

# Staff Transgender and Gender Diverse Policy

This policy is being updated to reflect the new Enterprise Agreement and may currently contain out of date information. If you have any questions, please lodge an Ask HR ticket.

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Administrative - Vice-Chancellor
<b>Accountable Executive - Policy</b>	Chief Operating Officer
<b>Responsible Manager - Policy</b>	Executive Director, Human Resources
<b>Review Date</b>	19 December 2024

## Section 2 - Purpose

(1) The purpose of this Policy is to ensure the appropriate support and a safe environment is provided throughout the staff member's gender affirmation journey. It also enables access to accrued personal leave for staff members' supporting someone undergoing gender affirmation.

(2) This Policy is supported by the University's [Equity, Diversity and Inclusion \(Staff\) Policy](#) and the goal of creating an inclusive culture that promotes the performance and wellbeing of our staff members irrespective of family responsibilities, marital status, age, disability, race, religion, political beliefs, gender expression, gender identity or sexuality.

## Section 3 - Scope

(3) This Policy applies to:

- a. all staff
- b. all associates i.e. contractors engaged by the University

## Section 4 - Key Decisions

<b>Key decisions/Responsibilities</b>	<b>Role</b>
Approve gender affirmation leave and flexible work arrangements	Staff manager/supervisor
Develop an affirmation support plan and designate their support team	Individual staff member

## Section 5 - Policy Statement

(4) The University is committed to an inclusive and diverse workforce in which all our staff members feel they belong. The University supports its staff by building an inclusive, culturally capable and diverse workforce that reflects the communities we serve and the La Trobe University Cultural Qualities.

(5) The University recognises people of diverse sexualities and gender identities. Some people may identify as a different gender to the one assigned at birth, and some people may identify as neither exclusively male nor exclusively female.

(6) This policy recognises that gender affirmation is a unique journey for each person. As self-determination is at the core of the affirmation process, a staff member's individual circumstances and needs must be considered.

(7) The University is committed to providing support to staff members' taking steps to affirm their gender which includes the provision of gender affirmation leave.

(8) The University is also committed to providing a safe, respectful workplace and this means one that is free from discrimination and harassment. Transgender and Gender based harassment, such as disclosing a staff members affirmation journey without consent, will not be tolerated. The University encourages reporting of behaviour that is harmful and disrespectful so it can be addressed to ensure the University is a safe and respectful work environment. Breaches of the [Equity, Diversity and Inclusion \(Staff\) Policy](#) and [Code of Conduct](#), in line with relevant legislation, may result in disciplinary action under the [La Trobe University Collective Agreement 2018](#).

(9) This Policy and procedure should be read in conjunction with the Flexible Work arrangements and Personal Leave clauses in the [Collective Agreement](#).

## Section 6 - Procedures

### Gender Affirmation

(10) Gender affirmation describes both a public act and a process. It involves the public adoption of the style and presentation of the gender different to that of a person's birth-assigned sex.

(11) Gender affirmation may involve 'social transition', such as changing outward appearance, voice and communications, clothing, mannerism and 'legal affirmation', which means confirming identity across various government institutions. It may also involve a 'medical transition', to align an individual's body with their gender identity, and this may involve gender affirming surgery and/or hormone replacement therapy.

(12) Where a staff member chooses to tell the University that they intend to or are affirming their gender, there are a range of ways the University can support them in the workplace, including managers working with the staff member to plan any leave they require to enable their gender affirmation process.

### Part A - Leave & Work Arrangements

(13) The University will provide the following leave and work arrangements:

- a. up to four (4) weeks' paid leave ('gender affirmation leave') over the course of the staff member's employment for essential and necessary gender affirmation procedures, inclusive of but not limited to; medical, psychological, hormonal, surgical, social appearance, legal status and documentation amendment appointments. The amount of paid leave will be pro-rata for part-time staff members reflecting their standard hours of work;

- b. further paid leave for gender affirmation related activity will be considered by the University on an individual basis considering all the circumstances;
- c. providing access to other accrued leave entitlements or reasonable amount of unpaid leave;
- d. providing flexible working arrangements or alternative work arrangements, for instance to change their hours or days, to work from home or other options to support the staff member during their gender affirmation process;
- e. ensuring the staff member affirming their gender is acknowledged by the gender with which they identify. This includes acknowledging the staff member by the name, pronouns and gender the staff member has stipulated (which may change over time);
- f. referring the staff member to the Employee Assistance Program ('EAP'), La Trobe's Staff Wellbeing Connect service or other confidential support services as required;
- g. ensuring that the staff member has access to facilities (e.g. changerooms, bathrooms) that align with their identified gender or access to all gender toilets if the staff member wishes to do so, or there is an increased need for privacy. This means that people who identify as male must be allowed to use the men's facilities and people who identify as female must be allowed to use the women's facilities. Non-binary and gender diverse staff members are welcomed to access those facilities they feel most in comfortable doing so, including all gender facilities.
- h. providing access to accrued personal leave for staff supporting someone undergoing gender affirmation in circumstances where they are from their immediate family or 'chosen family' and have primary responsibility for their wellbeing;
- i. providing training for staff around working with people who may choose to affirm their gender. The training will be organised by the University. The University will consult with staff about the preferred training provider and method of delivery.

(14) The University acknowledges the contribution that casual staff and contractors make to the success of the University. Casual staff are paid a higher rate of hourly pay instead of getting paid leave, so they usually won't get paid if they don't work. While casual staff and contractors are not entitled to paid leave entitlements under this Policy, casual staff and contractors will have access to university support, resources and facilities; including a support plan and support/referral services to enable them to be supported through their gender affirmation journey.

## Notice and Evidence Requirements

(15) Gender affirmation is different for each individual and the evidence to support a request for leave may not be the same in each circumstance.

(16) A staff member providing primary care or support to someone undergoing gender affirmation must be from their immediate family or 'chosen family'. A chosen family in this case is families of non-kinship bonds, that are built on foundations of love, understanding, and acceptance.

(17) A staff member must make all reasonable efforts to advise their supervisor as soon as reasonably practicable on any day of absence from their employment and must advise of the period, or expected period, of the leave.

(18) Where that does not require legal proof, no additional evidence will be required.

## Part B - Privacy and Confidentiality

(19) Information concerning gender affirmation will always be treated with confidentiality:

- a. the staff member has the right to discuss their gender affirmation openly, or to keep their information private;
- b. it is the decision of the staff member what information is shared, when, with whom and how much they share about their gender affirmation, it is not legally required for a staff member to share this information;

- c. it is integral to their health and safety that staff members always remain in control of these decisions;
- d. where the staff member requests a change of name, pronouns, gender or other related information to their employment records as part of their gender affirmation, the University must support the required changes;
- e. the staff member may make requested changes to employment records and for the purposes of accessing technology and systems.

(20) Information use and disclosure must be managed in line with the University's record management practices and in accordance with the [Privacy and Data Protection Act 2014](#) and the [Health Records Act 2001](#).

## Part C - Complaints or Concerns

(21) This Policy operates within the context of the [Collective Agreement](#), University policies and relevant legislation, including the Victorian [Equal Opportunity Act 2010](#).

(22) A staff member who is directly affected by a decision made or action taken pursuant to relevant clauses of the [Collective Agreement](#), or this policy may apply for a resolution under the University's [Workplace Issue Resolution \(Staff\) Procedure](#) or seek to resolve a dispute through the dispute settling procedures detailed in the [Collective Agreement](#).

## Part D - Planning

(23) While it is up to the individual staff member to decide if and when they wish to inform the University of their gender affirmation, they are encouraged to raise this with the University as soon as they are comfortable. This will more easily enable planning and arrangement of appropriate support and or a period of leave.

(24) The University must ensure the staff member is treated with dignity, courtesy, respect and provided appropriate support throughout the gender affirmation process. The support provided may include a designated person in the Human Resources area to have oversight of workplace matters associated with the staff member's gender affirmation process. A staff member may also wish to have a support person with them, such as someone from outside the workplace or another staff member when discussing their affirmation needs with the University.

### Affirmation Support Plan

(25) Creating an affirmation support plan to support the staff member's affirmation process is strongly encouraged. If the staff member wishes to develop an affirmation support plan, the plan should be developed, and agreed upon, through discussion between the staff member and the designated members of the staff members support team, including, but not limited to, a member of the Human Resources division.

(26) An affirmation support plan outlines practical considerations (such as establishing a timeframe if appropriate, identifying a support team, leave options, implementing reasonable adjustments or a transfer to safe work, use of pronouns and chosen name, and preparing for advising staff and managing their responses) to facilitate a staff member's gender affirmation process and identify how the staff member will be supported.

(27) An affirmation support plan should be reviewed regularly to check-in and make amendments that the staff member requires. A staff member can request a review of their affirmation support plan at any time and bring it to close when they see fit. The University will provide at least 24 hours' notice in writing to the staff member, should the University want to discuss the affirmation support plan with the staff member to ensure the staff member can access a support person if they wish.

(28) If the staff member doesn't want to develop an affirmation support plan, the University should make efforts to support the staff member with their affirmation process in the workplace and check in regularly and remind them they can raise any concerns at any time.

## Part E - Record Keeping

(29) The University is required to take reasonable steps to ensure personal information in their records is accurate. If a request to change recorded details is made, the change should be verified by evidence to ensure it is representative of the individual's affirmed identity. Where the University needs to verify a person's identity, or match records, the evidence required is noted below. The University will treat these requests where possible in a quick and reasonable timeframe and will look to be guided by the staff members support plan.

- a. chosen name: a person's chosen name may be their legally given (paper) name or a name by which they choose to be known. A request to amend a staff members chosen name can be made to Human Resources staff at any time. Verification of identity is not required, nor is any rationale for the change. This change will not result in any change to a staff members legal (paper) name in the existing University record.
- b. legal (paper) name and family name: a request to amend a staff member's legal (paper) name can be made to Human Resources staff at any time. To be able to amend the existing record, the University will need to link the change of existing record to the new record and the staff member will be asked to provide proof of identity. The system change will only be made after the required evidence has been sighted by Human Resources staff. Any one of the following is sufficient evidence:
  - i. a certificate of marriage issued by the Registry of Births, Deaths and Marriages
  - ii. a change of name certificate which authorises the use of the new name issued by the Registry of Births, Deaths and Marriages
- c. the same process applies for change to family name;
- d. title : a request to amend a staff member's mode of address (title such as Mr, Mrs, Ms, Mx) can be made to Human Resources staff at any time. A title conferred by way of degree/award/honour is only amended by Human Resources upon request in accordance with University policy.
- e. sex: University systems allow a staff member to identify as M (male), F (female) or X (Other) in accordance with the 2020 Australia Bureau of Statistics Standards for Sex, Gender, Variation of Sex Characteristics and Sexual Orientation Variables. A request to amend sex information can be made to Human Resources.
- f. gender: amendment to gender information on your university record does not require any evidence. To amend your gender information, visit your employee profile in MyHR.
- g. new identification card: Once a staff member has changed their name in university systems, they may wish to obtain a new identification card, this request can be made [here](#).

(30) Evidence is not required for the affirming staff member to access paid gender affirmation leave, this is only applicable to the relevant systems/reporting items mentioned through clauses a-g.

## Part F - Data Collection

(31) The University as part of culture and capability activities, such as, employee experience surveys, may on occasions collect gender-disaggregated data to inform gender equality and LGBTQIA+ inclusion initiatives and programs.

(32) Where gender information is collected, staff should be given the option to select from a range of descriptors including Man, Women, Non-binary, Transgender man, Transgender women, Gender Fluid, Agender, self-describe or prefer not to say.

## Part G - Dress Standards and Uniforms

(33) The University is an inclusive workplace, and understands staff members will identify in different ways and choose to express their gender identity in a way that feels most appropriate and comfortable for them.

(34) In environments where uniforms are required, University staff members are welcome to choose the uniform that allows them to affirm their gender or gender expression. In non-uniform required environments, staff members are welcome to take the 'dress for your day' approach, allowing comfort and authenticity in what they wear.

(35) Health and safety dress requirements (for example, personal protective equipment) must be maintained.

## **Part H - Roles and Responsibilities**

### **Staff Members**

(36) Staff members are responsible for contacting their Manager/Supervisor or a Human Resources Business Partner if they wish to access the support outlined in this policy or procedure, related procedures and/or the [Collective Agreement](#).

(37) Staff members are welcome to access EAP and Staff Wellbeing Connect Service without notifying their supervisor and/or Human Resources Business Partner if they feel more comfortable doing so.

### **Human Resources**

(38) Human Resources via Human Resources Business Partners and/or the Culture, Diversity and Inclusion team are responsible for providing confidential advice to staff and Managers about this policy, related procedures, the [Collective Agreement](#) and will coordinate/provide support for a staff member.

### **Managers**

(39) Managers must request support from their Human Resources Business Partner.

(40) Managers may approve leave applications and/or requests for flexible working arrangements for their staff in accordance with this procedure.

(41) While Managers/Human Resources are able to advise and assist staff, please note they are not able to act on behalf of, or as an advocate for a staff member.

## **Part I - Additional Information**

### **Support Options**

(42) Staff may access the Employee Assistance Program (EAP), or the Staff Wellbeing Connect service, these services are confidential and free to access.

(43) There are people/resources available to assist or support staff and provide further information, workplace or health and wellbeing advice and/or appropriate referrals, including external, if the affirming staff member wishes to access these.

Support options may include:

- a. Manager
- b. Human Resources
- c. Support Person
- d. EAP- Call 1300 OUR EAP (1300 687 327) to access EAP 24 hours 7 days per week pager service.
- e. Staff Wellbeing Connect service
- f. Voice and Communication training, Voice Clinic
- g. Union

## Section 7 - Definitions

(44) For the purpose of this Policy and procedure:

- a. chosen family: is defined as families of non- kinship bonds, that are built on foundations of love, understanding, and acceptance.
- b. gender affirmation: is an umbrella term for the range of actions and possibilities involved in trans and gender diverse people living, surviving, and thriving as their authentic gendered selves. What gender affirmation looks like for every individual trans person is unique and based on what is personally affirming, what feels safe to do, and what is accessible and available. Gender affirmation is inclusive of, but not limited to, involve social, medical, and legal forms of affirmation.”
- c. gender diverse: refers to inclusive umbrella terms that describe people whose gender is different to what was presumed for them at birth. Trans people may position ‘being trans’ as a history or experience, rather than an identity, and consider their gender as simply being female, male or a non-binary identity. Some trans people connect strongly with their trans experience, whereas others do not. Processes of gender affirmation may or may not be part of a trans or gender diverse person’s life.
- d. gender expression: refers to an individual’s presentation, including physical appearance, voice and communication behaviours, clothing choice and accessories and behaviour and communicates aspects of gender or gender role. Gender expression may or may not conform to a person’s gender identity.
- e. gender identity: refers to one's concept of self as male, female, a blend of both or neither - how individuals perceive and describe themselves;
- f. immediate family member is defined as:
  - i. partner, former partner, child, foster child, grandchild, parent, legal guardian, grandparent, sibling of the staff member;
  - ii. child, foster child, parent, legal guardian, grandparent, grandchild, and sibling of the staff member’s partner or former partner;
  - iii. a relative who has taken the place of a parent;
  - iv. a person for whom the staff member has caring responsibilities arising from an Indigenous kinship relationship of equivalent status to (i) – (iii) above or is the indigenous kin of the person for whom they have caring responsibilities and is accepted by their community as having an indigenous kinship relationship with that person.
- g. transgender: is an umbrella term for people whose gender identity does not match the sex they were assigned/presumed at birth.

## Section 8 - Authority and Associated Information

(45) This Policy is made under the La Trobe University Act.

(46) Associated information includes:

- a. [La Trobe University Collective Agreement 2018](#)
- b. La Trobe University [Code of Conduct](#)
- c. [Equity, Diversity and Inclusion \(Staff\) Policy](#)
- d. [Privacy Policy](#)
- e. [Workplace Issue Resolution \(Staff\) Procedure](#)





## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	19th December 2022
<b>Review Date</b>	19th December 2024
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<b>Responsible Manager - Policy</b>	Regan Sterry Executive Director, Human Resources
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