

MOND VALLEY GOLF CLUB



Founded 1965

Policy – Transgender and Other Gender Equality

1. Introduction

- 1.1 As set out in the MVGC Club's equality policy, the Club is fully committed to providing equal opportunities for all members, employees, workers and job applicants, and to eliminating unlawful and unfair discrimination. The Club aims to create a culture that encourages and values diversity and that appoints, rewards and promotes staff and members based on merit.
- 1.2 In this policy the use of the umbrella terms 'transgender' and 'trans' are adopted to cover a number of gender identity labels including transsexual, intersex, non-binary, non-gendered, and bi-gendered. For a further explanation of language, see paragraph 2 below.
- 1.3 This policy sets out the Club's policy on supporting all transgender people in the Club, including those who are non-binary and gender neutral as well as those who have the protected characteristic of gender reassignment.
- 1.4 This policy sets out the Club's responsibilities and provides guidance for all members and staff on the expectations and considerations that may be necessary when dealing with a transgender or transitioning member or member of staff.
- 1.5 This policy applies to members, employees, temporary and agency workers, interns, volunteers, apprentices and job applicants. All members and staff are responsible for ensuring that there is no discrimination in the workplace, and for ensuring that this policy is applied on a day-to-day basis. They are also expected to apply the principles of equal opportunities and non-discrimination in their interactions with fellow members, fellow staff, customers, clients, suppliers, business partners, guests and visitors. In certain circumstances, a person may be personally liable for discrimination against a fellow employee or a job applicant.

- 1.6 Each member or employee is an individual and every transitioning member or employee's transition journey will be unique. The Club aims to ensure that any transition at work is managed in a supportive and sensitive way.
- 1.7 The Golf Club will regularly monitor the effectiveness of this policy to ensure that it is working in practice and will review and update this policy as and when necessary.

Or

Implementation, monitoring and review of this policy will take place in accordance with the Club's equality policy

- 1.8 This policy does not form part of your staff contracts of employment or the main Club Articles of Association and the Club may amend, update or supplement it from time to time. The Club will circulate any new or modified policy to members or staff when it is adopted.

This policy supplements the Club's equality policy and should be considered alongside other Club policies, such as those dealing with attendance management, disciplinary, grievance, dress code, special leave, harassment and bullying.

2. Language

- 2.1 It is important to understand the different language that is used to describe identity, as this can be a difficult and sensitive area, and is continually evolving. For example:
 - 2.1.1 some people have a gender identity that does not match the gender they were assigned at birth. This is known as being 'transgender' or 'trans' and commonly includes those within the protected characteristic of gender reassignment as well as those with non-binary identities.
 - 2.1.2 'non-binary' is used to describe someone who does not identify as male or female.
 - 2.1.3 'transitioning' or 'gender reassignment' is a process by which a person aligns their life and physical identity to match their gender identity. It is the process of moving towards a permanent, full-time adaption of a gender identity across all aspects of life, including work. Each person's transition will be unique. For some, it will involve medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this;
 - 2.1.4 while the term 'transsexual' is used in the Equality Act 2010 to define those who fall within the protected characteristic of gender reassignment, it is now considered outdated.

- 2.2 The Club recognises that using language that is outdated or which the individual considers inappropriate can cause offence.
- 2.3 The Club recognises that sexual orientation is a separate issue to gender identity. Gender does not imply any particular sexual orientation; a transgender person may be heterosexual, gay, lesbian, bisexual or asexual. Employees should not assume that a transgender colleague has any particular sexual orientation. After transition, a person's sexual orientation may stay the same or may change.
- 2.4 Individuals will self-identify. How they choose to describe themselves should be respected. If in doubt, ask the individual how they wish to be addressed.

3. The Law

- 3.1 Trans members of staff are protected by two key pieces of legislation, the Equality Act 2010 and the Gender Recognition Act 2004.
- 3.2 The Equality Act 2010 protects individuals from discrimination because of gender reassignment where they are proposing to go through, are currently going through or have gone through a process (or part of a process) to change their gender from a man to a woman or from a woman to a man. This 'process' does not have to involve a medical procedure or medical supervision. Nor does it have to involve a gender recognition certificate (GRC), or an application for a GRC (see paragraph 3.7 below). For example, a person who chooses to reassign his or her gender and lives permanently as the opposite sex without having any hormonal or surgical therapy is protected.
- 3.3 A trans person is protected under the Equality Act 2010 from the following types of prohibited conduct:
 - 3.3.1 direct discrimination—treating a transsexual person less favourably.
 - 3.3.2 indirect discrimination—where a transsexual person is disadvantaged by a provision, criteria or practice which applies to everyone.
 - 3.3.3 harassment.
 - 3.3.4 victimisation.
- 3.4 A person may experience these forms of prohibited conduct because:
 - 3.4.1 of their own gender reassignment.

3.4.2 of the gender reassignment of someone they are associated with, such as a partner, a spouse, a family member or carer.

or

3.4.3 they are perceived to be planning to, to be in the process of or to have already undergone gender reassignment, regardless of whether or not that perception is correct.

3.5 A person may be personally liable for their own discriminatory actions in contravention of the Equality Act 2010.

OR

3.6 For information on the various types of discrimination that are prohibited under the Equality Act 2010, to see the Club's equality policy.

3.7 The Gender Recognition Act 2004 allows an individual, if they meet certain criteria, to obtain a GRC which legally recognises their change of gender from a man to a woman or from a woman to a man, and enables them to obtain a replacement birth certificate reflecting their affirmed gender.

3.8 However, not all transgender individuals will choose to apply for a GRC and it is the Club's policy not to ask a member or member of staff or job applicant if they have a GRC, or to ask to see a GRC.

3.9 Asking a fellow member, colleague or job applicant if they have, or asking to see, a GRC:

3.9.1 is not permitted; and

could be regarded as harassment.

4. Responsibilities

4.1 The Club will:

4.1.1 ensure all members and staff are aware of this policy and that it is effectively implemented and operated.

4.1.2 ensure that members and staff understand the policy principles and legal obligations including the requirement for confidentiality.

- 4.1.3 provide relevant training for members and staff on transgender issues.
- 4.1.4 ensure that any grievances or complaints regarding breaches of this policy are managed in a timely and effective way.
- 4.1.5 create a member-led or an employee-led transition plan setting out agreed actions, plans and timescales.
- 4.1.6 deal with any grievances or complaints regarding breaches of this policy effectively and in a timely way.

OR

- 4.2 For information on the Club's implementation of this policy, see paragraph 4—Implementation of the Club's equality policy.

5. Harassment and Bullying

- 5.1 The Club is committed to ensuring that all its members and staff are treated with dignity and respect and treat others in the same way. The Club believes that all members and staff have the right to work in an environment which is free from any form of harassment and/or bullying. This policy therefore covers harassment and bullying that occurs:
 - 5.1.1 in the Club; and
 - 5.1.2 outside the Club in a Club-related context, such as on Club matches, business trips, customer or supplier events or Club-related social events.
- 5.2 Whilst not an exhaustive list, forms of harassment include:
 - 5.2.1 violence or threat of violence.
 - 5.2.2 physical contact.
 - 5.2.3 jokes and 'banter'.
 - 5.2.4 offensive language, shouting or behaving in an intimidating manner.
 - 5.2.5 gossip.
 - 5.2.6 slander.
 - 5.2.7 offensive or insensitive songs or messages (including email).

- 5.2.8 displaying or circulating posters or pictures, graffiti, emblems, flags.
- 5.2.9 obscene or offensive gestures.
- 5.2.10 offensive email and screen savers etc.
- 5.2.11 isolation or non-co-operation and exclusion, eg excluding a transgender person from a conversation, email distribution list or social event.
- 5.2.12 coercion for sexual favours or sexually suggestive remarks.
- 5.2.13 intrusion by pestering, spying and stalking.
- 5.2.14 continued requests for social activities after it has been made clear that such suggestions are not welcome.
- 5.2.15 verbal, non-verbal or physical conduct of a sexual nature.
- 5.2.16 persistent and/or malicious use of the incorrect pronoun or 'deadnaming' (ie calling someone by their birth/pre-transition name after they have changed their name);
- 5.2.17 asking intrusive questions about someone's gender identity or transition.
- 5.2.18 asking an individual if they have a GRC; and
- 5.2.19 'outing' someone as transgender.
- 5.3 Anyone witnessing any discriminatory behaviour including harassment or bullying must report it to the Club. All complaints will be treated in confidence.
- 5.4 Any member of staff discriminating or harassing another member of staff will be dealt with under the Club's Code of conduct and disciplinary and dismissal procedure OR Equality policy OR Harassment and bullying policy.

OR

For information on the Club's approach to harassment and bullying, see the Club's harassment and bullying policy.

6. Recruitment and Selection

- 6.1 The recruitment process will be inclusive of transgender applicants. The Club will ensure that those involved in making selection decisions do not discriminate on the grounds of gender reassignment or against any transgender applicants.

OR

The Club's policy in relation to recruitment and selection is set out in the Club's equality policy.

7. Monitoring

- 7.1 The Club undertakes equality monitoring. Gender identity is included as one of the protected characteristics. All information gathered is treated in confidence, stored securely and used only for statistical purposes.

OR

- 7.2 The Club's policy in relation to monitoring is set out in the Club's equality policy.

8. Confidentiality

- 8.1 The Club will treat transgender issues with the utmost confidentiality.
- 8.2 There is no requirement for a member or an employee or job applicant to tell the Club or colleagues about their intention to transition. The Club will not ask questions about a person's trans status or history.
- 8.3 It is unlawful to disclose the transgender history or status of a member or an employee, or their intention to transition without their explicit consent. Such information will only be shared with the transgender person's consent and then, unless the person states otherwise, only with those who need to know.
- 8.4 Any breaches of confidentiality and or data privacy regarding a person's trans status or history will be dealt with under the Club's [[Harassment and bullying policy] or [Disciplinary procedure]].

9. Names and Pronouns

- 9.1 Employees and members will be addressed by the name and pronouns that correspond to their gender identity and that which they have requested to be used at all times.
- 9.2 Intentionally and/or persistently misgendering or using a person's previous names may amount to harassment or bullying and will not be tolerated. Breaches of this policy will be treated in a serious manner and dealt with under the Club's Harassment and bullying policy and Code of conduct and disciplinary and dismissal procedure.

10. Records and Systems

- 10.1 The Club will change all applicable records and documentation to reflect a change of pronoun, name and/or gender at an agreed time following a written request from the employee and in accordance with paragraph (Transition plan) below. The member/employee does not need to produce a GRC or an updated birth certificate to make such a request.
- 10.2 Any security passes, name badges, signs, photographs or email addresses will be updated by the Club as soon as practicable and at a time agreed with the member or employee.
- 10.3 Hard copies of any old documents that cannot be altered, or replaced, will be stored securely in sealed envelopes, marked strictly confidential, and kept separately from the files of other employees or members and will only be accessed by named persons approved by the employee /member and with their permission. These records will be retained in accordance with the Club's data protection policy and records retention policy.
- 10.4 The Club may need to notify certain external organisations (for example, HMRC for tax and National Insurance contribution purposes, its payroll provider, pensions provider, insurer, national union for handicapping purposes) of a name and gender change. Disclosure will be made only on a 'need to know' basis, and the member/employee will be informed before any such notification is made.

11. Absence From Work

- 11.1 Time off for medical interventions related to transitioning will be managed and recorded in accordance with the Club's sickness and attendance policy OR Special leave of absence policy. Thus, any absence associated with an employee's transition will be treated in the same way as other sickness OR special leave absence, with the same sick pay and leave entitlements.
- 11.2 Time off related to an employee's transition will not be taken in account when considering them for promotion or pay progression. Nor will such time off trigger action under the formal stages of the Club's sickness and attendance policy.
- 11.3 Employees can also request a period of leave before returning to work in their new gender role. Subject to normal operational requirements, this may be accommodated using annual leave. On a case-by-case basis, managers also have discretion to authorise up to 5 days' additional paid leave or further unpaid leave, again, subject to operational requirements.

- 11.4 Employees should give as much notice as possible of time off related to transition, including for medical appointments. The Club acknowledges that delays may occur and that this is out of the control of the employee. The Club will be as flexible as possible in cases of requests for leave at short notice.

12. Jobs Adaptations and Capability

The Club acknowledges that while in the process of transition, an employee may wish to change jobs, whether permanently or temporarily. Any request for a job change will be considered and wherever possible accommodated.

13. Facilities (Toilet and Changing Rooms)

- 13.1 Employees and members do not require a GRC or to have undergone any medical procedures to use toilet and changing room facilities that correspond with their gender identity.
- 13.2 Where single-sex facilities are available, members and employees can use those which correspond with their gender identity. Trans members or employees will never be asked to use toilets for disabled people or unisex facilities. If possible, gender neutral facilities will be made available for employees or members who prefer to use unisex facilities.

14. Dress Code

- 14.1 The Club supports employees and members who wish to change their gender presentation. Employees and members have the right to wear clothing appropriate to their chosen gender identity, if and when they so choose.
- 14.2 The Club's policy on dress code OR uniform is set out in the Club's dress code policy.
- 14.3 A degree of flexibility in the Club's dress code may be permitted to accommodate the transition process, for example where the wearing of restrictive clothing is painful shortly after surgery.
- 14.4 A workplace uniform which corresponds to the employee's chosen gender identity will be provided at a time agreed with the employee.

15. Occupation Health/Employee Assistance Programme

Employees who intend to transition will be offered the opportunity to be referred to the Club's occupational health practitioner or adviser for advice and support.】

16. Transition Plan

- 16.1 An employee or member does not need to tell the Club or colleagues if they intend to transition. However, if an employee or member decides to disclose their intention to transition they should discuss the decision with the Club Chairman or Secretary, their line manager or another manager or member of the HR department with whom they feel comfortable discussing these matters and agree a main point of contact to help manage the transition process.
- 16.2 An initial meeting will be held to agree an action plan to support the member or employee during their transition at the Club. A template action plan is set out in **Error! Reference source not found.** to this policy.
- 16.3 An employee may invite a trade union representative to attend meetings and to assist in the drawing up of the transition plan.
- 16.4 The transition plan will remain confidential at all times, and access to it will be restricted to named individuals approved by the employee or member.
- 16.5 The Club acknowledges that every individual's journey is different and the expectations and responsibilities of each party will be unique to each transition.
- 16.6 The action plan will be reviewed regularly by the manager and employee/member and amended as necessary.
- 16.7 Issues to be discussed with the Club and recorded in the plan may include:
 - 16.7.1 agreeing a single point of contact who will support the individual and agree an action plan for their transition.
 - 16.7.2 who will inform colleagues, any members, the staff team and/or organisation, when, and how, and what information will be provided.
 - 16.7.3 how confidentiality will be maintained, in line with the member/employee's wishes.
 - 16.7.4 any new name, title and what pronouns the individual will be using, and the date those changes will take effect;
 - 16.7.5 is redeployment to another position or department to be considered.
 - 16.7.6 will the gender change affect the job role, ie does the role necessitate a particular gender.

- 16.7.7 what changes to records and systems (hard copy and electronic) are required and from what date.
- 16.7.8 an expected timeline for the transition, including if known a date when the member/employee will present at work in their new identity.
- 16.7.9 the dates of any time away from work for medical appointments and planned absences.
- 16.7.10 the date the member/employee will start to use the toilet and changing room facilities associated with their new gender identity.
- 16.7.11 dress codes and uniform requirements.
- 16.7.12 what awareness colleagues/fellow members have of trans issues and whether any training is necessary.
- 16.7.13 whether occupational health should be involved.
- 16.7.14 how any media attention will be dealt with, including whether a press release should be prepared.
- 16.7.15 additional support available to the member/employee.