



The Scottish Parliament  
Pàrlamaid na h-Alba

# SPCB Trans Including Non-Binary Equality Policy – Managers Guidance

Poileasaidh Co-ionannachd Tar-ghnèitheach  
SPCB a' gabhail a-steach Neo-bhìnearaidh -  
Stiùireadh do Mhanaidsearan

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# Introduction

We aim to promote a positive and healthy workplace culture, where open and honest communication is encouraged, and mutual respect is the norm.

For our trans and non-binary colleagues, this means creating an environment where they feel supported throughout all stages of their working lives and in which equality of opportunity is promoted actively. Our managers play a vital role in achieving this.

Managers are the people most likely to have regular interactions with their team members.

They have a role in:

- ensuring our trans and non-binary colleagues have the support they need at work and within their teams.
- making themselves available and listening to any concerns from trans and non-binary colleagues.
- creating an inclusive team working environment for trans and non-binary people.

The support of trans and non-binary staff doesn't need to be complicated. This managers' guide is designed to provide managers with the tools to appropriately manage a trans and non-binary colleague's individual circumstances with dignity and mutual respect.

It will also provide managers with practical guidance on:

- what it means to be a trans or non-binary person.
- inclusivity of language.
- creating a positive working environment for trans and non-binary colleagues.
- advice on the management of staff who are "coming out" and transitioning in their place of work.

We hope you find this guidance useful. Many of these basic tools and knowledge are the most powerful ways in which you can offer support. However, this guide might not cover every possible eventuality. The circumstances of each trans and non-binary person will be specific to each individual. Essentially, it is about treating trans and non-binary colleagues with dignity and mutual respect and to give them confidence that the organisation will be supportive.

## What do we mean by trans and non-binary?

There's a broad range of terminology when it comes to describing trans and non-binary people. Trans people may describe themselves using one or more of a wide variety of terms. Trans and non-binary are both defined within the policy. As a reminder, it says:

**Trans** is an 'umbrella' term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

**Non-binary** is a term for people whose gender identity does not sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

It's important to recognise that language changes and evolves as understanding and perceptions change. A fuller description of terms and definitions can be found in the [policy held in the Staff Handbook](#).

What should we know about our legal duties?

A briefing note highlighting the SPCB's legal duties can be found on the [policy intranet page](#).

However, this is an area of law that is constantly evolving. Decision from the Employment Tribunals and Employment Appeal Tribunal in the last 18 months have fundamentally changed the landscape of how the law understands and recognises transgender and non-binary rights. For this reason, we will continually update our policy, guidance, and training to reflect the most recent developments.

Remember, if you need any support, contact your adviser in the People and Culture team. They can be contacted using the email - [PeopleandCulture@parliament.scot](mailto:PeopleandCulture@parliament.scot).

## What does it mean to be trans and non-binary?

It's important to be aware that trans and non-binary identities have been recognised for millennia by cultures and societies around the world.

Some, but not all, trans and non-binary people undergo medical procedures to make their bodies more congruent with their gender identity. This is not a legal requirement for anyone who wishes to make the transition from their gender at birth.

Trans people and non-binary identities are different. While some trans people are non-binary, many trans people have a gender identity that is either male or female.

## How can I create a positive working culture for trans and non-binary colleagues?

It isn't as difficult as you might think to be supportive and respectful of trans and non-binary colleagues. Here's what you can do in your role as a manager:

- When engaging with a trans and non-binary colleague, think of the person as being the gender identity that they want you to think of them as.
- Use the name and pronoun that they ask you to. If you aren't sure what the right pronoun is, ask. If you make a mistake with pronouns, correct yourself and move on. It is better to ask than to avoid the person.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. Trans and non-binary people are often sensitive about revealing information about their past, especially if they think it might affect how they could be judged by others.
- Respect their confidentiality. Do not tell others about a person's trans or non-binary status. If documents have to be kept that have the person's old name and gender on them, keep them confidential.
- Respect people's boundaries. If you feel it is appropriate to ask a personal question, first ask if it is okay to do so. Personal questions include anything to do with an individual's sex life, anatomy (not just genitalia) and relationship status – past, present, or future.
- Know what the procedures are and what facilities can be made available for trans and non-binary colleagues such as location of toilets.
- Listen to the person and ask how they want to be treated and referred to.

## What if someone discloses to me that they are transitioning at work?

A trusting and open relationship between a trans and non-binary colleague and you as the manager is really important. This should involve joint problem-solving, such as anticipating and planning for any issues, concerns, confidentiality, reliability and providing support.

It's important to remember that every trans and non-binary person is different and will want to approach their transition differently. While one colleague may choose to be 'out' about their trans and non-binary status, others may not wish to be. This must be respected, and you should take the lead from the needs of the trans and non-binary colleague, especially around the different options for transitioning, whether it's a medical or social transition.

## What practical steps can I take to offer the right support to someone transitioning at work?

The person could have a range of experiences or objectives so agree with them what steps need to be taken before, during and after their transition.

You may find it helpful to document these steps in an action plan with timescales agreed with the person. An action plan may detail potential periods of absence, address who may need to be informed, outline any proposed changes to records and identify awareness training required.

Some will prefer as few people as possible to know about their transition and decide to discuss this with only you but require no further action.

Others may be planning a medical intervention and others may prefer transition that does not involve any medical intervention or surgery.

Regular wellbeing conversations should take place as part of this action planning and at any significant stage of the process.

Meetings may be more or less frequent depending on the phase of transition.

Consider assigning another team member as a comfort and support to the person. They can provide moral and practical support in the early days post transition whilst their colleague establishes their confidence.

Respect and aim to accommodate requests for anonymity. Transitioning can be a difficult process and trans and non-binary colleagues may not want any attention. It is important that the individual understands how to access support where they are experiencing difficulties.

## What are some of the actual changes I might have to do or support the person to do?

With the consent of the trans and non-binary colleague, any records which refer to their former name and/or gender marker, will be amended or destroyed, wherever possible. This will coincide with the date on which your workplace transition begins. Care should be taken to ensure that records do not link back to their former name.

New security passes with the correct name and new photograph will be issued on request.

You should support colleagues in their choice of dress in connection with their gender identity. Trans including non-binary colleagues have a right to comply with any dress codes in a way that reflects their gender identity, fluidity, and gender expression.

Access to the appropriate changing and toilet facilities is essential. This may mean access to a combination of different facilities. The person should never be required to use accessible toilets unless they wish to do so.

## Should time off be given for any appointments that relates to transitioning?

Yes, however transitioning may, but will not always, involve medical interventions. Should a colleague wish to attend transition-related appointments and treatment, paid time off will be provided in line with our [special leave arrangements](#) for SPS staff. Colleagues who are not an SPS staff member should ask their employer (if applicable) about their policy for paid time off work.

## How can I support the wider staff team to ensure the right support is given to a colleague transitioning at work?

You should work with the colleague transitioning in accordance with their wishes and how much they want to disclose to other team members.

Ensure that all the teams have read and understood the policy and that they have completed their trans equality and non-binary training.

Through your communications with the team manage any changes with the team sensitively and effectively and support others to adjust to the changes and understand the needs of their colleague.

## What support can be made available?

You should make sure you know what forms of support are available and where you can sign post to:

- Contact the People and Culture Office for advice.
- SPOut, the Parliament's LGBT+ staff network who provide a safe space and support network for LGBT+ staff.
- Access the confidential support service, which is available 24 hours a day, 7 days a week on 0800 032 9849. Trained counsellors are on hand to provide you with any emotional guidance and support.
- Seek advice through our Independent Support Service if you have any concerns about harassment, bullying, discrimination, or victimisation.
- They could also seek support from a colleague, who may help them to talk things through.

## What if a trans or non-binary member of staff tells me they have been discriminated, harassed, or victimised?

36. We have a zero-tolerance approach towards discrimination and harassment based on gender identity, gender expression or gender history. Inappropriate behaviour or language which creates an intimidating, hostile, degrading, humiliating or offensive environment for a colleague may constitute harassment even where it occurs outside of work.

Where someone feels they have been treated wrongly on the grounds of their gender identity, action must be taken in line with our [Dignity at Work policy](#). The policy sets out where further support can be obtained.

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***For further information contact:***

*PeopleAndCulture@parliament.scot*

