentity/index.htm>

### Age Concern: Planning for Later Life – Transgender People

Age concern have published this document to support their wider campaign of support for older LGBT people.

<http://www.ageconcern.org.uk/AgeConcern/Documents/IS30TransgenderJan2007.pdf>

### TUC: LGBT Equality in the Workplace

This document provides advice specifically for union negotiators, but will be of value to any organisations advocating on Trans rights.

<http://www.tuc.org.uk/equality/tuc-11663-f0.pdf>

## Organisations

### Age Concern

Age Concern have a specific campaign to provide support to LGB or Trans people regarding age-related problems, or support for carers of elderly people.

#### Age Concern (England)

Astral House  
1268 London Road  
London SW16 4ER

England: 0800 00 99 66 (free fone) [www.ageconcern.org.uk/openingdoors](http://www.ageconcern.org.uk/openingdoors)

Northern Ireland: 028 9024 5729 [www.ageconcernni.org](http://www.ageconcernni.org)

Scotland: 0845 125 9732 [www.ageconcernscotland.org.uk](http://www.ageconcernscotland.org.uk)

Wales: 029 2043 1555 [www.accymru.org.uk](http://www.accymru.org.uk)

### Press for Change

An organisation which campaigns for respect for all transgender people. It is run entirely by volunteers but holds a significant amount of resources and information on its website. It also holds training sessions on transgender rights.

[www.pfc.org.uk](http://www.pfc.org.uk)

### The Beaumont Society

An organisation that provides support and a network for cross-dressers, transvestites and transsexual people. They also provide training to organisations that want to know more about the issues.

#### **The Beaumont Society**

27 Old Gloucester Street

London, WC1N 3XX

Info Line (24 Hr): 01582 412220

Helpline 0700 0287878 (open Tuesdays & Thursdays 7-11pm)

Email: [enquiries@beaumontsociety.org.uk](mailto:enquiries@beaumontsociety.org.uk)

[www.beaumontsociety.org.uk](http://www.beaumontsociety.org.uk)

### Women of the Beaumont Society (WOBS)

Support group run by, and for, wives and partners for support and to help support those whose husbands or partners behavior is difficult to understand.

London, WC1N 3XX, enclosing an SAE.

Tel: 01223 441246 / 7.30 - 11.00 pm.

<http://www.gender.org.uk/wobsmatters/>

### Broken Rainbow

Provide support for members of the LGBT community who are experiencing domestic violence. The helpline offers advice, support and referral services to LGBT people experiencing homophobic, transphobic and same sex domestic violence.

#### **Broken Rainbow**

J414

Tower Bridge Business Complex

100 Clements Rd

London SE16 4DG

Helpline: Monday-Friday 9.00 – 1.00 2.00 – 5.00, answered by LGBT people.

08452 604460 or 08452 605560

[www.broken-rainbow.org.uk](http://www.broken-rainbow.org.uk)

## Depend

A voluntary organisation whose aim is to provide support, advice and information for anyone who knows, or is related to, a transsexual person in the UK.

### **Depend**

BM Depend

London WC1N 3XX

Email: [info@depend.org.uk](mailto:info@depend.org.uk)

<http://www.depend.org.uk/>

## FTM Network

Provides support to female to male transgender and transsexual people. It has a helpline and links to other organisations.

### *FTM Network*

BM Network

London, WC1N 3XX

Tel helpline: 0161 432 1915 (open Wednesday 8 - 10.30pm)

[www.ftm.org.uk](http://www.ftm.org.uk)

## The Gender Identity Research and Education Society

The Gender Identity Research and Education Society conducts research into gender identity. Research reports can be accessed from its website.

### **The Gender Identity Research and Education Society**

Melverly

The Warren

Ashtead

Surrey, KT21 2SP

Tel: 01372 801 554

Fax: 01372 272 297

Email: [admin@girestrust.org.uk](mailto:admin@girestrust.org.uk)

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

## GenderShift

A social enterprise providing local support to trans people in the Yorkshire and Humber region, They also provide Trans awareness training around the Gender Equality Duty obligations to public sector organisations and provide low cost or free places for voluntary sector organisations. Public courses are held in Yorkshire and London, but in- house training is delivered throughout the UK. Their website has a large listing of support organisations.

### **GenderShift**

Community Enterprise Centre  
Cottingham Road  
Hull HU5 2DH  
Tel: 01482 441002 ext 207  
Fax: 01482 342956  
Email: [admin@gendershift.com](mailto:admin@gendershift.com)  
<http://www.gendershift.com>

### **The Gender Trust**

The website provides detailed information on Gender Dysphoria. They have a plethora of fact sheets on different issues. They also have a telephone support line for anyone who has an issue with their own gender identity and they will also send a member of their team into workplaces to help when someone takes the decision to live in the opposite gender to that which they were assigned at birth.

### **The Gender Trust**

Community Base  
113 Queens Road  
Brighton, BN1 3XG  
Tel: 01273 234 024  
Helpline: 0845 231 0505 (open 10am-10pm Monday – Friday and 1-10pm Saturday and Sunday)  
Email: [info@gendertrust.org.uk](mailto:info@gendertrust.org.uk)  
[www.gendertrust.org.uk](http://www.gendertrust.org.uk)

### **The London Gender Clinic**

The clinic is a new concept in providing comprehensive health care to gender dysphoric, gender variant, transvestite, transgender and transsexual people. This is a private service with clients throughout the UK, although some NHS patients are referred.

### **The London Gender Clinic**

3<sup>rd</sup> Floor  
25 Wimpole Street  
London  
W1G 8GL  
Telephone: (during office hours) 020 7631 3164  
Email: [admin@transhealth.co.uk](mailto:admin@transhealth.co.uk)  
<http://www.transhealth.co.uk/>

## Mermaids

Provides support for young people up to 19 years old, their parents, schools and carers who are trying to cope with gender issues. They also do awareness raising in schools and other facilities that young people use. This may be a useful resource for organisations providing services to young people.

### **BM Mermaids**

London, WC1N 3XX

Helpline: 07020 935 066 (open Monday-Saturday 3-7pm)

<http://www.mermaidsuk.org.uk/>

## Gendys Network

Gendys is a network for all who have encountered gender identity problems personally, transsexuals, transgendered people and gender dysphoric people of either sex, and for those who provide care, both professional and lay.

### **Gendys Network**

BM Gendys

London, WC1N 3XX

[www.gender.org.uk/gendys/index.htm](http://www.gender.org.uk/gendys/index.htm)

Many trans people are not “out” in public, in fact many are married yet their partners do not know they are trans. Because of this many seek support through online forums and support organisations where they can retain their anonymity. Forums are therefore an essential support mechanism for the trans community.

## The Angels

A good trans membership site – they have a good calendar of events on in the UK. You can search members by region, post hints/tips or post to their forum.

[www.theangels.co.uk](http://www.theangels.co.uk)

## Crossdressers.com

A large US based forum with over 7000 active members which has a significant number of UK members, especially Trans men and wives and friends.

<http://www.crossdressers.com/forums/>

### Roses Forum and Magazine

The most active UK forum for Trans people on the web. Most members are Cross-dressers/Transvestites but there is significant and active group of Trans women who are in transition or have transitioned. A small number of Trans admirers and female partners also regularly participate. There are also a few Trans men participating. Roses also publish one of the leading Transgender magazines Rose's Repartee.

[www.rosesforum.tv](http://www.rosesforum.tv)

[www.repartee.tv](http://www.repartee.tv)

### No Transition

A support group for Trans people who have not fully transitioned to live in a new gender and do not intend to. Provides help in how to live with gender dysphoria and not transition. More a discussion list than a forum but a useful resource for those not intending to transition.

<http://groups.yahoo.com/group/notransition>

### TrannyWeb

Popular forum with a large international membership. Publish a regular online newsletter Tranny Tribune and Katie the owner (UK based) is always on the look out for good articles. Have also added a useful Blog feature.

[www.trannyweb.com](http://www.trannyweb.com)

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[www.improvingsupport.org.uk/equalityanddiversity](http://www.improvingsupport.org.uk/equalityanddiversity)

Your gateway to third sector support, information and resources.

