

Transgender in the Workplace Policy

Section 1 - Background and Purpose

(1) La Trobe is committed to equal opportunity and appropriate professional behaviour in the workplace. The purpose of this Policy is to set out how La Trobe shall support staff who identify with a gender other than that assigned to them at birth.

(2) This Procedure is designed to assist all La Trobe staff and is intended for those people who are transgender, other staff, and managers.

Section 2 - Scope

(3) This Policy applies to all staff, contractors, agents, official visitors, and other individuals performing services/work for and on behalf of the University or who are engaged in activities reasonably connected with La Trobe.

(4) The collective group is referred to as 'staff' in this policy.

(5) The Policy also applies to staff behaviour towards students.

Section 3 - Policy Statement

(6) All staff, contractors, agents, official visitors, and other individuals performing services/work for and on behalf of La Trobe (collectively referred to as staff throughout this procedure) have a right to be treated equally.

(7) It is against the law to discriminate against someone based on their gender identity. Under the [Equal Opportunity Act 2010](#), a person's gender identity and their lawful right to live free from discrimination on the basis of that identity, extends to their self-identification with a gender other than that ascribed to them in the past. It may (or may not) include their adoption of gender characteristics or lifestyle culturally ascribed to another group, including personal presentation. It may (or may not) include interventions to alter physical characteristics.

(8) La Trobe values diversity and is committed to providing a safe, supportive and respectful environment. La Trobe will not tolerate inappropriate behaviour towards staff, students or visitors based on their gender identity.

Workplace Entitlements

(9) Staff are entitled to:

- a. a workplace free from unacceptable behaviour including discrimination, harassment, bullying, victimisation, violence and other forms of unacceptable behaviour as deemed by La Trobe and as detailed in the [Workplace Behaviours Policy](#);
- b. the same rights in relation to unlawful behaviour relating to gender identity;
- c. use toilets and other facilities that are appropriate to their affirmed gender.

Expectations

(10) La Trobe expects all staff:

- a. to treat others with dignity, courtesy and respect, regardless of gender identity;
- b. to respect the privacy and confidentiality of transgender (trans) people;
- c. to raise a complaint when they believe they have witnessed/experienced unacceptable behaviour in accordance with the [Workplace Behaviours Policy](#).

Section 4 - Procedure

Transgender and the Law

(11) It is against the law to discriminate against someone based on their gender identity. Under the [Equal Opportunity Act 2010](#), a person's gender identity and their lawful right to live free from discrimination on the basis of that identity, extends to their self-identification with a gender other than that ascribed to them in the past. It may (or may not) include their adoption of gender characteristics or lifestyle culturally ascribed to another group, including personal presentation. It may (or may not) include interventions to alter physical characteristics.

(12) All staff have the same rights and responsibilities when it comes to discrimination based on gender identity.

Workplace Behaviour

(13) La Trobe is committed to providing an inclusive environment for all staff.

(14) La Trobe values diversity among its staff and will not tolerate discrimination against employees based on their gender identity.

(15) Behaviour relating to discrimination, harassment, bullying, victimisation, vilification and violence is not tolerated or accepted at La Trobe and is against the law. Behaviour must comply with the [Code of Conduct](#) and La Trobe's values.

(16) Examples of discrimination based on gender identity may include (but are not limited to):

- a. deliberately using incorrect names or pronouns (such as 'he' instead of 'she');
- b. denying someone training and promotion opportunities because of their gender identity or changing the nature of someone's job, such as taking someone off customer service duties, because of their gender identity;
- c. ridiculing or ignoring someone because of their gender identity.

Privacy

(17) Some transgender (trans) people prefer only a few people know they are about to begin their transition and wish to quietly blend in as members of their new gender after their transition. Others are committed to educating the people about transitioning and may be eager to answer questions and talk openly about being transgender long after their transition.

(18) Staff must respect privacy and confidentiality in relation to trans people. For more information see the [Privacy – Personal Information Policy](#).

(19) Any individual who believes their privacy has been breached can lodge a grievance with La Trobe's Privacy Officer.

Transgender Workplace Transition Plan

(20) La Trobe will develop a workplace transition plan in consultation with transitioning staff if the staff member wishes to do so. The content of the plan should be determined through discussions between the manager and the transitioning staff member and any other support people the transitioning staff member would like to include.

(21) Transition plans will include information relating to when the change will occur and what the transition involves (for example name change and the use of toilets/facilities).

(22) The aim of a transition plan is to ensure transitioning staff are treated with respect and dignity, that any concerns from staff are addressed, and that the workplace remains free from inappropriate workplace behaviours such as discrimination.

(23) Trans staff who elect to disclose information to their colleagues should discuss their options and wishes with their manager.

Name and Pronoun

(24) It is important that trans people be treated with respect and therefore be addressed according to their preferred names and pronouns. If a trans staff member has changed their legal name, University records can be changed while the person is an employee of the University. A trans staff member may change their preferred name at any time during their employment.

(25) In everyday written and oral communication, the new name and pronoun should be used by all staff members when the individual is ready.

(26) La Trobe has begun using the new gender marker of Mx as a non-gender specific marker for those who do not wish to identify with a particular gender. Mx can be used by any individual regardless of gender or marital status.

Identification

(27) A request for identification should only be made for business purposes and in line with other requests to staff for identification.

Toilet Facilities

(28) Trans people are entitled to use toilets and other facilities that are appropriate to their affirmed gender.

Dress Code

(29) A trans person is permitted to dress consistently with his or her affirmed gender identity. It is expected that Staff in transition will comply with University rules for wearing of uniforms and protective gear.

Recruitment

(30) All job advertisements will comply with the [Recruitment Policy](#); in particular, they will afford equal employment opportunities to trans people.

Grievance Resolution

(31) Staff who believe they have experienced or witnessed inappropriate workplace behaviour should take appropriate action.

Refer to the [Grievance Resolution \(Staff\) Procedure](#) for further information. Staff who do not feel safe or confident to take such action may seek assistance from the [ALLY Network](#) for advice and support or action their behalf.

Support and Information

Employee Assistance Program

(32) La Trobe staff are entitled to a certain amount of free, confidential, professional counselling from our [Employee Assistance Program](#). For access go to the [Employee Assistance Program page](#).

External Support and Information

(33) If you require further information, contact your supervisor or refer to the following websites:

- a. [Australian Government Guidelines on the Recognition of Sex and Gender](#)
- b. [The Gender Centre Australia](#)
- c. Transgender Discrimination: Guidelines for Employers and Service Providers

Section 5 - Definitions

(34) For the purpose of this Policy and Procedure:

- a. Affirmed gender: is the gender that an individual has identified with that is different to their ascribed gender group at birth.
- b. Sex: refers to standard biological ascriptions, of male, female, intersex or other.
- c. Transitioning: refers to the process where a transgender person commences living permanently as a member of another gender group.
- d. Transgender (Trans): refers to a person whose gender identity is different from that ascribed to them in the past, typically at birth.

Section 6 - Stakeholders

Responsibility for implementation – All Staff.

Responsibility for monitoring implementation and compliance – Deputy Director, Diversity and Inclusion.

Status and Details

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Responsible Policy Officer	Regan Sterry Executive Director, Human Resources
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